

THE
STATUTES OF CALIFORNIA

AND

AMENDMENTS TO THE CODES

PASSED AT THE

THIRTY-NINTH SESSION OF THE LEGISLATURE

1911

**BEGAN ON MONDAY, JANUARY SECOND, AND ADJOURNED ON MONDAY, MARCH TWENTY-
SEVENTH, NINETEEN HUNDRED AND ELEVEN**



SACRAMENTO

**W. W. SHANNON : : : : SUPERINTENDENT STATE PRINTING
1911**



CONTENTS.

LAWS.

Chap. No.	Bill Number	Author	Page.	Chap. No.	Bill Number.	Author.	Page.
1	S. B. 20	Burnett	1	53	S. B. 278	Lewis	65
2	S. B. 24	Cutten	1	54	A. B. 255	Crosby	69
3	S. B. 22	Curtin	2	55	S. B. 247	Wolfe	71
4	S. B. 480	Cutten	2	56	A. B. 888	Gerdes	71
5	S. B. 263	Cutten	3	57	A. B. 880	Gerdes	73
6	S. B. 115	Thompson	3	58	S. B. 124	Birdsall	74
7	S. B. 114	Walker	4	59	A. B. 329	Cogswell	74
8	S. B. 3	Bills	5	60	A. B. 339	Cogswell	75
9	S. B. 291	Holohan	6	61	A. B. 331	Cogswell	75
10	S. B. 375	Cassidy	6	62	A. B. 337	Cogswell	76
11	A. B. 684	Flint	7	63	A. B. 338	Cogswell	76
12	S. B. 18	Holohan	8	64	S. B. 272	Hewitt	77
13	S. B. 102	Sanford	8	65	S. B. 273	Hewitt	77
14	S. B. 32	Wolfe	9	66	A. B. 102	Held	78
15	S. B. 34	Wolfe	10	67	A. B. 217	Joel	79
16	S. B. 268	Strobridge	11	68	A. B. 369	Benedict	80
17	S. B. 26	Stetson	11	69	A. B. 68	Rogers	86
18	S. B. 215	Stetson	12	70	S. B. 348	Stetson	86
19	A. B. 5	Chandler	12	71	S. B. 460	Burnett	87
20	A. B. 163	Bohnett	13	72	A. B. 171	Schmitt	88
21	S. B. 371	Tyrrell	39	73	A. B. 347	Ryan	88
22	S. B. 326	Cutten	40	74	S. B. 361	Thompson	89
23	S. B. 110	Hans	40	75	S. B. 362	Thompson	89
24	A. B. 611	Rutherford	46	76	S. B. 369	Thompson	90
25	A. B. 327	Cogswell	46	77	S. B. 373	Campbell	90
26	A. B. 328	Cogswell	47	78	S. B. 336	Campbell	91
27	A. B. 332	Cogswell	47	79	S. B. 695	Finn	91
28	A. B. 335	Cogswell	48	80	A. B. 62	Beatty	92
29	A. B. 336	Cogswell	48	81	A. B. 654	Bennink	93
30	A. B. 339	Cogswell	49	82	A. B. 717	Randall	94
31	A. B. 340	Cogswell	49	83	S. B. 467	Burnett	95
32	A. B. 341	Cogswell	50	84	S. B. 567	Hewitt	96
33	A. B. 312	Cogswell	50	85	A. B. 807	Bishop	253
34	A. B. 818	Cogswell	51	86	S. B. 297	Roseberry	254
35	A. B. 344	Cogswell	51	87	A. B. 105	Wilson	255
36	A. B. 346	Cogswell	52	88	A. B. 909	McGowen	256
37	A. B. 347	Cogswell	54	89	A. B. 1000	McGowen	257
38	A. B. 348	Cogswell	55	90	S. B. 98	Campbell	258
39	A. B. 349	Cogswell	57	91	S. B. 132	Larkins	259
40	A. B. 350	Cogswell	57	92	S. B. 163	Sanford	259
41	S. B. 256	Walker	58	93	S. B. 431	Sanford	260
42	S. B. 220	Boynton	59	94	S. B. 573	Estudillo	260
43	S. B. 244	Burnett	60	95	S. B. 600	Curtin	261
44	S. B. 133	Juillard	61	96	S. B. 601	Curtin	262
45	S. B. 134	Juillard	61	97	S. B. 602	Curtin	262
46	S. B. 10	Campbell	62	98	S. B. 622	Lewis	262
47	S. B. 48	Estudillo	63	99	A. B. 799	Freeman	263
48	S. B. 277	Lewis	63	100	A. B. 539	Wilson	264
49	S. B. 221	Boynton	65	101	A. B. 881	Jones	265
50	A. B. 678	Cronin	66	102	S. B. 352	Wright	267
51	A. B. 1485	Bohnett	67	103	A. B. 264	Rogers	270
52	S. B. 351	Wright	67	104	A. B. 1012	Rutherford	271

LAWS—Continued.

Chap. No.	Bill Number.	Author.	Page.	Chap. No.	Bill Number.	Author.	Page.
105	A. B. 1547	Cogswell	271	170	A. B. 108	Chandler	312
106	S. B. 736	Curtin	272	171	A. B. 618	Jones	312
107	A. B. 539	Maher	272	173	S. B. 289	Ians	343
108	A. B. 716	Griffiths	273	173	S. B. 586	Stetson	344
109	S. B. 1188	Birdsall	273	174	A. B. 141	Sutherland	345
110	S. B. 1232	Burnett	278	175	A. B. 786	Sutherland	345
111	S. B. 1238	Cutten	279	176	A. B. 946	Williams	346
112	S. B. 1239	Cutten	279	177	A. B. 1015	Hewitt	347
113	S. B. 1240	Cutten	279	178	A. B. 1096	Chandler	352
114	S. B. 76	Campbell	280	179	A. B. 1097	Chandler	355
115	S. B. 105	Burnett	280	180	S. B. 603	Hare	356
116	S. B. 159	Hare	282	181	A. B. 388	McDonald	357
117	S. B. 421	Finn	284	182	A. B. 253	Beckett	358
118	S. B. 725	Hare	285	183	A. B. 570	Held	358
119	A. B. 88	Held	285	184	A. B. 1141	McGowen	359
120	S. B. 80	Campbell	286	185	S. B. 360	Black	359
121	S. B. 141	Caminetti	286	186	S. B. 723	Finn	364
122	S. B. 189	Holohan	287	187	S. B. 390	Burnett	364
123	S. B. 379	Wolfe	288	188	S. B. 391	Burnett	365
124	S. B. 376	Campbell	288	189	A. B. 407	Bohnett	366
125	S. B. 436	Sanford	289	190	A. B. 408	Bohnett	367
126	S. B. 513	Lewis	289	191	A. B. 472	Freeman	367
127	S. B. 514	Lewis	290	192	S. B. 30	Walker	368
128	S. B. 518	Lewis	291	193	S. B. 86	Walker	369
129	S. B. 620	Lewis	291	194	S. B. 55	Walker	369
130	S. B. 541	Bills	292	195	S. B. 112	Caminetti	370
131	S. B. 542	Bills	293	196	S. B. 143	Caminetti	370
132	S. B. 544	Bills	294	197	S. B. 516	Lewis	371
133	S. B. 545	Bills	294	198	S. B. 407	Campbell	371
134	S. B. 655	Hurd	295	199	A. B. 947	Cunningham	372
135	S. B. 658	Boynton	299	200	S. B. 477	Lewis	373
136	S. B. 659	Boynton	299	201	A. B. 174	Jasper	374
137	S. B. 661	Boynton	300	202	A. B. 123	Stevnot	374
138	A. B. 1000	Bohnett	300	203	A. B. 125	Stevnot	375
139	A. B. 832	Hewitt	303	204	A. B. 126	Stevnot	375
140	S. B. 708	Thompson	309	205	A. B. 127	Stevnot	376
141	S. B. 709	Thompson	310	206	A. B. 130	Stevnot	376
142	S. B. 711	Thompson	311	207	S. B. 84	Campbell	377
143	S. B. 116	Thompson	312	208	S. B. 82	Campbell	377
144	S. B. 740	Boynton	313	209	S. B. 350	Martnell	378
145	S. B. 1170	Walker	313	210	S. B. 605	Estudillo	382
146	A. B. 972	Jasper	314	211	S. B. 31	Welch	383
147	A. B. 7	Flint	315	212	S. B. 553	Rush	390
148	A. B. 508	Preisler	316	213	S. B. 713	Martnell	391
149	A. B. 538	Held	317	214	S. B. 721	Finn	393
150	A. B. 622	Freeman	318	215	A. B. 207	Bennink	397
151	A. B. 419	Cogswell	318	216	A. B. 272	Bennink	398
152	S. B. 253	Shanahan	319	217	A. B. 409	Bohnett	398
153	S. B. 73	Lewis	319	218	A. B. 495	Brown	399
154	S. B. 113	Bills	320	219	A. B. 497	March	399
155	S. B. 408	Burnett	321	220	A. B. 501	March	400
156	S. B. 688	Walker	322	221	A. B. 504	March	400
157	A. B. 781	Griffin	322	222	A. B. 505	March	402
158	S. B. 4	Birdsall	324	223	A. B. 729	Cogswell	402
159	A. B. 1003	Crosby	325	224	A. B. 775	Lynch	403
160	A. B. 991	Crosby	326	225	S. B. 396	Boynton	404
161	A. B. 355	Kehoe	334	226	S. B. 788	Stetson	412
162	S. B. 299	Roseberry	336	227	A. B. 1067	Kehoe	414
163	S. B. 298	Roseberry	337	228	S. B. 85	Campbell	415
164	S. B. 300	Roseberry	337	229	S. B. 89	Campbell	415
165	A. B. 929	Chandler	339	230	S. B. 296	Birdsall	416
166	S. B. 367	Thompson	340	231	S. B. 368	Thompson	419
167	S. B. 368	Thompson	340	232	S. B. 364	Thompson	420
168	S. B. 370	Thompson	341	233	S. B. 365	Thompson	420
169	S. B. 371	Thompson	341	234	S. B. 792	Hewitt	421

LAWS—Continued.

Chap. No.	Bill Number.	Author.	Page.	Chap. No.	Bill Number.	Author.	Page.
235	A. B. 83	Griffiths	422	300	A. B. 13	Stuckenbruck	491
236	A. B. 89	Griffiths	422	301	A. B. 91	Griffiths	493
237	A. B. 103	Held	423	302	A. B. 163	Lamb	495
238	A. B. 129	Stevenot	423	303	A. B. 166	Laub	496
239	A. B. 227	Slater	424	304	A. B. 330	Cogswell	496
240	A. B. 382	Bohnett	424	305	A. B. 331	Cogswell	497
241	A. B. 553	Rutherford	425	306	A. B. 315	Cogswell	497
242	A. B. 720	Kehoe	426	307	A. B. 470	Jones	498
243	A. B. 730	Cogswell	426	308	A. B. 623	Walker	499
244	A. B. 931	Griffin	427	309	A. B. 829	Clark	499
245	A. B. 941	Schmitt	427	310	A. B. 926	Polsley	500
246	A. B. 971	Held	428	311	A. B. 959	Brown	501
247	A. B. 1140	Sutherland	429	312	A. B. 1149	Schmitt	508
248	A. B. 175	Hamilton	429	313	S. B. 685	Stetson	504
249	S. B. 422	Campbell	430	314	A. B. 1191	Brown	505
250	S. B. 188	Holohan	430	315	A. B. 1192	Brown	506
251	S. B. 192	Wolfe	431	316	A. B. 537	Jones	508
252	S. B. 363	Boynton	433	317	S. B. 497	Wright	509
253	S. B. 384	Boynton	434	318	A. B. 1546	Cogswell	517
254	S. B. 385	Boynton	434	319	S. B. 687	Gamnetti	518
255	S. B. 386	Boynton	435	320	A. B. 1079	Denegri	520
256	S. B. 387	Boynton	435	321	A. B. 1080	Denegri	521
257	S. B. 388	Boynton	436	322	A. B. 172	Slater	522
258	A. B. 218	Griffin	437	323	S. B. 1113	Thompson	522
259	A. B. 224	Young	438	324	S. B. 1114	Thompson	523
260	A. B. 639	Brown	439	325	S. B. 1115	Thompson	523
261	S. B. 459	Wolfe	440	326	S. B. 1116	Thompson	524
262	S. B. 460	Wolfe	440	327	S. B. 1117	Thompson	524
263	S. B. 461	Wolfe	441	328	S. B. 1118	Thompson	525
264	S. B. 540	Gates	442	329	S. B. 1119	Thompson	525
265	S. B. 79	Campbell	444	330	S. B. 1120	Thompson	526
266	S. B. 614	Thompson	446	331	S. B. 1121	Thompson	526
267	S. B. 731	Boynton	451	332	A. B. 367	Benedict	527
268	S. B. 935	Boynton	452	333	A. B. 368	Benedict	529
269	S. B. 1191	Committee on Judiciary	452	334	A. B. 1065	Gaylord	529
270	S. B. 90	Campbell	453	335	S. B. 13	Curtin	530
271	S. B. 91	Campbell	453	336	A. B. 1587	Com. on Ways and Means	537
272	S. B. 93	Campbell	454	337	S. B. 442	Wright	539
273	S. B. 94	Campbell	454	338	S. B. 635	Walker	561
274	S. B. 408	Cutten	455	339	A. B. 885	Rosendale	565
275	S. B. 320	Cutten	456	340	A. B. 1188	Wyllie	571
276	A. B. 1019	Rogers	456	341	A. B. 1544	Wyllie	573
277	S. B. 718	Stetson	465	342	A. B. 100	Held	577
278	S. B. 458	Wolfe	466	343	S. B. 235	Hewitt	582
279	A. B. 920	Oronin	467	344	S. B. 274	Hewitt	583
280	A. B. 902	Orosby	471	345	S. B. 806	Hewitt	583
281	A. B. 270	Bennink	475	346	S. B. 416	Hewitt	587
282	A. B. 290	Oallaghan	476	347	S. B. 787	Stetson	587
283	A. B. 208	Young	476	348	S. B. 793	Hewitt	589
284	A. B. 587	Bennink	477	349	A. B. 515	Benedict	590
285	A. B. 607	Bohnett	477	350	A. B. 516	Benedict	593
286	A. B. 601	Hinkle	478	351	A. B. 37	Wyllie	609
287	A. B. 746	Randall	479	352	S. B. 409	Curtin	606
288	A. B. 706	Young	481	353	S. B. 891	Reban	606
289	A. B. 848	Chandler	482	354	S. B. 900	Bluck	607
290	A. B. 849	Chandler	483	355	S. B. 987	Hewitt	618
291	A. B. 1065	Cogswell	484	356	S. B. 1029	Hewitt	618
292	S. B. 393	Burnett	484	357	S. B. 1031	Reban	619
293	S. B. 394	Burnett	485	358	S. B. 1138	Hewitt	620
294	S. B. 606	Finn	486	359	S. B. 1140	Hewitt	623
295	S. B. 783	Stetson	487	360	S. B. 1217	Hewitt	626
296	S. B. 870	Fstuddilo	488	361	S. B. 1253	Reban	626
297	A. B. 797	Bennink	488	362	A. B. 164	Lyon of Los Angeles	637
298	A. B. 871	Bliss	489	363	A. B. 108	Beatty	638
299	A. B. 965	Cogswell	490	364	A. B. 287	Hinkle	638

LAWS—Continued.

Chap. No.	Bill Number.	Author.	Page.	Chap. No.	Bill Number	Author.	Page.
365	A. B. 833	Hewitt	639	430	S. B. 1124	Hewitt	855
366	A. B. 988	Lynch	656	431	S. B. 1132	Hewitt	857
367	A. B. 1068	Hewitt	657	432	S. B. 1221	Burnett	860
368	A. B. 1083	Crosby	657	433	S. B. 1054	Curtin	885
369	A. B. 1094	Griffin	658	434	A. B. 46	Schmitt	887
370	A. B. 1157	Sutherland	671	435	A. B. 790	Jones	887
371	A. B. 1471	Hewitt	680	436	A. B. 841	Sutherland	888
372	A. B. 1541	Crosby	681	437	A. B. 1108	Com. on Election Laws	889
373	A. B. 1550	Hewitt	681	438	A. B. 1109	Com. on Election Laws	890
374	A. B. 1390	Hewitt	683	439	A. B. 1110	Com. on Election Laws	891
375	A. B. 667	Slater	685	440	A. B. 1114	Com. on Election Laws	891
376	S. B. 478	Roseberry	686	441	A. B. 1115	Com. on Election Laws	893
377	S. B. 674	Strobridge	686	442	A. B. 1116	Com. on Election Laws	893
378	S. B. 732	Birdsall	687	443	A. B. 1117	Com. on Election Laws	894
379	S. B. 958	Stetson	687	444	A. B. 1122	Benedict	894
380	S. B. 1011	Stetson	688	445	A. B. 1150	Coghlan	895
381	S. B. 1013	Stetson	689	446	A. B. 1201	Com. on Election Laws	896
382	S. B. 1029	Campbell	692	447	A. B. 1292	Com. on Election Laws	899
383	S. B. 1038	Birdsall	693	448	A. B. 1203	Com. on Election Laws	897
384	S. B. 1042	Shanahan	696	449	A. B. 1479	Beatty	898
385	S. B. 1043	Shanahan	699	450	A. B. 1558	Jones	899
386	S. B. 1147	Stetson	701	451	S. B. 712	Strobridge	900
387	S. B. 9	Cammetti	704	452	S. B. 733	Strobridge	902
388	S. B. 251	Bell	705	453	A. B. 828	Clark	903
389	S. B. 454	Holohan	706	454	A. B. 830	Clark	904
390	S. B. 494	Boynton	707	455	A. B. 1177	Butler	904
391	S. B. 878	Gates	708	456	A. B. 1305	Young	910
392	S. B. 717	Black	709	457	A. B. 1492	Beckett	915
393	S. B. 943	Birdsall	711	458	A. B. 1538	Held	916
394	S. B. 1005	Stetson	712	459	A. B. 1552	Committee on Education	916
395	S. B. 1006	Stetson	713	460	A. B. 1580	Committee on Education	917
396	S. B. 1006	Thompson	727	461	A. B. 1581	Committee on Education	918
397	A. B. 1330	Com. on Mun. Corps.	730	462	A. B. 1582	Committee on Education	919
398	A. B. 1385	Young	769	463	A. B. 1583	Committee on Education	920
399	S. B. 14	Roseberry	796	464	A. B. 1584	Committee on Education	921
400	S. B. 423	Walker	807	465	A. B. 1585	Committee on Education	922
401	S. B. 945	Cassidy	807	466	A. B. 202	Young	924
402	S. B. 1254	Boynton	808	467	A. B. 507	March	924
403	S. B. 1235	Boynton	809	468	A. B. 982	Stevnot	931
404	A. B. 377	Gaylord	810	469	A. R. 891	Cogswell	932
405	A. B. 700	Stuckenbruck	812	470	A. B. 892	Cogswell	933
406	A. B. 735	Clark	813	471	A. B. 1295	Mendenhall	933
407	A. B. 788	Clark	821	472	S. B. 948	Larkins	935
408	A. B. 789	Clark	822	473	S. B. 971	Sanford	938
409	A. B. 961	Oandler	823	474	S. B. 730	Black	940
410	A. B. 1375	Gull	830	475	A. B. 802	Gaylord	940
411	A. B. 1475	Hewitt	831	476	A. B. 1142	Lyon of San Francisco	941
412	A. B. 1476	Hewitt	835	477	A. B. 1293	McDonald	941
413	S. B. 11	Cartwright	838	478	A. B. 1545	Brown	942
414	S. B. 44	Larkins	839	479	A. B. 1083	Rogers	943
415	S. B. 117	Thompson	840	480	A. B. 1379	Gull	945
416	S. B. 137	Hurd	840	481	A. B. 1550	Brown	945
417	S. B. 169	Bell	842	482	A. B. 210	Griffin	949
418	S. B. 339	Black	842	483	A. B. 870	Kennedy	951
419	S. B. 462	Stetson	845	484	A. B. 1030	Williams	952
420	S. B. 522	Gates	846	485	A. B. 1328	Clark	953
421	S. B. 537	Boynton	847	486	A. B. 1557	Maher	954
422	S. B. 590	Gates	848	487	S. B. 303	Black	957
423	S. B. 900	Hewitt	849	488	S. B. 118	Stetson	958
424	S. B. 952	Bryant	849	489	S. B. 453	Martinelli	959
425	S. B. 982	Lewis	852	490	S. B. 492	Stetson	973
426	S. B. 986	Hewitt	852	491	S. B. 589	Gates	979
427	S. B. 990	Hewitt	853	492	S. B. 772	Hare	980
428	S. B. 1010	Hewitt	854	493	S. B. 915	Hurd	991
429	S. B. 1030	Hewitt	854	494	S. B. 990	Tyrell	1003

LAWS—Continued.

Chap. No.	Bill Number.	Author.	Page.	Chap. No.	Bill Number.	Author.	Page.
495	S. B. 940	Tyrrell	1008	500	S. B. 548	Bills	1077
496	S. B. 1173	Black	1018	501	S. B. 649	Black	1077
497	S. B. 1235	Thompson	1030	502	S. B. 657	Martinelli	1078
498	S. B. 1241	Shanahan	1086	503	S. B. 773	Ilurd	1079
499	A. B. 312	Kennedy	1087	504	S. B. 933	Caminetti	1079
500	A. B. 313	Kennedy	1042	505	S. B. 966	Caminetti	1080
501	A. B. 327	Rosendale	1043	506	A. B. 675	Bliss	1080
502	A. B. 42	Sutherland	1044	507	A. B. 111	Freeman	1081
503	A. B. 47	Rutherford	1044	508	A. B. 196	McGowen	1085
504	A. B. 58	Chandler	1045	509	A. B. 199	Young	1087
505	A. B. 79	Griffiths	1045	570	A. B. 200	Young	1088
506	A. B. 81	Griffiths	1049	571	A. B. 393	Fitzgerald	1093
507	A. B. 85	Griffiths	1046	572	A. B. 717	Cronin	1093
508	A. B. 86	Griffiths	1047	573	A. B. 740	Jones	1094
509	A. B. 88	Griffiths	1047	574	A. B. 760	Benedict	1095
510	A. B. 93	Griffiths	1048	575	A. B. 1287	March	1096
511	A. B. 94	Griffiths	1048	576	S. B. 190	Cassidy	1099
512	A. B. 159	Beckett	1049	577	S. B. 191	Cassidy	1099
513	A. B. 209	Cogswell	1049	578	S. B. 984	Cassidy	1100
514	A. B. 210	Cogswell	1050	579	S. B. 1049	Martinelli	1101
515	A. B. 221	Young	1050	580	S. B. 1237	Burnett	1101
516	A. B. 222	Young	1061	581	S. B. 202	Thompson	1102
517	A. B. 225	Young	1062	582	S. B. 217	Stetson	1104
518	A. B. 226	Young	1033	583	S. B. 609	Regan	1106
519	A. B. 234	Slater	1063	584	S. B. 1016	Rush	1108
520	A. B. 288	Hinkle	1064	585	S. B. 1047	Lewis	1109
521	A. B. 386	Griffiths	1034	586	S. B. 1243	Welch	1110
522	A. B. 540	March	1065	587	A. B. 744	Beckett	1110
523	A. B. 549	Young	1035	588	A. B. 780	Griffin	1111
524	A. B. 615	Hinkle	1036	589	A. B. 798	Jones	1112
525	A. B. 616	Hinkle	1036	590	A. B. 896	Coghlan	1119
526	A. B. 641	Kehoe	1067	591	A. B. 842	Sutherland	1123
527	A. B. 687	Hinkle	1038	592	A. B. 882	Lyon of Los Angeles	1114
528	A. B. 706	Hayes	1068	593	A. B. 883	Lyon of Los Angeles	1115
529	A. B. 720	Wilson	1059	594	A. B. 1011	Wilson	1116
530	A. B. 737	Walsh	1060	595	A. B. 1051	Polsley	1116
531	A. B. 767	Lynch	1060	596	A. B. 1074	Bishop	1118
532	A. B. 768	Lynch	1061	597	A. B. 1078	Dunegr	1122
533	A. B. 769	Lynch	1061	598	A. B. 1098	Griffin	1123
534	A. B. 771	Lynch	1062	599	A. B. 1106	Bohnett	1127
535	A. B. 922	Preisler	1063	600	A. B. 1152	Bliss	1127
536	A. B. 925	Preisler	1063	601	S. B. 1052	Curtin	1138
537	A. B. 975	Stuckenbruck	1064	602	S. B. 1053	Curtin	1134
538	A. B. 1143	Gerdes	1065	603	S. B. 1155	Holohan	1136
539	A. B. 1153	Telfer	1065	604	S. B. 1159	Holohan	1137
540	A. B. 1154	Telfer	1066	605	A. B. 1194	Mott	1140
541	A. B. 1313	Sutherland	1066	606	A. B. 1195	Wilson	1143
542	A. B. 1376	Gull	1067	607	A. B. 1199	Wilson	1145
543	A. B. 1571	Cunningham	1067	608	A. B. 1284	Preisler	1145
544	S. B. 28	Thompson	1068	609	A. B. 1289	March	1148
545	S. B. 37	Thompson	1068	610	A. B. 1302	Rutherford	1149
546	S. B. 60	Roseberry	1069	611	A. B. 1307	Maher	1151
547	S. B. 63	Roseberry	1066	612	A. B. 1305	Brown	1154
548	S. B. 95	Campbell	1070	613	A. B. 1384	Walker	1157
549	S. B. 150	Caminetti	1070	614	A. B. 1400	March	1158
550	S. B. 181	Black	1071	615	A. B. 1445	Bohnett	1162
551	S. B. 197	Boynton	1072	616	A. B. 1478	Beatty	1163
552	S. B. 254	Shanahan	1072	617	A. B. 1508	Cronin	1164
553	S. B. 450	Gates	1073	618	A. B. 1553	Beckett	1164
554	S. B. 462	Estudillo	1073	619	A. B. 1555	Flint	1166
555	S. B. 621	Boynton	1074	620	A. B. 1556	Cronin	1168
556	S. B. 622	Boynton	1075	621	A. B. 1563	Wylle	1171
557	S. B. 623	Boynton	1075	622	A. B. 1567	Kehoe	1173
558	S. B. 624	Boynton	1076	623	A. B. 1568	Stevenot	1173
559	S. B. 625	Boynton	1076	624	A. B. 1569	Stevenot	1180

LAWS—Continued.

Chap. No.	Bill Number.	Author.	Page.	Chap. No.	Bill Number.	Author.	Page.
625	A. B. 1574	Gaylord	1183	600	A. B. 791	Beatty	1340
626	S. B. 439	Lewis	1187	601	A. B. 803	McGowen	1317
627	S. B. 910	Thompson	1190	602	A. B. 821	Bliss	1350
628	S. B. 911	Thompson	1191	603	A. B. 827	Kehoe	1351
629	S. B. 1018	Hewitt	1191	604	A. B. 876	Cogswell	1352
630	S. B. 1123	Hewitt	1192	605	A. B. 927	Butler	1352
631	S. B. 1127	Hewitt	1199	606	A. B. 913	Ryan	1353
632	S. B. 1133	Hewitt	1199	607	A. B. 944	Ryan	1355
633	S. B. 1211	Hewitt	1201	608	A. B. 945	Ryan	1356
634	S. B. 1079	Hurd	1205	609	A. B. 930	Clark	1350
635	S. B. 1137	Hewitt	1206	700	A. B. 008	Hinkle	1357
636	S. B. 1288	Julliard	1208	701	A. B. 1029	Bennink	1360
637	A. B. 1535	Gull	1212	702	A. B. 1034	Young	1360
638	A. B. 292	Young	1214	703	A. B. 1039	Crosby	1362
639	A. B. 380	Young	1215	704	A. B. 1510	Rutherford	1367
640	A. B. 1180	Jones	1216	705	A. B. 1386	Com. on Ways and Means	1368
641	A. B. 1314	Hall	1222	706	A. B. 23	Rutherford	1369
642	A. B. 1317	Rosendale	1225	707	A. B. 167	Judson	1390
643	S. B. 941	Martinelli	1228	708	A. B. 096	Benedict	1391
644	S. B. 972	Shanahan	1230	709	A. B. 758	Snakunbruck	1391
645	S. B. 1278	Avey	1236	710	A. B. 1111	Com. on Election Laws	1392
646	S. B. 1280	Boynton	1241	711	A. B. 1113	Com. on Election Laws	1392
647	S. B. 1282	Cutten	1243	712	A. B. 1113	Com. on Election Laws	1392
648	S. B. 1283	Shanahan	1243	713	A. B. 1201	Com. on Election Laws	1393
649	S. B. 0	Curtin	1245	714	S. B. 15	Castudillo	1394
650	S. B. 16	Curtin	1246	715	S. B. 466	Burnett	1394
651	S. B. 227	Julliard	1247	716	S. B. 483	Cutten	1395
652	S. B. 266	Cutten	1247	717	S. B. 490	Cutten	1397
653	S. B. 339	Holohan	1248	718	S. B. 1247	Castudillo	1397
654	S. B. 399	Stetson	1254	719	S. B. 613	Thompson	1407
655	S. B. 403	Stetson	1256	720	A. B. 910	Benedict	1408
656	S. B. 415	Hewitt	1256	721	A. B. 911	Benedict	1409
657	S. B. 451	Tyrell	1258	722	A. B. 1340	Benedict	1410
658	S. B. 505	Larkins	1259	723	A. B. 1313	Benedict	1411
659	S. B. 625	Bills	1260	724	A. B. 1341	Benedict	1411
660	S. B. 626	Bills	1261	725	A. B. 1347	Benedict	1412
661	S. B. 680	Wright	1262	726	A. B. 1318	Benedict	1415
662	S. B. 683	Finn	1268	727	A. B. 1340	Benedict	1415
663	S. B. 774	Sanford	1268	728	A. B. 1350	Benedict	1416
664	S. B. 871	Hurd	1269	729	A. B. 1351	Benedict	1417
665	S. B. 887	Burnett	1269	730	A. B. 70	Butty	1410
666	S. B. 898	Hewitt	1272	731	A. B. 265	Harlan	1420
667	S. B. 903	Bell	1271	732	A. B. 361	Hall	1421
668	S. B. 980	Lewis	1271	733	A. B. 365	Benedict	1421
669	S. B. 1010	Stetson	1279	734	A. B. 538	Clark	1422
670	S. B. 1011	Black	1282	735	A. B. 1008	Brown	1423
671	S. B. 1028	Hewitt	1290	736	A. B. 1009	Brown	1424
672	S. B. 1066	Boynton	1302	737	A. B. 1190	Brown	1425
673	S. B. 1083	Boynton	1302	738	A. B. 1236	Clark	1431
674	S. B. 1181	Bryant	1303	739	S. B. 119	Thompson	1436
675	S. B. 1245	Walker	1304	740	S. B. 261	Avey	1437
676	S. B. 1246	Thompson	1304	741	S. B. 382	Inre	1441
677	S. B. 1250	Julliard	1306	742	S. B. 401	Caminetti	1445
678	S. B. 1285	Cutten	1312	743	S. B. 738	Rush	1447
679	S. B. 1288	Cutten	1312	744	S. B. 775	Curtin	1448
680	A. B. 121	Stevenot	1313	745	S. B. 875	Inrd	1449
681	A. B. 278	Kehoe	1313	746	S. B. 925	Stetson	1450
682	A. B. 357	Kehoe	1320	747	S. B. 1061	Campbell	1457
683	A. B. 381	Young	1331	748	S. B. 1089	Thompson	1458
684	A. B. 405	Bonnett	1337	749	S. B. 1150	Hans	1459
685	A. B. 406	Bonnett	1338	750	S. B. 1152	Boynton	1460
686	A. B. 510	Cogswell	1339	751	S. B. 1236	Wolfe	1462
687	A. B. 571	Brown	1340	752	S. B. 1281	Roseberry	1464
688	A. B. 662	Mullally	1341	753	S. B. 1284	Wright	1465
689	A. B. 682	Clark	1342				

RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.

Chap.	Number	Author.	Page.	Chap.	Number.	Author.	Page.
1	S. C. R. 1	Estuillo	1400	39	A. C. R. 24	Hamilton	1709
2	S. C. R. 2	Wolfe	1460	40	A. J. R. 6	Wilson	1854
3	A. C. R. 1	Young	1470	41	A. J. R. 10	Wilson	1854
1	A. C. R. 5	Chandler	1777	43	A. C. R. 11	Benedict	1855
5	S. J. R. 7	Burnett	1777	43	S. C. R. 15	Wright	1856
6	S. J. R. 9	Shannahan	1778	11	A. C. R. 15	Maher	1861
7	S. C. R. 3	Roseberry	1473	45	A. C. R. 20	Cogswell	1913
8	S. J. R. 2	Sanford	1487	46	A. O. R. 23	Oroniu	1938
9	S. C. A. 17	Cullen	1488	47	S. C. A. 23	Gates	2032
10	S. C. R. 8	Committee on Rules	1488	48	S. C. R. 13	Critten	2032
11	S. J. R. 14	Wolfe	1492	40	S. C. R. 12	Black	2010
12	A. C. R. 7	Beatty	1493	50	S. J. R. 6	Cammetti	2010
33	A. C. R. 3	Griffin	1493	51	A. C. A. 25	Young	2016
14	S. J. R. 3	Holohan	1547	52	A. C. A. 50	Sutherland	2047
15	S. J. R. 4	Boynton	1548	53	A. C. A. 6	Sutherland	2048
16	S. C. A. 8	Bell	1548	54	S. C. R. 18	Gates	2050
17	A. J. R. 9	Beatty	1549	55	S. C. R. 19	Hewitt	2051
18	A. J. R. 8	Rutherford	1550	56	A. C. A. 26	Bohnett	2101
19	S. J. R. 17	Stetson	1550	57	A. C. A. 33	Bohnett	2102
20	S. C. R. 5	Stetson	1551	58	A. C. A. 48	Randall	2103
21	A. J. R. 13	Hall	1551	59	Unassigned		
22	S. C. A. 22	Gates	1655	60	S. C. A. 47	Burnett	2104
23	S. J. R. 20	Wright	1660	61	S. C. A. 48	Deban	2106
24	A. C. R. 13	Cattell	1661	62	S. C. A. 6	Cammetti	2107
25	S. C. R. 9	Wolfe	1661	63	S. C. A. 45	Roseberry	2107
26	S. C. R. 11	Campbell	1698	64	S. C. A. 5	Cammetti	2108
27	A. J. R. 1	Wilson	1738	65	S. C. A. 20	Hare	2175
28	A. C. R. 6	Rosendale	1739	66	S. C. A. 32	Welch	2179
29	A. C. R. 10	Rosendale	1742	67	S. C. A. 49	Hewitt	2180
30	A. C. R. 12	Bli-s	1790	68	A. C. A. 2	Held	2180
31	S. J. R. 1	Sanford	1792	69	A. C. A. 38	Jones	2181
32	S. J. R. 10	Black	1792	70	A. C. A. 46	Brown	2182
33	S. J. R. 16	Hewitt	1793	71	A. J. R. 19	Henshaw	2182
31	S. J. R. 13	Welch	1796	72	S. C. R. 20	Boynton	2183
35	S. J. R. 8	Birdsall	1797	73	S. J. R. 25	Sanford	2183
36	S. C. A. 26	Boynton	1798	74	S. J. R. 27	Curtin	2184
37	S. C. A. 2	Welch	1798	75	S. J. R. 23	Wolfe	2185
38	S. J. R. 24	Wolfe	1799	76	A. C. R. 28	Cogswell	2189



LIST OF OFFICERS.

STATE OFFICERS.

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

STATE BOARD OF EQUALIZATION.

State Capitol, Sacramento.

Name.	District	Residence.
Edward Bolkin	First	San Francisco
John Mitchell	Second	Oakland
Richard E. Collins	Third	Redding
Jeff McEivaine	Fourth	San Bernardino
A. B. Nye	Ex officio	Oakland
T. M. Eby	Secretary	Sacramento

RAILROAD COMMISSIONERS.

Ferry Building, San Francisco.

Name.	District.	Residence
Alex Gordon	First	Sacramento
H. D. Loveland	Second	San Francisco
J. M. Fshleman	Third	El Centro
Charles E. Dietrich	Secretary	Palo Alto

SUPREME COURT.

Wells-Fargo Building, San Francisco.

Name	Official Position.	Residence.
W. H. Beatty	Chief Justice	San Francisco
Frederick N. Henshaw	Associate Justice	Oakland
M. C. Sloss	Associate Justice	San Francisco
Henry A. Melvin	Associate Justice	Oakland
F. M. Angellotti	Associate Justice	San Rafael
Lucien Shaw	Associate Justice	Los Angeles
Wm. G. Lorigan	Associate Justice	San Jose
B. Grant Taylor	Clerk	San Jose

JUSTICES OF THE DISTRICT COURTS OF APPEAL.

FIRST APPELLATE DISTRICT.

Wells-Fargo Building, San Francisco.

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

SECOND APPELLATE DISTRICT.

Bullard Block, Los Angeles.

Mathew T. Allen.....	Presiding Justice	Los Angeles
Victor E. Shaw.....	Justice	San Diego
William P. James.....	Justice	Los Angeles
W. D. Shearer.....	Clerk	Los Angeles

THIRD APPELLATE DISTRICT.

State Capitol, Sacramento.

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

SENATORS—THIRTY-NINTH SESSION, 1911.

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

Name.	Party.	Dist.	Address.
Ayer, J. L.	Republican	30	Redlands
Beban, D. J.	Republican	24	1213 Broadway st., San Francisco
Bell, O. W.	Republican	30	Pasadena
Bills, Chas. B.	Republican	7	2000 M st., Sacramento
Birdsall, E. S.	Republican	8	Auburn
Black, Marshall	Republican	23	Palo Alto
Boynton, A. E.	Republican	6	Oroville
Bryant, F. F.	Republican	20	305 North ave., San Francisco
Burnett, Lester G.	Republican	25	206 Humboldt Bank Building
Caminetti, A.	Democrat	10	Jackson
Campbell, A. E.	Democrat	31	San Luis Obispo
Cartwright, Geo. W.	Democrat	26	Fresno
Cassidy, John J.	Republican	22	135 Seventh ave., San Francisco
Curtin, J. B.	Democrat	12	Sonora
Cutten, Charles P.	Republican	1	Eureka
Farnillo, Miguel	Republican	39	Riverside
Finn, Thos. P.	R. and U. I.	17	661 Howard st., San Francisco
Gates, Lee C.	Republican	31	961 Manhattan place, Los Angeles
Hans, George J.	Republican	14	Fruitvale
Hate, John P.	D. and U. I.	23	38 Sheridan st., San Francisco
Hewitt, Leslie R.	Republican	38	1213 S. Alvarado st., Los Angeles
Holohan, James B.	Democrat	29	Watsonville
Hurl, H. M.	Republican	37	Los Angeles
Julliard, L. W.	Democrat	8	Santa Rosa
Larkins, E. O.	Republican	32	Visalia
Lewis, John T.	Republican	11	Stockton
Martineau, E. B.	Republican	9	San Rafael
Regan, D. P.	Republican	18	1213 Market st., San Francisco
Rosberry, Louis H.	Republican	33	Santa Barbara
Rush, Benj. F.	Republican	5	Suisun
Sanford, J. B.	Democrat	4	Ukiah
Shanahan, T. W. H.	Democrat	2	Redding
Stetson, John W.	Republican	15	Oakland
Strobridge, Ed. K.	Republican	13	Hayward
Thompson, Norton W.	Republican	35	Alhambra
Tyrell, Edward J.	Republican	16	961 Kirkham st., Oakland
Walker, Geo. S.	Republican	27	East San Jose
Welch, Richard J.	R. and U. I.	19	1017 Shotwell st., San Francisco
Wolfe, Edward I.	R. and U. I.	21	798 Ashbury st., San Francisco
Wright, Leroy A.	Republican	40	San Diego

MEMBERS OF THE ASSEMBLY—THIRTY-NINTH SESSION.

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

Name.	Party.	Dist.	Address.
Bentley, H. N.	Republican	36	111 Fourteenth st., San Francisco
Beckett, John F.	Republican	63	Arroyo Grande
Benedict, H. S.	Republican	72	1739 Church ave., Los Angeles
Bennink, O. G. II.	Republican	76	Ontario
Bishop, Clyde	Republican	77	Santa Ana
Bless, Charles A.	Republican	17	1111 H st., Sacramento
Bohnett, L. D.	Republican	56	San Jose
Brown, Henry Ward	Republican	53	Colma
Butler, F. M.	Republican	70	1198 W. Thirty-fifth st., Los Angeles
Callaghan, E. J.	Republican	48	1111 Eighth st., Oakland
Cattell, H. G.	Republican	67	Pasadena
Chandler, W. F.	Republican	60	Fresno

MEMBERS OF THE ASSEMBLY—Continued.

Name	Party.	Dist.	Address.
Clark, William C.	Republican	41	.....61 Montecito ave., Oakland
Coghlan, Nathan C.	Republican	50	.....833 North Point st., San Francisco
Cogswell, Prescott F.	Republican	68	.....El Monte
Cronin, John B.	Republican	20	.....Benicia
Crosby, Sumner	Republican	47	.....1252 Hawthorne st., Alameda
Cunningham, A.	Republican	28	.....921 Harrison st., San Francisco
Denegri, D. M.	Republican	45	.....776 Green st., San Francisco
Farwell, Lyman	Republican	71	.....2908 S. Figueroa st., Los Angeles
Feeley, T. J.	Republican	34	.....4017 Eighteenth st., San Francisco
Fitzgerald, George	Republican	49	.....1124 Fourteenth st., Oakland
Flint, W. B.	Republican	58	.....Hollister, San Benito County
Freeman, George R.	Republican	78	.....Corona
Gaylord, F. C.	Republican	10	.....East Auburn
Gerdes, F. C.	Republican	35	.....2273 Mission st., San Francisco
Griffin, Thos. F.	Democrat	25	.....Modesto
Griffiths, W. B.	Republican	15	.....Monticello, Napa County
Gnill, Jr., J. H.	Democrat	7	.....Chico
Hall, Fred H.	Democrat	66	.....Bakersfield
Hamilton, James W.	Republican	13	.....Petaluma
Harlan, George H.	Republican	21	.....Sausalito
Hayes, D. R.	Republican	57	.....San Jose
Held, W. D. L.	Republican	6	.....Ukiah
Hewitt, A. H.	Republican	8	.....Yuba City
Hinkle, E. C.	Republican	79	.....San Diego
Hinsbaw, W. E.	Republican	69	.....Long Beach
Jasper, Gustavus A.	Republican	3	.....Fortuna
Jones, M. R.	Republican	22	.....Martinez
Joel, A.	Republican	42	.....Mills Building, San Francisco
Judson, Fred E.	Republican	80	.....R. F. D. No. 1, Escondido
Kehoe, William	Republican	2	.....Fresno
Kennedy, W. P.	Republican	82	.....563 Vermont st., San Francisco
Lamb, W. A.	Republican	75	.....1029 Ocean View ave., Los Angeles
Lynch, Edward J.	Republican	19	.....Walsh Station, Sacramento County
Lyon, Henry H.	Republican	73	.....782 Crocker st., Los Angeles
Lyon, W. T.	Democrat	39	.....320 Sixth ave., San Francisco
Maher, J. B.	Democrat	54	.....Santa Cruz
Malone, Geo. K.	Republican	1	.....Dunsmuir
Mareh, John C.	Republican	18	.....2526 M st., Sacramento
McDonald, W. A.	Republican	31	.....504 Minnesota st., San Francisco
McGowan, E. H.	Republican	23	.....329 E. Channel st., Stockton
Mendenhall, John L.	Democrat	12	.....Williams
Mott, D. W.	Republican	65	.....Santa Paula
Mullally, J. E.	Republican	29	.....644 Sheridan st., San Francisco
Noian, E. J. D.	Republican	88	.....1370 Eddy st., San Francisco
Polsley, Harry	Democrat	5	.....Red Bluff
Preisker, C. L.	Republican	64	.....Santa Maria
Randall, O. H.	Republican	74	.....300 W. Avenue 56, Los Angeles
Rimlinger, D.	Republican	29	.....195 Third st., San Francisco
Rodgers, F. N.	Republican	43	.....502 Jones st., San Francisco
Rogers, A. A.	Republican	46	.....San Leandro
Rosendale, Chas. B.	Republican	80	.....Saffnas
Rutherford, F. M.	Republican	9	.....Truckee
Ryan, J. J.	Republican	53	.....3252 Harrison st., San Francisco
Sbragia, V. A.	Republican	41	.....559 California st., San Francisco
Schmitt, Milton L.	Republican	40	.....1920 California st., San Francisco
Slater, H. W.	Democrat	14	.....Santa Rosa
Smith, Frank M.	Republican	51	.....1159 Twenty-fourth ave., Oakland
Stevenot, F. G.	Republican	11	.....Carson Hill, Calaveras County
Stueckenbruck, J. W.	Democrat	24	.....Acapulo
Sutherland, W. A.	Republican	61	.....Fresno
Telfer, Robert L.	Republican	55	.....San Jose
Tibbitts, J. H.	Republican	4	.....Redding
Walker, Frank J.	Republican	62	.....Tehama
Walsh, Edward P.	Democrat	37	.....19 Beulah st., San Francisco
Williams, Dan F.	Republican	26	.....Chinese Camp
Wilson, J. H.	Democrat	16	.....Winter
Wyllie, G. W.	Republican	27	.....Dinuba
Young, C. C.	Republican	52	.....2729 Derby st., Berkeley

COMMISSIONERS OF DEEDS.

Name	Residence	Term expires.
Arizona.		
Frank Baxter	Yuma	March 31, 1915
Connecticut.		
Livingston W. Cleveland	New Haven	February 5, 1912
District of Columbia.		
John E. Mitchell	Washington	March 30, 1912
Anson S. Taylor	Washington	March 21, 1915
Illinois.		
Mark A. Foote	Chicago	May 12, 1912
Maryland.		
Geo. W. Manley	Baltimore	October 27, 1912
New Jersey.		
Jas. J. Feelling	Newark	May 21, 1914
New York.		
Geo. H. Covey	New York City	November 18, 1911
Irvin J. Wiel	New York City	April 13, 1912
Wm. A. Armstrong	New York City	May 11, 1912
Wm. P. Phillips	New York City	June 29, 1912
Ella F. Branah	New York City	April 20, 1913
Edwin P. Corey	New York City	October 27, 1913
Sam'l B. Goodhall	New York City	December 21, 1913
Jos. B. Braman	New York City	March 12, 1915
Wm. F. Lett	New York City	March 11, 1915
Oregon.		
J. F. Falkenstein	North Bend	April 13, 1913
Arthur P. Tift	Portland	September 13, 1914
Pennsylvania.		
Walter Morris	Pittsburg	August 10, 1911
Thos. J. Hunt	Philadelphia	November 5, 1911
John S. Wurts	Philadelphia	April 25, 1911
Robt. W. Lloyd	Philadelphia	March 1, 1915
Elbert Williamson	Philadelphia	March 28, 1915
Rhode Island.		
Gilman E. Jopp	Providence	December 4, 1911
Great Britain.		
T. J. McGrath	Dublin, Ireland	July 30, 1911
Jas. T. Thompson	Birkenhead, Cheshire, England	December 6, 1911
C. L. A. Smith	Faldburgh, Scotland	December 15, 1911
Wm. Myers	London, England	January 27, 1912
S. H. Pedlar	London, England	February 5, 1912
Allen P. Messar	London, England	March 12, 1912
M. J. Horgan	Cork, Ireland	August 11, 1912
Wm. T. MacFarish	Yam, Scotland	June 11, 1913
John Gillespie	Castle Blarney, Ireland	July 14, 1913
James Gordon Mason	Edinburgh, Scotland	October 1, 1913
Robert Willoughby Hamilton	Dowra, Ireland	December 8, 1913
Lucas D. Gray	Ballybay, Ireland	May 6, 1914
J. Cato Worsfold	London, England	June 9, 1914
J. Burke Hendry	London, England	November 11, 1914
Claude Basil Lumley	London, England	January 9, 1915
Geo. Melldowie	Belfast, Ireland	February 16, 1915
Horathus Stuart	Edinburgh, Scotland	April 10, 1915
Frederick P. Milligan	Edinburgh, Scotland	April 10, 1915
Francis V. Dorch	London, England	April 24, 1915

COMMISSIONERS OF DEEDS.

Name.	Residence.	Term expires.
Italy.		
Charles McNamee	Rome	March 3, 1915
France.		
Wm. H. Pauling Emrich	Paris	October 13, 1914
Auguste Maley	Paris	June 6, 1915
Hawaii.		
J. M. Monsarret	Honolulu	June 22, 1912
Geo. A. Davis	Honolulu	October 15, 1912
P. H. Burnette	Honolulu	March 1, 1913
J. S. Walker	Honolulu	June 28, 1913
Gail F. Smith	Hilo	October 14, 1913
Ecuador.		
Charles Olsen	Chimborazo	September 19, 1912

CONSTITUTION OF THE STATE OF CALIFORNIA.

PREAMBLE AND DECLARATION OF RIGHTS.

PREAMBLE.

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

ARTICLE I.

DECLARATION OF RIGHTS.

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

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

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

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

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

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

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

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

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

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

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

SEC. 12. The military shall be subordinate to the civil power. No standing

army shall be kept up by this State in time of peace, and no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner prescribed by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE II.

RIGHT OF SUFFRAGE.

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

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

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

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

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

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

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

ARTICLE III.

DISTRIBUTION OF POWERS.

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

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 22. No money shall be drawn from the treasury but in consequence of appropriations made by law, and upon warrants duly drawn thereon by the controller; and no money shall ever be appropriated or drawn from the state treasury for the purpose or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a State institution, nor shall any grant or donation of property ever be made thereto by the State; *provided*, that notwithstanding anything contained in this or any other section of this Constitution, the Legislature shall have the power to grant aid to the institutions conducted for the support and maintenance of minor orphans, or half-orphans, or abandoned children, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; *provided, further*, that the State shall have at any time the right to inquire into the management of such institution; *provided, further*, that whenever any county, or city and county, or city, or town, shall provide for the support of minor orphans, or half-orphans, or abandoned children, or aged persons in indigent circumstances, such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature; *provided, however*, that for the purpose of raising five million dollars (\$5,000,000), to be used in establishing, maintaining, and supporting in the city and county of San Francisco, State of California, an exposition in commemoration of the completion of the Panama canal, to be known as the Panama-Pacific International Exposition, the State Board of Equalization shall, for the fiscal year beginning July 1, 1911, and for each fiscal year thereafter, to and including the fiscal year beginning July 1, 1914, fix, establish, and levy such an *ad valorem* rate of taxation, as when levied upon all the taxable property in the State, after making due allowance for delinquency, shall produce for each of such fiscal years a sum of one million two hundred and fifty thousand dollars (\$1,250,000). The said taxes shall be levied, assessed, and collected upon every kind and character of property in the State of California not exempt from taxation under the law, and subject to taxation on the 1st day of July, 1910, and in the same manner, and by the same method, as other State taxes were levied, assessed, and collected under the law, as the same existed on the 1st day of July, 1910. The State Board of Equalization shall each year, at the time it determines the amount of revenue required for other State purposes, determine, fix, and include the rate of tax necessary to raise the revenue herein provided for.

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

There is hereby created a commission to be known as the Panama-Pacific International Exposition Commission of the State of California, which shall consist of the Governor of said State and four other members to be appointed by the Governor, by and with the advice and consent of the Senate of said State. The Governor shall have the power to fill all vacancies occurring at any time in said commission. The members of said commission shall receive no compensation and shall hold office until such exposition shall have been closed and its affairs settled. Said four members of said commission shall be selected from different sections of the State, and the appointment thereof shall be made by the Governor of the State during the month of February, 1911. The commission hereby created shall have the exclusive charge and control of all moneys paid into the Panama-Pacific international exposition fund; *and provided, further*, that the Legislature shall pass all laws necessary to carry out the provisions of this act, including the times and the manner in which and the terms and conditions upon which moneys shall be drawn from the state treasury

by said commission: where contracts and vouchers shall be filed; to whom and how often reports shall be made; what disposition shall be made of any sum left unexpended or received from the sale of any property or buildings purchased or constructed by said commission for the use of said exposition, or of any disposition of any building or improvement constructed by said commission out of said fund, and to provide for the transfer to the general fund of the State of California of any portion of said Panama-Pacific international exposition fund unused.

The commission herein created is authorized and directed to make such proper contracts with the Panama-Pacific International Exposition Company, a corporation organized under the laws of the State of California on the 22d day of March, 1910, as will entitle the State of California to share proportionately with the contributors to the said Panama-Pacific International Exposition, in the returns from the holding of said exposition at the city and county of San Francisco. [*Amendment adopted November 8, 1910.*]

SEC. 23. The members of the Legislature shall receive for their services, the sum of one thousand dollars each for each regular session, to be paid at such times during the session as may be provided by law, and the sum of ten dollars each, for each day while in attendance at a special or extraordinary session, for a number of days not exceeding thirty; and mileage to be fixed by law, all paid out of the State treasury: such mileage shall not exceed ten cents per mile; and each member shall be allowed contingent expenses not exceeding twenty-five dollars per member for each regular biennial session. The Legislature may also provide for additional help; but in no case shall the total expense for officers, employes and attachés exceed the sum of five hundred dollars per day for either house, at any regular or biennial session, nor the sum of two hundred dollars per day for either house, at any special or extraordinary session, nor shall the pay of any officer, employé or attaché be increased after he is elected or appointed. [*Amendment adopted November 3, 1908.*]

SEC. 23a. The Legislature may also provide for the employment of help; but in no case shall the total expense for officers, employes and attachés exceed the sum of five hundred dollars per day for either house, at any regular or biennial session, nor the sum of two hundred dollars per day for either house at any special or extraordinary session, nor shall the pay of any officer, employé or attaché be increased after he is elected or appointed. [*New section; adopted November 3, 1908.*]

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

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

First—Regulating the jurisdiction and duties of Justices of the Peace, Police Judges, and of Constables.

Second—For the punishment of crimes and misdemeanors.

Third—Regulating the practice of courts of justice.

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

Fifth—Granting divorces.

Sixth—Changing the names of persons or places.

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

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

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

Tenth—For the assessment or collection of taxes.

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

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

Thirteenth—Extending the time for the collection of taxes.

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

Fifteenth—Refunding money paid into the state treasury.

Sixteenth—Releasing or extinguishing, in whole or in part, the indebtedness,

liability, or obligation of any corporation or person to this State, or to any municipal corporation therein.

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

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

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

Twentieth—Exempting property from taxation.

Twenty-first—Changing county seats.

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

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

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

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

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

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

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

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

Thirtieth—Changing the law of descent or succession.

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

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

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

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

SEC. 26. The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose and shall pass laws to prohibit the sale in this State of lottery or gift enterprise tickets or tickets in any scheme in the nature of a lottery. The Legislature shall pass laws to prohibit the fictitious buying and selling of the shares of the capital stock of corporations in any stock board, stock exchange or stock market under the control of any corporation or association. All contracts for the purchase or sale of shares of the capital stock of any corporation or association without any intention on the part of one party to deliver and of the other party to receive the shares, and contemplating merely the payment of differences between the contract and market prices on divers days, shall be void, and neither party to any such contract shall be entitled to recover any damages for failure to perform the same, or any money paid thereon, in any court of this State. [*Amendment adopted November 3, 1908.*]

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

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

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

SEC. 30. Neither the Legislature, nor any county, city and county, township, school district, or other municipal corporation, shall ever make an appropriation, or pay from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any

school, college, university, hospital, or other institution controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, or any city, city and county, town, or other municipal corporation, for any religious creed, church, or sectarian purpose whatever; *provided*, that nothing in this section shall prevent the Legislature granting aid pursuant to section twenty-two of this article.

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

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

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

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

SEC. 35. Any person who seeks to influence the vote of a member of the Legislature by bribery, promise of reward, intimidation, or any other dishonest means, shall be guilty of lobbying, which is hereby declared a felony; and it shall be the duty of the Legislature to provide, by law, for the punishment of this crime. Any member of the Legislature who shall be influenced, in his vote or action upon any matter pending before the Legislature, by any reward, or promise of future reward, shall be deemed guilty of a felony, and upon conviction thereof, in addition to such punishment as may be provided by law, shall be disfranchised and forever disqualified from holding any office or public trust. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or with having been influenced in his vote or action, as a member of the Legislature, by reward, or promise of future reward, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

SEC. 36. The Legislature shall have power to establish a system of state highways or to declare any road a state highway, and to pass all laws necessary or proper to construct and maintain the same, and to extend aid for the construction and maintenance in whole or in part of any county highway. [*New section; adopted November 4, 1902.*]

ARTICLE V.

EXECUTIVE DEPARTMENT.

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

SEC. 2. The Governor shall be elected by the qualified electors at the time and places of voting for Members of the Assembly, and shall hold his office four years

from and after the first Monday after the first day of January subsequent to his election, and until his successor is elected and qualified.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 18. The Secretary of State shall keep a correct record of the official acts of

the legislative and executive departments of the government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as may be assigned him by law.

SEC. 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General shall, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers, as follows: Governor, ten thousand dollars per annum; Lieutenant-Governor, four thousand dollars; the Secretary of State, Controller, Treasurer, and Surveyor-General, five thousand dollars each per annum, and the Attorney-General, six thousand dollars per annum, such compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however*, that the Legislature may, by law, diminish the compensation of any or all of such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. No salary shall be authorized by law for clerical service in any office provided for in this article, exceeding eighteen hundred dollars per annum for each clerk employed. The Legislature may, in its discretion, abolish the office of Surveyor-General; and none of the officers herein-before named shall receive for their own use any fees or perquisites for the performance of any official duty. [*Amendment adopted November 3, 1908.*]

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

ARTICLE VI.

JUDICIAL DEPARTMENT.

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

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

to each department shall select one of their number as presiding justice. In case of the absence of the Chief Justice from the place at which the court is held, or his inability to act, the Associate Justices shall select one of their own number to perform the duties and exercise the powers of the Chief Justice during such absence or inability to act.

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

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

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

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

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

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

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

The District Courts of Appeal shall have appellate jurisdiction on appeal from the Superior Courts in all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars, and does not amount to two thousand dollars; also, in all cases of forcible and unlawful entry and detainer (except such as arise in Justices' Courts), in proceedings in insolvency, and in actions to prevent or abate a nuisance; in proceedings of mandamus, certiorari, and prohibition, usurpation of office, contesting elections and eminent domain, and in such other special proceedings as may be provided by law (excepting cases in which appellate jurisdiction is given to the Supreme Court);

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

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

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

The Justices of the District Courts of Appeal shall be elected by the qualified electors within their respective districts at the general State elections at the times and places at which Justices of the Supreme Court are elected. Their terms of office and salaries shall be the same as those of Justices of the Supreme Court, and their salaries shall be paid by the State. Upon the ratification by the people of this amendment the Governor shall appoint nine persons to serve as Justices of the District Courts of Appeal until the first Monday after the first day of January in the year 1907; *provided*, that not more than six of said persons shall be members of the same political party. At the election in the year 1906 nine of such justices shall be elected as above provided, and the justices of each District Court of Appeal shall so classify themselves by lot that one of them shall go out of office at the end of four years, one of them at the end of eight years, and one of them at the end of twelve years; an entry of such classification shall be made in the minutes of the court, signed by the three justices thereof, and a duplicate thereof filed in the office of the Secretary of State. If any vacancy occur in the office of a Justice of the District Courts of Appeal, the Governor shall appoint a person to hold office until the election and qualification of a justice to fill the vacancy; such election shall take place at the next succeeding general State election as aforesaid; the justice then elected shall hold the office for the unexpired term.

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

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

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

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

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

The Supreme Court shall make and adopt rules not inconsistent with law for the government of the Supreme Court and of the District Courts of Appeal and of the officers thereof, and for regulating the practice in said courts. [*Amendment adopted November 8, 1907.*]

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

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

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

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

further proceedings in any suit or proceedings tried before him until the final determination thereof. There may be as many sessions of a Superior Court at the same time as there are judges thereof, including any judge or judges acting upon request, or any judge or judges *pro tempore*. The judgments, orders, acts and proceedings of any session of any Superior Court held by one or more judges acting upon request, or judge or judges *pro tempore* shall be equally effective as if the judge or all of the judges of such court presided at such session. [Amendment adopted November 8, 1910.]

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

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

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

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

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

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

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

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

SEC. 17. The Justices of the Supreme Court and of the District Courts of Appeal, and the Judges of the Superior Courts, shall severally, at stated times during their continuance in office, receive for their service such compensation as is or shall be provided by law. The salaries of the Judges of the Superior Court, in all counties having but one judge, and in all counties in which the terms of the Judges of the Superior Court expire at the same time, shall not hereafter be increased or diminished after their election, nor during the term for which they shall have been elected. Upon the adoption of this amendment the salaries then established by law shall be paid uniformly to the justices and judges then in office. The salaries of the Justices

of the Supreme Court and of the District Courts of Appeal shall be paid by the State. One half of the salary of each Superior Court Judge shall be paid by the State; and the other half thereof shall be paid by the county for which he is elected. On and after the first day of January, A. D. one thousand nine hundred and seven, the Justices of the Supreme Court shall each receive an annual salary of eight thousand dollars, and the justices of the several District Courts of Appeal shall each receive an annual salary of seven thousand dollars; the said salaries to be payable monthly. [*Amendment adopted November 6, 1906.*]

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

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

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

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

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

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

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

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

ARTICLE VII.

PARDONING POWER.

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

ARTICLE VIII.

MILITIA.

SECTION 1. The Legislature shall provide, by law, for organizing and disciplining the militia, in such manner as it may deem expedient, not incompatible with the Con-

stitution and laws of the United States. Officers of the militia shall be elected or appointed in such manner as the Legislature shall, from time to time, direct, and shall be commissioned by the Governor. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and repel invasions.

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

ARTICLE IX.

EDUCATION.

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

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

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

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

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

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

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

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

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

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

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

SEC. 12. All property now or hereafter belonging to the "California Academy of Sciences," an institution for the advancement of science and maintenance of a free museum, and chiefly endowed by the late James Lick, and incorporated under the

laws of the State of California, January sixteenth, eighteen hundred and seventy-one, having its buildings located in the City and County of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given. [*New section; adopted November 8, 1904.*]

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

ARTICLE X.

STATE INSTITUTIONS AND PUBLIC BUILDINGS.

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

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

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

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

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

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

ARTICLE XI.

COUNTIES, CITIES, AND TOWNS.

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

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

SEC. 3. The Legislature, by general and uniform laws, may provide for the alteration of county boundary lines, and for the formation of new counties; *provided, however,* that no new county shall be established which shall reduce any county to a population of less than twenty thousand; nor shall a new county be formed containing a less population than eight thousand; nor shall any line thereof pass within five miles of the exterior boundary of the city or town in which the county seat of any county proposed to be divided is situated. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or

counties from which such territory shall be taken. [*Amendment adopted November 8, 1910.*]

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

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

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

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

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

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

SEC. 84. The charter of the city and county of San Francisco may be amended, in addition to the method and the times provided in section 8 of article XI of the Constitution, in the following particulars:

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

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

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

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

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

Proposals to amend the charter of the city and county of San Francisco in the foregoing particulars may be submitted by the legislative authority of said city and county to the electors of said city and county, at any general or special election (and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 18 amended by adding the following, adopted November 6, 1906: The City and County of San Francisco, the City of San Jose and the Town of Santa Clara may make provision for a sinking fund, to pay the principal of any indebtedness incurred, or to be hereafter incurred, by it, to commence at a time after the incurring of such indebtedness of not more than a period of one fourth of the time of maturity of such indebtedness, which shall not exceed seventy-five years from the time of contracting the same. Any indebtedness incurred contrary to any provision of this section shall be void.

SEC. 19. In any city where there are no public works owned and controlled by the municipality for supplying the same with water or artificial light, any individual, or any company duly incorporated for such purpose under and by authority of the laws of this State, shall, under the direction of the Superintendent of Streets, or other officer in control thereof, and under such general regulations as the municipality

may prescribe for damages and indemnity for damages, have the privilege of using the public streets and thoroughfares thereof, and of laying down pipes and conduits therein, and connections therewith, so far as may be necessary for introducing into and supplying such city and its inhabitants either with gaslight or other illuminating light, or with fresh water for domestic and all other purposes, upon the condition that the municipal government shall have the right to regulate the charges thereof. [*Amendment adopted November 4, 1887.*]

ARTICLE XII.

CORPORATIONS.

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

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

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

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

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

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

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

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

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

manner as to infringe the rights of individuals or the general well-being of the State.

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

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

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

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

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

SEC. 14. Every corporation, other than religious, educational, or benevolent, organized or doing business in this State, shall have and maintain an office or place in this State for the transaction of its business, where transfers of stock shall be made, and in which shall be kept, for inspection by every person having an interest therein, and legislative committees, books in which shall be recorded the amount of capital stock subscribed, and by whom: the names of the owners of its stock, and the amounts owned by them, respectively: the amount of stock paid in, and by whom: the transfers of stock: the amount of its assets and liabilities, and the names and places of residence of its officers.

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

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

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

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

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

SEC. 20. No railroad company or other common carrier shall combine or make any contract with the owners of any vessel that leaves port or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying. And

whenever a railroad corporation shall, for the purpose of competing with any other common carrier, lower its rates for transportation of passengers or freight from one point to another, such reduced rates shall not be again raised or increased from such standard without the consent of the governmental authority in which shall be vested the power to regulate fares and freights.

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

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

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

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

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

ARTICLE XIII.

REVENUE AND TAXATION.

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

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

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

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

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

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

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

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

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

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

SEC. 9. A State Board of Equalization, consisting of one member from each congressional district in this State, as the same existed in eighteen hundred and seventy-nine, shall be elected by the qualified electors of their respective districts, at the general election to be held in the year one thousand eight hundred and eighty-six, and at each gubernatorial election thereafter, whose term of office shall be for four years; whose duty it shall be to equalize the valuation of the taxable property in the several counties of the State for the purposes of taxation. The Controller of State shall be ex officio a member of the board. The Boards of Supervisors of the several counties of the State shall constitute Boards of Equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purpose of taxation; *provided*, such State and County Boards of Equalization are hereby authorized and empowered, under such rules of notice as

the County Boards may prescribe as to county assessments, and under such rules of notice as the State Board may prescribe as to the action of the State Board, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll; *provided*, that no Board of Equalization shall raise any mortgage, deed of trust, contract or other obligation by which a debt is secured, money, or solvent credits, above its face value. The present State Board of Equalization shall continue in office until their successors, as herein provided for, shall be elected and shall qualify. The Legislature shall have power to redistrict the State into four districts, as nearly equal in population as practical, and to provide for the elections of members of said Board of Equalization. [*Amendment adopted November 4, 1884.*]

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

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

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

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

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

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

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

(a) All railroad companies, including street railways, whether operated in one or more counties: all sleeping car, dining car, drawing-room car, and palace car companies, all refrigerator, oil, stock, fruit and other car-loading and other car companies, operating upon the railroads in this State; all companies doing express business on any railroad, steamboat, vessel or stage line in this State; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the State a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property, or any part thereof used exclusively in the operation of their business in this State, computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies and each thereof within this State. When such companies are operating partly within and partly without this State, the gross receipts within this State shall be deemed to be all receipts on business beginning and ending within this State, and a proportion, based upon the proportion of the mileage within this State to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this State.

The percentages above mentioned shall be as follows: On all railroad companies, including street railways, four per cent; on all sleeping car, dining car, drawing-room car, palace car companies, refrigerator, oil, stock, fruit, and other car-loading and other car companies, three per cent; on all companies doing express business on

any railroad, steamboat, vessel or stage line, two per cent; on all telegraph and telephone companies, three and one half per cent; on all companies engaged in the transmission or sale of gas or electricity, four per cent. Such taxes shall be in lieu of all other taxes and licenses, State, county and municipal, upon the property above enumerated of such companies except as otherwise in this section provided; *provided*, that nothing herein shall be construed to release any such company from the payment of any amount agreed, to be paid or required by law to be paid for any special privilege or franchise granted by any of the municipal authorities of this State.

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

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

The moneyed capital, reserve, surplus, undivided profits and all other property belonging to unincorporated banks or bankers of this State, or held by any bank located in this State which has no shares of capital stock, or employed in this State by any branches, agencies, or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such banks or bankers by the said Board of Equalization, in the manner to be provided by law and taxed at the same rate that is levied upon the shares of capital stock of incorporated banks, as provided in the first paragraph of this subdivision. The value of said property shall be determined by taking the entire property invested in such business, together with all the reserve, surplus, and undivided profits, at their full cash value, and deducting therefrom the value as assessed for county taxes of any real estate, other than mortgage interests therein, owned by such bank and taxed for county purposes. Such taxes shall be in lieu of all other taxes and licenses, State, county and municipal, upon the property of the banks and bankers mentioned in this paragraph, except county and municipal taxes on real estate and except as otherwise in this section provided. It is the intention of this paragraph that all moneyed capital and property of the banks and bankers mentioned in this paragraph shall be

assessed and taxed at the same rate as an incorporated bank, provided for in the first paragraph of this subdivision. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this subdivision, the said State Board of Equalization shall include and assess to such banks all property and everything of value owned or held by them, which go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock.

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

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

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

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

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

ARTICLE XIV.

WATER AND WATER RIGHTS.

SECTION 1. The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution, is heroby declared to be a public use, and subject to the regulation and control of the State, in the manner to be prescribed by law; *provided*, that the rates or compensation to be collected by any person, company, or corporation in this State for the use of water supplied to any city and county, or city, or town, or the inhabitants thereof, shall be fixed, annually, by the Board of Supervisors, or City and County, or City, or Town Council, or other gov-

erning body of such city and county, or city, or town, by ordinance or otherwise, in the manner that other ordinances or legislative acts or resolutions are passed by such body, and shall continue in force for one year and no longer. Such ordinances or resolutions shall be passed in the month of February of each year, and take effect on the first day of July thereafter. Any board or body failing to pass the necessary ordinances or resolutions fixing water rates, where necessary, within such time, shall be subject to peremptory process to compel action, at the suit of any party interested, and shall be liable to such further processes and penalties as the Legislature may prescribe. Any person, company, or corporation collecting water rates in any city and county, or city, or town in this State, otherwise than as so established, shall forfeit the franchises and waterworks of such person, company, or corporation to the city and county, or city, or town, where the same are collected, for the public use.

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

ARTICLE XV.

HARBOR FRONTAGE, ETC.

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

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

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

ARTICLE XVI.

STATE INDEBTEDNESS.

SECTION 1. The Legislature shall not, in any manner, create any debt or debts, liability or liabilities, which shall, singly or in the aggregate with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war to repel invasion or suppress insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within seventy-five years of the time of the contracting thereof, and shall be irrepayable until the principal and interest thereon shall be paid and discharged and such law may make provision for a sinking fund to pay the principal of such debt or liability to commence at a time after the incurring of such debt or liability of not more than a period of one fourth of the time of maturity of such debt or liability; but no such law shall take effect until, at a general election, it shall have been submitted to the people and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only to the specific object therein stated or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, or city and county, if one be published therein, throughout the State for three months next preceding the election at which it is submitted to the people. The Legislature may, at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same. [*Amendment adopted November 3, 1908.*]

ARTICLE XVII.

LAND AND HOMESTEAD EXEMPTION.

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

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

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

ARTICLE XVIII.

AMENDING AND REVISING THE CONSTITUTION.

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

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

ARTICLE XIX.

CHINESE.

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

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

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

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

within prescribed portions of those limits, and it shall also provide the necessary legislation to prohibit the introduction into this State of Chinese after the adoption of this Constitution. This section shall be enforced by appropriate legislation.

ARTICLE XX.

MISCELLANEOUS SUBJECTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

from office of any such officer or employé shall control. [*Amendment adopted November 6, 1906.*]

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

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

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

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

ARTICLE XXI.

BOUNDARY.

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

ARTICLE XXII.

SCHEDULE.

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

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

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

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

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

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

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

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

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

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

SEC. 10. In order that future elections in this State shall conform to the require-

ments of this Constitution, the terms of all officers elected at the first election under the same shall be, respectively, one year shorter than the terms as fixed by law or by this Constitution; and the successors of all such officers shall be elected at the last election before the expiration of the terms as in this section provided. The first officers chosen after the adoption of this Constitution shall be elected at the time and in the manner now provided by law. Judicial officers and the Superintendent of Public Instruction shall be elected at the time and in the manner that State officers are elected.

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

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

J. P. HOGUE, President.

Attest: EDWIN F. SMITH, Secretary.

A. R. ANDREWS,
 JAMES J. AYERS,
 CLITUS BARBOUR,
 EDWARD BARRY,
 JAMES N. BARTON,
 C. J. BEERSTECHEE,
 ISAAC S. BELCHER,
 PETER BELL,
 MARTON BIGGS,
 ELI T. BLACKMER,
 JOSIAH BOUCHER,
 JOSEPH C. BROWN,
 SAMUEL B. BURT,
 JAMES CAPLES,
 AUG. H. CHAPMAN,
 J. M. CHARLES,
 JOHN D. CONDON,
 C. W. CROSS,
 HAMLET DAVIS,
 J. E. DEAN,
 PATRICK T. DOWLING,
 LUKE D. DOYLE,
 J. M. DUDLEY,
 W. L. DUDLEY,
 PRESLEY DUNLAP,
 JOHN A. EAGON,
 HENRY EDGERTON,
 MORRIS M. ESTEE,
 THOMAS H. ESTEV,
 EDWARD EYRE,
 SIMON J. FARRELL,
 J. A. FILCHER,
 A. C. FREEMAN,
 JACOB H. FREUD,
 J. B. GARVEY,
 B. B. GLASCOCK,
 JOSEPH C. GORMAN,
 WILLIAM P. GRACE,
 WILLIAM J. GRAVES,
 V. A. GREGG,
 JOHN S. HAGER,
 JAMES E. HALE,
 JOHN B. HALL,
 THOMAS HARRISON,
 JOEL A. HARVEY,
 TYLER D. HHSKELL,
 CONRAD HEROLD,

D. W. HERRINGTON,
 S. G. HILBORN,
 J. R. W. HITCHCOCK,
 SAMUEL A. HOLMES,
 VOLNEY E. HOWARD,
 W. J. HOWARD,
 W. F. HUESTIS,
 WILLIAM P. HUGHEY,
 G. W. HUNTER,
 DANIEL INMAN,
 GEORGE A. JOHNSON,
 L. F. JONES,
 PETER J. JOYCE,
 JOHN M. KELLEY,
 JOHN J. KENNY,
 JAMES H. KEYES,
 CHARLES R. KLEINE,
 THOMAS H. LAINE,
 R. M. LAMPSON,
 HENRY LARKIN,
 HUGH M. LA RUE,
 RAYMOND LAVINGE,
 DAVID LEWIS,
 JOHN F. LINDOW,
 JOHN MANSFIELD,
 EDWARD MARTIN,
 J. WEST MARTIN,
 JOHN G. McCALLUM,
 RUSH McCOMAS,
 THOMAS McCONNELL,
 JOHN McCOY,
 THOS. B. McFARLAND,
 JOHN F. McNUTT,
 HIRAM MILLS,
 WILLIAM S. MOFFAT,
 W. W. MORELAND,
 LUCIUS D. MORSE,
 JAMES E. MURPHY,
 EDMUND NASON,
 THEORWALDK. NELSON,
 HENRY NEUNABER,
 CHAS. C. O'DONNELL,
 GEORGE OHLEYER,
 JAMES O'SULLIVAN,
 A. P. OVERTON,
 JAMES M. PORTER,

WILLIAM H. PROUTY,
 MARK R. C. PULLIAM,
 PATRICK REDDY,
 CHARLES F. REED,
 JAMES S. REYNOLDS,
 JOHN M. RHODES,
 CHAS. S. RINGGOLD,
 HORACE C. ROLFE,
 GEORGE W. SCHELL,
 JUSTUS SCHOMP,
 JAMES MCM. SHAFER,
 RUFUS SHOEMAKER,
 BENJ. SHURTLEFF,
 E. O. SMITH,
 GEO. VENABLE SMITH,
 HENRY W. SMITH,
 EZRA P. SOULE,
 JOHN C. STEEDMAN,
 GEORGE STEELE,
 D. C. STEVENSON,
 CHAS. V. STEUART,
 W. J. SWEASY,
 CHARLES SWENSON,
 RANDOLPH S. SWING,
 DAVID S. TERRY,
 S. B. THOMPSON,
 W. J. TINNIN,
 F. O. TOWNSEND,
 P. B. TULLY,
 HENRY K. TURNER,
 DANIEL TUTTLE,
 A. P. VACQUEREL,
 WALTER VAN DYKE,
 WM. VAN VOORHETS,
 HUGH WALKER,
 JOHN WALKER,
 BYRON WATERS,
 JNO. B. WEBSTER,
 JOSEPH R. WELLER,
 PATRICK M. WELLEN,
 JOHN P. WEST,
 JOHN P. WICKES,
 WILLIAM F. WHITE,
 H. C. WILSON,
 JOSEPH W. WINANS,
 N. G. WYATT.

STATUTES OF CALIFORNIA

PASSED AT

THE THIRTY-NINTH SESSION OF THE LEGISLATURE.

CHAPTER 1.

An act to make an appropriation for the contingent expenses of the senate for the session of the thirty-ninth legislature of the State of California during the sixty-second fiscal year.

[Approved January 9, 1911.]

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

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five thousand dollars for the contingent expenses of the senate for the session of the thirty-ninth legislature of the State of California, during the sixty-second fiscal year.

Appropriation.

Contingent expenses of senate.

SEC. 2. This act to take effect immediately.

CHAPTER 2.

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

[Approved January 20, 1911.]

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

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

Appropriation.

Stenographer for governor's office.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 3.

An act making an appropriation for the expenses of the state board of equalization.

[Approved January 28, 1911.]

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

Appropriation.

Expenses of board of equalization.

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of thirty thousand (\$30,000) dollars, or so much thereof as may be necessary, for the purpose of carrying into effect the provisions of senate constitutional amendment number one, ratified by the people at the general election held in the State of California on the eighth day of November, nineteen hundred and ten; said amount to be used by the state board of equalization in the employment of assistants, for the purchase of the necessary desks, furniture, stationery and books, and for postage, and for the necessary printing, binding, ruling, and materials furnished by the state printing office, and for all other necessary incidental expenses for the object above specified. The controller is hereby directed to draw his warrant for any claim against said amount, the same having been approved by the board of examiners, and the treasurer is hereby directed to pay the same.

SEC. 2. This act shall take effect immediately.

CHAPTER 4.

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

[Approved January 28, 1911.]

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

Appropriation.

Repairing governor's residence.

SECTION 1. The sum of ten thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to pay for furnishing, repairing, cleaning, renovating, and improving the governor's residence. The controller is hereby authorized and directed to draw his warrants in favor of the board of capitol commissioners for the amount above appropriated, and the treasurer is hereby authorized and directed to pay the same.

SEC. 2. This act shall take effect immediately.

CHAPTER 5.

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

[Approved January 30, 1911.]

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

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

Appropriation.

Legislative printing.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 6.

An act to amend the Political Code by adding to article XIII of chapter IV, title II, part IV thereof, a new section, to be numbered section four thousand and eighty-eight a, relating to the issuance of county bonds.

[Approved January 30, 1911.]

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

SECTION 1. A new section is hereby added to article XIII of chapter IV, title II, part IV of the Political Code, to be numbered section four thousand and eighty-eight a, and to read as follows:

4088a. In case an officer whose signature or counter-signature or attestation appears on any county bonds or coupons thereof, issued under the provisions of section four thousand and eighty-eight, shall cease to be such officer before the delivery of such bonds to the purchaser thereof, such signature or counter-signature or attestation appearing either on the bonds or the coupons, or on both, shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of such bonds; and the signature upon the coupons of the person who is auditor at the date of such bonds, shall be valid although the bonds themselves may

Signature to county bonds.

be attested by a different person who is auditor at the time of delivery of such bonds.

SEC. 2. This act shall take effect immediately.

CHAPTER 7.

An act to amend section three hundred and thirty-seven a of the Penal Code relating to gaming and gambling by pool-selling, bookmaking, bets and wagers, and providing the punishment for the violation thereof.

[Approved January 31, 1911.]

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

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

337a. Every person,

Pool-
selling,
book-
making,
bets and
wagers.

1. Who engages in pool-selling or bookmaking, with or without writing, at any time or place; or

2. Who, whether for gain, hire, reward, or gratuitously, or otherwise, keeps or occupies, for any period of time whatsoever, any room, shed, tenement, tent, booth, building, float, vessel, place, stand or enclosure, of any kind, or any part thereof, with a book or books, paper or papers, apparatus, device or paraphernalia, for the purpose of recording or registering any bet or bets, or any purported bet or bets, or wager or wagers, or any purported wager or wagers, or of selling pools, or purported pools, upon the result, or purported result, of any trial, or purported trial, or contest, or purported contest, of skill, speed or power of endurance of man or beast, or between men, beasts, or mechanical apparatus, or upon the result, or purported result, of any lot, chance, casualty, unknown or contingent event whatsoever; or

3. Who, whether for gain, hire, reward, or gratuitously, or otherwise, receives, holds, or forwards, or purports or pretends to receive, hold, or forward, in any manner whatsoever, any money, thing or consideration of value, or the equivalent or memorandum thereof, staked, pledged, bet or wagered, or to be staked, pledged, bet or wagered, or offered for the purpose of being staked, pledged, bet or wagered, upon the result, or purported result, of any trial, or purported trial, or contest, or purported contest, of skill, speed or power of endurance of man or beast, or between men, beasts, or mechanical apparatus, or upon the result, or purported result, of any lot, chance, casualty, unknown or contingent event whatsoever; or

4. Who, whether for gain, hire, reward, or gratuitously, or otherwise, at any time or place, records, or registers any bet or bets, wager or wagers, upon the result, or purported result, of

any trial, or purported trial, or contest, or purported contest, of skill, speed or power of endurance of man or beast, or between men, beasts, or mechanical apparatus, or upon the result, or purported result, of any lot, chance, casualty, unknown or contingent event whatsoever; or

Pool-selling, book-making, bets and wagers.

5. Who, being the owner, lessee or occupant of any room, shed, tenement, tent, booth, building, float, vessel, place, stand, enclosure or grounds, or any part thereof, whether for gain, hire, reward, or gratuitously, or otherwise, permits the same to be used or occupied for any purpose, or in any manner prohibited by subdivisions one, two, three or four of this section; or

6. Who lays, makes, offers or accepts any bet or bets, or wager or wagers, upon the result, or purported result, of any trial, or purported trial, or contest, or purported contest, of skill, speed or power of endurance of man or beast, or between men, beasts, or mechanical apparatus, is punishable by imprisonment in the county jail or state prison for a period of not less than thirty days and not exceeding one year.

Penalty.

This section shall apply not only to persons who may commit any of the acts designated in subdivisions one to six inclusive of this section, as a business or occupation, but shall also apply to every person or persons who may do in a single instance any one of the acts specified in said subdivisions one to six inclusive.

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

CHAPTER 8.

An act to repeal an act entitled "An act to create a drainage district to be called 'Sacramento drainage district,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensation of such officers and providing for the creation, division and management of reclamation, swamp land, levee drainage and protection districts within said Sacramento drainage district, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905, and as amended March 20, 1907, and March 23, 1907.

[Approved February 3, 1911.]

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

SECTION 1. An act entitled "An act to create a drainage district to be called 'Sacramento drainage district' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties

Sacramento drainage district repealed.

and compensations of such officers and providing for the creation, division and management of reclamation, swamp land, levee, drainage and protection districts within said Sacramento drainage district, and providing for levying and collecting assessments upon the lands within said drainage district,"—approved March 20, 1905, as amended March 20, 1907, and March 23, 1907,—is hereby repealed.

SEC. 2. This act shall take effect immediately.

CHAPTER 9.

An act to select and adopt the bear flag as the state flag of California.

[Approved February 3, 1911.]

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

Bear flag
as state
flag.

SECTION 1. The bear flag is hereby selected and adopted as the state flag of California.

SEC. 2. The said bear flag shall consist of a flag of a length equal to one and one half the width thereof; the upper five sixths of the width thereof to be a white field, and the lower sixth of the width thereof to be a red stripe; there shall appear in the white field in the upper left hand corner a single red star, and at the bottom of the white field the words "California Republic," and in the center of the white field a California grizzly bear upon a grass plat, in the position of walking towards the left of the said field; said bear shall be dark brown in color, and in length equal to one third of the length of said flag.

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

CHAPTER 10.

An act to amend an act entitled "An act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16th, 1906, so as to provide that actions authorized thereby may be commenced on or before the 31st day of December, 1912, but not thereafter.

[Approved February 3, 1911.]

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

Quieting
of title.

SECTION 1. Section eighteen of an act entitled "An act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16th, 1906, is hereby amended to read as follows:

Section 18. Actions authorized hereby may be commenced on or before the 31st day of December, 1912, but not thereafter. Time
limit.

SEC. 2. This act shall take effect immediately.

CHAPTER 11.

An act to amend an act entitled, "An act to define and regulate the business of banking," approved March 1, 1909, by amending section 120 of said act in relation to the office and term of office of the superintendent of banks.

[Approved February 6, 1911.]

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

SECTION 1. Section 120 of an act entitled, "An act to define and regulate the business of banking," known as the "Bank Act," approved March 1, 1909, is hereby amended so as to read as follows:

Section 120. There is hereby created a state banking department. The chief officer of such department shall be the superintendent thereof, and be known as the superintendent of banks. He shall be appointed by the governor, and shall hold office at the pleasure of the governor. He shall not, either directly or indirectly, be interested in any commercial bank, savings bank or trust company, or as an individual banker. He shall receive an annual salary of ten thousand dollars, to be paid monthly out of the state treasury on a warrant of the controller. He shall, within fifteen days from the time of notice of his appointment, take and subscribe to the constitutional oath of office, and file the same in the office of the secretary of state, and execute to the people of the state a bond in the penal sum of fifty thousand dollars, with corporate surety or two or more sureties to be approved by the governor of the state, conditioned for the faithful discharge of the duties of his office.

State
banking
depart-
ment
superin-
tendent ap-
pointed by
governor.

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

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

CHAPTER 12.

An act providing for the management of the California Redwood Park and creating a board of five commissioners with power to manage said California Redwood Park.

[Approved February 6, 1911.]

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

Redwood
Park Com-
mission.

SECTION 1. The governor of the state of California shall appoint four commissioners, who with himself, shall constitute the California Redwood Park commission. The term of office of the members of said commission shall be four years from and after the date of their appointment. The commission shall select from its members a president and secretary. The members of the commission shall serve without compensation. They shall be allowed and paid out of the funds available therefor, all reasonable traveling expenses which may be incurred by the members of said commission in the performance of their various duties.

Powers.

SEC. 2. The said California Redwood Park commission shall have full power and control over the said park and over any and all funds provided for the care, preservation, maintenance, and improvement of the same and shall make and enforce all necessary rules and regulations for the care, preservation, maintenance and improvement of the same, and shall have power to employ a warden and necessary assistants for the preservation of said park and for any and all purposes herein specified. The compensation of such warden and his assistants shall be fixed by the said commission. The compensation of the warden, however, shall not exceed the sum of one thousand five hundred dollars per annum.

Warden.

SEC. 3. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

SEC. 4. This act shall take effect immediately.

CHAPTER 13.

An act to amend the Penal Code by amending section 626n thereof relating to the use of animals as blinds.

[Approved February 6, 1911.]

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

SECTION 1. Section 626n of the Penal Code is hereby amended to read as follows:

Animals
as blinds.

626n. Every person who, at any time, shall use any animal as a blind, or use such animal for the purpose of approaching

any wild duck, curlew, ibis, plover or other waterfowl or shore-birds, except geese, for the purpose of shooting at, or killing any such waterfowl, or shore-birds, except geese, or who, at any time takes, kills, or has in his possession any such waterfowl or shore-birds, except geese taken by any such method, is guilty of a misdemeanor; *provided, however,* that nothing herein contained shall prevent the use of dogs in hunting or approaching such birds. Penalty.

SEC. 2. This act shall take effect immediately.

CHAPTER 14.

An act in relation to pandering; to define and prohibit the same, to provide for punishment thereof; for the competency of certain evidence at the trial therefor.

[Approved February 8, 1911.]

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

SECTION 1. Any person who shall procure a female inmate Pandering. for a house of prostitution, or who, by promises, threats, violence, or by any device or scheme, shall cause, induce, persuade or encourage a female person to become an inmate of a house of prostitution, or shall procure for a female person a place as inmate in a house of prostitution or as an inmate of any place in which prostitution is encouraged or allowed within this state, or any person who shall, by promises, threats, violence or by any device or scheme, cause, induce, persuade or encourage an inmate of a house of prostitution or any other place in which prostitution is encouraged or allowed to remain therein as such inmate, or any person who shall, by fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, procure any female person to become an inmate of a house of ill fame, or to enter any place in which prostitution is encouraged or allowed within this state, or to come into this state or leave this state for the purpose of prostitution, or who shall receive or give, or agree to receive or give, any money or thing of value for procuring, or attempting to procure, any female person to become an inmate of a house of ill fame within this state, or to come into this state or leave this state for the purpose of prostitution, shall be guilty of a felony, to wit: pandering, and upon conviction for an offense under this act shall be punished by imprisonment in the state prison for a period of not less than one year nor more Penalty. than ten years.

Competent
witness.

SEC. 2. Any such female person referred to in the foregoing section shall be a competent witness in any prosecution under this act to testify for or against the accused as to any transaction or as to any conversation with the accused or by him with another person or persons in her presence, notwithstanding her having married the accused before or after the violation of any of the provisions of this act, whether called as a witness during the existence of the marriage or after its dissolution.

CHAPTER 15.

An act in relation to pimping; to define and prohibit the same, and providing for punishment thereof; and for the competency of certain evidence at the trial therefor.

[Approved February 8, 1911.]

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

Pimping.

SECTION 1. Any male person who, knowing a female person to be a prostitute, shall live or derive support or maintenance, in whole or in part, from the earnings or proceeds of the prostitution of such prostitute, or from moneys loaned or advanced to or charged against such prostitute by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or who shall solicit or receive compensation for soliciting for such prostitute, shall be guilty of a felony, to wit: pimping, and upon conviction for an offense under this act shall be punished by imprisonment in the state prison for a period of not less than one year nor more than three years.

Penalty.

Competent
witness.

SEC. 2. Any such female person referred to in the foregoing section shall be a competent witness in any prosecution under this act to testify for or against the accused as to any transaction or as to any conversation with the accused or by him with another person or persons in her presence, notwithstanding her having married the accused before or after the violation of any of the provisions of this act, whether called as a witness during the existence of the marriage or after its dissolution.

CHAPTER 16.

An act to repeal section four thousand and fifty-six of the Political Code of California, relating to the duty of boards of supervisors to furnish statistical reports.

[Approved February 8, 1911.]

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

SECTION 1. Section four thousand and fifty-six of the Political Code of California is hereby repealed.

CHAPTER 17.

An act to amend an act entitled "An act to provide for the classification of municipal corporations," approved March 2, 1883, as amended by an act which became a law under constitutional provision without governor's approval, March 5, 1901.

[Approved February 8, 1911.]

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

SECTION 1. Section 1 of an act entitled "An act to provide for the classification of municipal corporations," "approved March 2, 1883, as amended by an act which became a law under constitutional provision without the governor's approval, March 5, 1901," is hereby amended to read as follows:

Classification of municipal corporations.

Section 1. All municipal corporations within the state are hereby classified as follows: Those having a population of more than 400,000 shall constitute the first class; those having a population of more than 250,000 and not exceeding 400,000 shall constitute the first and one half class; those having a population of more than 100,000 and not exceeding 250,000 shall constitute the second class; those having a population of more than 23,000 and not exceeding 100,000 shall constitute the third class; those having a population of more than 20,000 and not exceeding 23,000 the fourth class; those having a population of more than 6,000 and not exceeding 20,000 the fifth class; those having a population of not exceeding 6,000 shall constitute the sixth class; *provided*, that nothing herein shall change the classification of existing cities organized under the municipal corporation act.

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

CHAPTER 18.

An act to amend an act entitled, "An act to provide for the classification of municipal corporations," approved March 2, 1883.

[Approved February 8, 1911.]

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

SECTION 1. Section 2 of an act entitled, "An act to provide for the classification of municipal corporations," approved March second, eighteen hundred and eighty-three, is hereby amended so as to read as follows:

Municipal
corporations.

Popula-
tion.

Section 2. For the purpose of classifying municipal corporations within the state is hereby determined to be the population of such municipal corporations as shown by the federal census taken in the year A. D. nineteen hundred and ten; *provided, however,* that whenever a new federal census is taken, the municipal corporations within the state are not, by operation of law, reclassified under such census, but shall remain in the old classification until reclassified by the legislature, unless a direct enumeration of the inhabitants thereof be made, as in section 3 of this act provided.

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

CHAPTER 19.

An act to amend section four thousand fourteen of the Political Code of the State of California, relating to township officers.

[Approved February 8, 1911.]

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

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

Township
officers.

4014. The officers of a township are, two justices of the peace, two constables, and such subordinate officers as are provided by law. In townships containing cities, or parts of cities, of the second, third, fourth, or fifth class, in which city justices or recorders are elected or appointed, there shall be but one justice of the peace, and in townships having a population of less than seven thousand seven hundred fifty, there shall be but one justice of the peace and one constable; *provided, how-*

ever, that in townships containing cities of the first and one half class there shall be four justices of the peace and four constables. For the purpose of this section, the population of townships in the State of California is hereby determined to be the population of such townships as shown by the federal census taken in the year A. D. nineteen hundred and ten, or by a subsequent census taken as in section 4055 of this code provided.

Provided, however, that appointments to fill any additional offices created by this section shall not be made by the board of supervisors except upon the presentation of a petition therefor to said board, signed by not less than forty per cent of the qualified electors residents of such townships, whose names appear upon the great register of the county at the last general election.

Additional
offices.

SEC. 2. This act shall take effect immediately.

CHAPTER 20.

An act to provide for the organization of the railroad commission, to define its powers and duties and the powers and duties of railroad and other transportation companies, their officers, agents and employees, and the rights, duties and remedies of shippers and to define offenses by shippers and railroad and other transportation companies, their officers, agents and employees and other persons, and providing penalties for such offenses, and making an appropriation for the purpose of carrying out the provisions of this act, and also repealing an act entitled "An act providing for the organization of the railroad commission of the State of California, defining its powers and duties and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their officers, employees and other persons, and providing penalties therefor; and repealing an act entitled 'An act to create the office of commissioner of transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein,' approved April 1, 1878, and also repealing an act entitled 'An act to organize and define the powers of the board of railroad commissioners,' approved April 15th, 1880," approved March 20, 1909; also repealing an act entitled "An act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so and providing a penalty and damages to be

paid to persons, corporations, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished," approved April 20, 1909; also repealing all acts or parts of acts inconsistent with the provisions of this act.

[Approved February 9, 1911.]

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

Constitution of commission and provision for attorney.

SECTION 1. The three persons elected railroad commissioners pursuant to the provisions of section 22 of article XII of the constitution of this state, constitute and shall be known and designated as the railroad commission of the State of California. They shall have power to elect one of their number president of the commission, and to appoint a secretary and an assistant secretary, and to employ a stenographer, and a rate expert, and such other assistants as shall be necessary to the performance of their duties. They shall also have power to employ an attorney at an annual salary not exceeding five thousand dollars, and it shall be the duty of said attorney to appear for the commission in any and all suits and proceedings which he shall be requested by the commission to institute and prosecute, and in all suits and proceedings to which the commission is a party, and to perform such other duties as the commission shall require.

Salaries and expenses.

SEC. 2. The salary of each commissioner shall be six thousand dollars per annum. The salary of the secretary shall be three thousand six hundred dollars per annum. The salary of the assistant secretary shall be eighteen hundred dollars per annum. The salary of the stenographer shall be twelve hundred dollars per annum. The salary of the rate expert shall be three thousand dollars per annum. The secretary, assistant secretary, stenographer and rate expert shall be civil executive officers and their salaries shall be paid in the same manner as are the salaries of other state officers. The compensation of all employees of the commission shall be fixed by the commission and shall be paid monthly from the funds appropriated for the use of the commission upon claims therefor to be audited by the board of examiners. All expenses incurred by the commission pursuant to the provisions of this act including the necessary traveling expenses of the commission, the officers of the commission and their employees incurred while on business of the commission after being approved by the commission shall be paid from the funds appropriated for the use of the commission upon claims to be audited by the board of examiners. From the funds appropriated for the use of the commission, the commission may expend two hundred dollars per month for office rent, and two hundred dollars per month for fuel, lights, postage, expressage, subscriptions to publications and other incidental expenses.

SEC. 3. The commissioners and the persons in their official employment, shall, when in the performance of their official duties, have the right to pass, free of charge, on all railroads, steamers, ships, vessels and boats, and on all vehicles employed on or by any railroad or other transportation company engaged in the transportation of freight or passengers within this state. The commission may issue to each commissioner, and to each officer and employee of the commission, a certificate setting forth the official capacity of the bearer; said certificate shall be signed by the president of the commission, and attested by the secretary thereof, under the seal of the commission. On the presentation of said certificate, said commissioner or officer or employee shall have the right to pass, free of charge, on any train, steamer, ship, vessel or boat, and on all vehicles employed on or by any railroad or other transportation company engaged in the transportation of freight or passengers between points within this state, and the bearer of said certificate shall not be denied the right to travel upon any train or vehicle employed on or by any railroad or other transportation company engaged in the transportation of freight or passengers between points within this state, on the presentation of such certificate, whether such vehicle or train be used for the transportation of freight or passengers, and regardless of the class of said vehicle or train.

Free transportation for commission and employees.

SEC. 4. The office of the commission shall be in the city and county of San Francisco. Said office shall always be open, legal holidays and non-judicial days excepted. The commission shall hold its sessions at least once a month in said city and county of San Francisco, and at such other times and other places within this state as may be expedient and necessary for the proper performance of its duties. For the purpose of holding sessions in places other than the city and county of San Francisco, the commission shall have power to rent quarters or offices, and the expenses of said quarters or offices shall be paid as other incidental expenses of said commission. The sessions of the commission shall be public.

Location of office and meetings.

SEC. 5. The commission shall have a seal which shall have the following inscription surrounding it: railroad commission State of California. The seal shall be affixed to all writs and authentications of copies of records, and to such other instruments as the commission shall determine. All courts shall take judicial notice of such seal.

Seal.

SEC. 6. The process issued by the commission shall extend to all parts of the state. The commission shall have power to issue writs of summons, subpoenas, warrants of attachment, warrants of commitment and all necessary process in proceedings for contempt, in the like manner and to the same extent as courts of record. The summons shall direct the defendant or respondent to appear and answer within fifteen days from the day of service. All process issued by the commission may be served in any county in this state by any

Process.

person authorized to serve process of courts of record, or by any person designated for that purpose by the commission.

Duties of secretary.

SEC. 7. The secretary of the commission shall issue all process, writs, warrants and notices required to be issued, and do and perform such other duties as the commission may prescribe. The assistant secretary shall have all the power conferred by law upon peace officers to carry weapons, make arrests and serve warrants and other process in any county or city and county of the state.

Complaints, orders, record of proceedings.

SEC. 8. All complaints before the commission shall be in writing, and if the commission shall so direct, under oath. All orders and decisions shall be in writing, and the grounds of the decisions shall be stated. A record of the proceedings of the commission shall be kept, and the evidence of persons appearing before it or before any member thereof shall be preserved; and for the purpose of reporting and transcribing the proceedings the commission shall have power to employ and fix the compensation of the necessary stenographic reporters, and the payment for their services shall be paid as other contingent expenses of the commission. The orders and decisions of the commission shall be published annually.

Definitions.

Common carriers.

SEC. 9. All railroad and other transportation companies, owned or operated by any individual, company, corporation, lessee, trustee, receiver, partnership or association are hereby declared to be common carriers, and under the jurisdiction, supervision and control of the commission and subject to the provisions of this act.

"Railroads and railroad companies."

SEC. 10. The terms "railroad" and "railroad company," as used in this act, shall be deemed and held to mean and include all commercial and interurban railroads, and shall include all bridges, ferries, switches, spurs, tracks, terminal facilities of every kind, freight and passenger depots, yards and grounds owned, leased or used by such railroads or any of them.

"Company," etc.

SEC. 11. The term "company," as used in this act, shall be deemed to mean and include corporations, associations, partnerships, trustees, receivers, lessees, agents, assignees, and individuals. Whenever any railroad company operates, in connection with its road and for the purpose of transporting its cars, freight or passengers any steamer or other water craft, such steamer, or other water craft, shall be deemed part of its road. Whenever any steamship or steamboat company operates any barge, canal boat, steamer, tug, ferry boat, or lighter in connection with its ships, all such instrumentalities shall be deemed to be a part of its line.

"Transportation."

SEC. 12. The term "transportation," as used in this act, shall be deemed to mean and include all cars and other vehicles, and all instrumentalities and facilities of shipment or carriage operated by railroad and other transportation companies, irrespective of ownership or any contract, express or implied, for the use thereof, and all services in connection with the receipt, delivery, transfer in transit, switching, carry-

ing, transporting, elevation, ventilation, refrigeration or icing, dunnage, storage, and handling of freight and transportation or accommodation of passengers. The term "freight" as used in this act shall be deemed to mean and include every animate and inanimate thing and substance of whatsoever nature, except persons, capable of being transported by any railroad or other transportation company.

SEC. 13. The term "transportation company," as used in this act, shall be deemed and held to mean and include all railroad, express, despatch, sleeping car, dining car, and drawing room car companies, all refrigerator, oil, stock, fruit and all car loaning, car renting, car loading and all car companies, and all companies operating vessels engaged in the transportation of freight or passengers upon the water between points within this state.

SEC. 14. The term "rate" or "rates" or "rates of charges" as used in this act shall be deemed and held to mean and include all fares for transportation of passengers; all rates and charges for transportation, for demurrage, for dunnage, for receiving, storing, handling, delivering and switching freight and all classifications, and all charges to and demands upon the public of every kind and character direct or indirect that are demanded or made for any service whatsoever connected with or incidental to the transportation of freight or passengers, rendered or to be rendered, by any railroad or other transportation company subject to the provisions of this act, including any and all rules or regulations which in anywise change, affect or determine any part or the aggregate of any rates, fares or charges, or the value or cost of the service rendered to the passenger, shipper or consignee.

SEC. 15. The commission shall have the power and it shall be its duty to establish rates of charges, including joint rates over through routes, for the transportation of freight and passengers by all railroad or other transportation companies subject to the provisions of this act. Likewise to prescribe and establish classifications of freight.

The commission shall also have the power to prescribe and establish, or modify or abrogate, from time to time, rules and regulations affecting the public of all such railroad and other transportation companies, for demurrage, dunnage and for receiving, storing, carrying, handling, delivering, switching, time of transit of freight and time of transit of passengers and affecting directly or indirectly the rendition to the public of any service connected with or incidental to the transportation of freight and passengers; likewise to prescribe from time to time forms of bills of lading, the same, however, to be as nearly as practicable in the form of bills of lading approved by the interstate commerce commission of the United States; to establish through routes over connecting lines of such railroad or other transportation companies and the terms and conditions under which such through routes shall be operated and, in case the companies do not agree upon the divisions between

them of the joint rates established by the commission over such through routes, to establish such divisions; *provided, however,* that where any railroad or other transportation company is made a party to a through route with another company, and such railroad or other transportation company has itself over its own line an equally satisfactory through route between the termini of the through route established, such railroad or other transportation company shall have the right to require as its division of the joint rate its local rate over the portion of its line comprised in such through route.

To require
switch con-
nections.

The commission shall likewise have the power to require any railroad company to construct, maintain and operate, upon reasonable terms which the commission shall have the power to fix, a switch connection or switch connections with the railroad of any other company or with any private sidetrack or spur of any shipper which may be constructed to connect with its railroad, where, in the opinion of the commission, such connection is reasonably practicable and can be put in with safety and will furnish sufficient business to justify the construction and maintenance of the same, and to furnish cars for the movement of such traffic to the best of its ability, without discrimination in favor of or against any shipper. The commission shall have the power to make rules, regulations and orders to prevent discrimination in the construction, operation or maintenance of industrial tracks.

Regulate
crossings.

The commission shall likewise have the exclusive power to determine and prescribe the manner, including the particular point of crossing of any crossing of a railroad or other transportation line by another such line, and also the terms of the installation, maintenance, use and protection of such crossing, and to require at any crossing of one railroad by another, where the same is practicable, a separation of their grades and to prescribe the terms upon which such separation shall be made and to prescribe, abolish or change any crossing of a railroad by a public road or highway, and to fix the terms of the construction, maintenance, use and protection of such crossing, and to require that such crossing be either at grade, or above or beneath the tracks of the railroad, and the proportions in which the expense of installing and maintaining such crossing shall be divided between the railroad company and the county or other public authority in charge of the public highway.

Inter-
switching.

The commission shall likewise have the power to require one railroad company to switch to the industrial and team tracks upon its own line the cars of a connecting railroad and to prescribe the terms and compensation for such service.

Demur-
rage.

The commission shall have the power under such uniform rules as it may make, to prescribe the amount of demurrage which shall be paid by any railroad or other transportation company for the failure on the part of any such company to furnish cars in accordance with such rules, and likewise the amount which any shipper or consignee shall pay to any such company for failure to load or unload cars ordered by, or

delivered to, such shipper or consignee under such rules. Such charges shall be uniform, the commission being required to prescribe the same penalties for both shipper or consignee and company for an equal number of cars for each day for which such demurrage is charged. Any such penalty may be recovered by action therefor as provided in section twenty-eight of this act.

SEC. 16. All rates of charges for the transportation of passengers and freight, established by the commission, shall be made of record at its main office in the city and county of San Francisco, and said record and certified copies thereof shall be admissible in evidence in all courts and proceedings, and the validity thereof, and any facts found by the commission shall be conclusive in all courts and proceedings: *provided, however*, that except in those cases where the commission adopts and establishes as the legal rates of charges, the rates of charges filed with it by a railroad or other transportation company as hereinafter provided, no rates of charges for the transportation of freight or passengers shall be established by the commission, until the commission shall have given the railroad or other transportation company to be affected by said rates, a reasonable opportunity to be heard upon notice of not less than twenty days of said proposed action on the part of the commission. If said railroad or other transportation company shall not, within the time specified, avail itself of the opportunity afforded it to be heard, the rates of charges fixed by the commission shall be deemed conclusively just and reasonable; or if said railroad or other transportation company shall desire to be heard, it shall be given reasonable opportunity for such hearing, and the commission shall consider the showing made at such hearing, together with any other evidence which may be presented to it, or which the commission may secure on its own initiative, and after consideration of said evidence, the commission shall make its findings, and said rates of charges established pursuant to said proceedings by the commission shall be deemed conclusively just and reasonable and the commission shall cause said rates of charges so established to be published as herein provided.

Record of rates and conclusiveness.

Rates not to be established except as filed unless after hearing.

SEC. 17. Within sixty days after this act goes into effect, unless additional time be allowed by the commission after good cause shown, each of the railroad and other transportation companies subject hereto shall file in triplicate with the commission full and complete schedules or tariffs of all of its rates of charges for the transportation of freight and passengers, including freight classifications, as defined in section fourteen hereof which are in force and effect at the time this act goes into effect, together with any changes thereof, distinctly stated, which such railroad or other transportation company may desire to propose.

Rates, rules and classifications to be filed within sixty days.

Each of such railroad or other transportation companies shall also file within the same time with the commission copies of all of its rules and regulations in force affecting the public

Also copies of rules.

and the rendition to the public of the service of transporting freight or passengers or of any service connected therewith or incidental thereto, and shall likewise file with the commission copies of any such rules and regulations thereafter made, at least ten days before it is proposed to make the same effective, unless a shorter time be allowed by the commission.

Joint
agree-
ment.

The railroad or other transportation companies who are parties to any agreement concerning joint freight or passenger rates and the divisions of the same in effect at the time this act goes into effect shall likewise within the same time file a copy of such agreement with the commission, and shall likewise file with the commission a copy of any such agreement thereafter made, within thirty days after the execution of the same.

The same
rates or
others to
be estab-
lished
within
sixty
days by
commis-
sion.

It is hereby made the duty of the commission within a reasonable time, not exceeding sixty days after the filing of the schedules or tariffs and classifications and proposed changes therein of any such railroad or other transportation company, to establish such of the rates and classifications included therein, as it may approve and as to those not so established to proceed with the establishment of others in lieu thereof after notice and opportunity for hearing given such company as provided in section sixteen of this act; *provided, however*, that until the establishment of such rates and classifications or the establishment of other in lieu thereof the said railroad or other transportation company filing such schedules or tariffs and classifications, and parties thereto, shall charge and collect the rates and fares in effect at the time of the passage of this act, and that with said exception no railroad or other transportation company subject to the provisions of this act shall engage or participate in the transportation of freight or passengers except at rates of charges and classifications which have been established for it by the commission.

The names of the several railroad or other transportation companies which are parties to any joint rate shall be specified in the schedule or tariff setting forth the same filed with the commission as hereinbefore provided, and each of the parties to such joint rate other than the one filing the schedule or tariff setting forth the same shall file with the commission such evidence of concurrence therein or acceptance thereof as may be required or approved by the commission, and where such evidence of concurrence or acceptance is so filed, need not itself file with the commission a schedule or tariff setting forth such joint rate.

Notice of
action by
commis-
sion and
time of
effect.

The commission, as soon as any rate or rates, classification or classifications are established, shall give notice thereof to each of the railroad or other transportation companies affected thereby in such manner as may be prescribed by the commission, and such rate or rates, classification or classifications shall take effect at a date which shall be fixed by the commission, but in no case less than thirty days after the order of the commission establishing the same is made, unless with

the consent of the railroad or other transportation companies affected thereby a less time be fixed. Each of said companies shall immediately upon receiving notice of such establishment of a rate or rates, classification or classifications cause the same to be printed and posted in accordance with such rules and regulations as may be prescribed by the commission.

Any railroad or other transportation company about to begin the operation of a new line after this act goes into effect shall, prior to the commencement of the commercial operation thereof, file in triplicate with the commission its proposed schedules or tariffs of all of its rates of charges, including freight classifications, over such line, and thereupon the commission shall proceed to establish such rates and classifications or others in lieu thereof in the manner hereinbefore provided. New lines.

SEC. 18. All rates of charges for the transportation of passengers and freight and all classifications established by the commission shall remain in effect until changed by the commission. Between the first and tenth days of July, 1912, and annually between the first and tenth days of July thereafter each railroad and other transportation company, subject to the provisions of this act, shall have the right to file with the commission proposed changes in its rates for the transportation of freight and passengers or in its classifications, and it is hereby made the duty of the commission within a reasonable time, not exceeding sixty days after the filing of said proposed changes, to establish such of the rates or classifications included therein as it may approve, and as to those not so established to proceed to the establishment of others in lieu thereof after notice given to such railroad or other transportation company as provided in section sixteen of this act; *provided, however,* that as to any change so proposed, of a rate or rates, classification or classifications which shall have been established by the commission within less than six months before the time of filing such proposed change, the commission shall have the authority either to establish such proposed rate or rates, classification or classifications, wholly or in part, or to reject the same without hearing. Annual revision may be proposed: action thereon.

Any complaint filed by any railroad or other transportation company concerning any rate or rates, classification or classifications that shall have been established within one year immediately preceding the time of the filing of said complaint or which shall not have been questioned by said railroad or other transportation company at the time of filing its proposed changes in its rates or classifications, in the preceding July may be dismissed by the commission without hearing unless there shall appear to be reasonable ground for investigating said complaint. This provision shall also apply to any person who shall have been a party either by intervention or otherwise to any hearing pursuant to which any such rate or rates, classification or classifications shall have been established. In any proceeding before the commission, any person, firm, company or corporation, or any mercantile, commercial or traffic Action in case of recent revision.

Intervention.

association or organization, or body politic may intervene with the consent of the commission.

Change in rates; notice.

The commission may at any time abolish, alter or in any manner amend any rate or classification upon notice and hearing or opportunity for hearing in the manner hereinbefore provided, and in that event each railroad or other transportation company affected thereby shall be notified thereof in such manner as shall be prescribed by the commission and thereupon the said action of the commission shall be immediately printed and posted by said company to take effect as hereinbefore provided. Nothing in this act contained shall be construed to prohibit the commission from at any time approving and establishing any rate or rates, classification or classifications proposed by any railroad or other transportation company, and when the commission shall approve and establish any rate or rates, classification or classifications so proposed, the same shall be subject to change, amendment or abrogation only as provided herein. A substantial compliance by the commission with the requirements of this act shall be sufficient to give effect to all the classifications, rates, charges, rules, regulations, requirements and orders made, approved and established by the commission and none of them shall be declared inoperative because of any omission of a technical or clerical character in the establishment, record or publication of the same.

One commissioner may act as referee.

SEC. 19. In order to assist the commission in the performance of its duties, it may delegate to any one of the commissioners the duty of taking testimony in any proceeding, and such testimony may be taken down in shorthand, and reduced to writing or typewriting, and said commissioner so delegated shall make his report to the commission, and the commission shall consider the same in arriving at its decision, but in every event, it shall be necessary that a majority of the commissioners concur in any finding of the commission. For the purpose of said hearing before such commissioner so delegated, the commission may exercise its power to send for any books or records necessary for said hearing, and may issue subpoenas and all necessary process. Said commissioner so delegated is hereby given power to administer oaths to witnesses that may appear before him.

Physical valuation.

SEC. 20. The commission shall have power to ascertain as nearly as practicable, the actual value of all the property, real and personal, of every kind and character of every railroad or other transportation company in this state, and the actual value of the property used by said railroad or other transportation company for the convenience of the public in carrying on its business as a railroad or other transportation company, and also the amounts paid for salaries of officers and the wages paid employees and all expenses of operation and cost of maintenance. It shall also have power to ascertain the amount and market value of the capital stock and bonded indebtedness of every railroad and other transportation company operating a line within this state, and also the relative

value of the use to which each railroad or other transportation company operating in this state, is actually put, in the carrying of intrastate and interstate business respectively. It shall also have power to ascertain the relative proportion of the operating and maintenance expenses connected therewith, and the relative proportion of the revenue derived therefrom. The commission shall also have power to ascertain such further facts as in its judgment may assist the commission in arriving at the actual value of the property used by such railroad or other transportation company in carrying on its business.

For the purpose of carrying out the provisions of this section, the commission may if it so desires cause a hearing or hearings to be held at such time or times and place or places as the commission may designate. Before proceeding to any such hearing, the commission shall give the railroad or other transportation company affected thereby at least thirty days written notice, specifying the time and place of such hearing, and this shall be sufficient to authorize the commission to inquire into the matters designated in this section as to any such railroad or other transportation company so notified and also to adjourn such hearings from time to time. The commission is also empowered to resort to any other source of information available in carrying out the provisions of this section.

Hearings therefor.

In all cases where a hearing has been held, the commission shall make and render findings of fact in writing, covering all matters in this section mentioned concerning which it is empowered to inquire, and such findings when so made, shall be deemed conclusively just and reasonable, and shall be admissible in evidence in any proceedings or hearing in which the public and the railroad or other transportation company or companies affected thereby are interested and such findings when so introduced shall be conclusive evidence of the facts stated therein.

Findings.

The commission may from time to time cause further hearings and investigations to be had for the purpose of ascertaining the value of any betterments, improvements, additions and extensions made by any such railroad or other transportation company or companies since the date of any prior hearing or investigation and examine into all matters, which would change, modify or affect any finding of fact previously made and shall at such time make findings of fact supplementary to those theretofore made. Such hearing shall be had upon the same notice and conducted in the same manner, and the findings so made shall have the same force and effect as is provided herein for such original notice, hearing and findings.

Supplemental hearings.

SEC. 21. The commissioners, or either of them, or such persons as they may employ therefor, shall have the right at such time as the commission deems necessary, to inspect the books, records and papers of any railroad or other transportation company, and either of the commissioners and each of the officers of the commission shall have power to examine

Commission may inspect books and records.

under oath any officer, agent, or employee of such railroad or other transportation company in relation to the business and affairs of the same; *provided*, that any person other than one of the commissioners who shall make any such demands, shall produce under the hand and seal of the commission his authority to make such inspection. If any railroad or other transportation company, or any officer or agent of said railroad or other transportation company, having the custody of the same, shall refuse to permit the commissioners, or either of them, or any person authorized thereto, to examine its books and papers, said railroad or other transportation company, and said officer or agent, shall be in contempt of the commission and shall be punishable in the same manner and to the same extent as contempts are punishable by courts of record, and each day said railroad or other transportation company, or said officer or agent thereof, shall continue so to fail or refuse, shall be and constitute a separate contempt.

Executive functions.

SEC. 22. It is hereby made the duty of the commission to see that the provisions of this act, and all laws of this state concerning railroad and other transportation companies, are enforced and obeyed, and that violations thereof are promptly prosecuted, and penalties due the state therefor, recovered and collected, and to this end, it may sue in its own name to correct any abuses or collect any penalties due the State of California.

Accidents.

The commission shall investigate the cause of all accidents on any railroad within this state which result in loss of life or injury to persons or property, and which in its judgment shall require investigation. Every railroad and other transportation company is hereby required to give immediate notice to the commission of every accident happening upon any line owned, operated, controlled or leased by it in such manner as the commission may direct.

Commission to hear complaints, correct abuses, prevent discrimination.

The commission is further empowered to hear and determine complaints against railroads and other transportation companies, and to correct abuses, through the medium of the courts, suing in its own name, and it is further empowered to prevent discrimination in charges, or facilities for transportation by any railroad or other transportation company, between places or persons, or in the facilities for the transportation of the same class of freight or passengers within this state, or coming from, or going to, any other state. If any railroad or other transportation company subject hereto, shall directly or indirectly, by any special rate, rebate, drawback, or other practice, method or device, charge, demand, collect or receive from any person, company, firm or corporation, a greater, less or different compensation for any service rendered or to be rendered by it in the transportation of passengers or freight, than it charges, demands, collects or receives from any other person, company, firm, or corporation, for doing a like service in the transportation of a like kind of traffic, such railroad or other transportation company shall

Discrimination defined.

be deemed guilty of discrimination, and it shall also be discrimination for any such railroad or other transportation company to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation or locality, or to any particular description of traffic in any respect whatsoever, or to subject any particular description of traffic of any particular person, company, firm, corporation or locality, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever, and it shall also be discrimination for any railroad or other transportation company, or any officer or agent of any railroad or other transportation company to charge, collect, demand, or receive from any person, firm or corporation, a greater, less or different rate, charge or compensation than the rate, charge, or compensation established as in this act provided, and in so far as such discrimination shall be in violation of any order or orders of the commission, it shall be a contempt of said commission, and any railroad or other transportation company or officer or agent thereof practicing or permitting such discrimination, shall be punishable by the commission for such contempt in the same manner and to the same extent as contempts are punishable by courts of record, and such railroad or other transportation company practicing such discrimination, shall also be punishable by a fine not exceeding five thousand dollars for each offense, and every officer, agent or employee of such railroad or other transportation company practicing or permitting such discrimination shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

Punish-
ment
therefor.

SEC. 23. The commission shall have the power and it shall be its duty to prescribe a uniform system of accounts to be kept by all railroad and other transportation companies subject to the provisions of this act, which system the commission shall have the power by order to change from time to time, and which shall conform as nearly as practicable to the system of accounts prescribed by the interstate commerce commission of the United States. The commission shall cause to be prepared suitable blanks with questions calculated to elicit such information concerning railroad and other transportation companies as it may require in the performance of its duties under this act, and as often as may be necessary to furnish said blanks to each railroad and other transportation company. Any railroad or other transportation company receiving from the commission any such blank shall cause said blanks to be properly filled out so as to answer fully and correctly each question therein propounded, and in case it is unable to answer any question, it shall give a satisfactory reason for its failure to answer, and the said answers duly sworn to by the proper officer of said company, shall be returned to the commission at its office within ten days from the receipt thereof, unless a different time be allowed by the commission.

System of
accounts.

Companies
to furnish
informa-
tion to
commis-
sion.

Penalty
for
failure.

If any officer or employee of a railroad or other transportation company, shall fail or refuse to fill out and return any blanks as above required or fail or refuse to answer any questions therein propounded, or give a false answer to any such questions, where the fact inquired of is within his knowledge, or may be ascertained by him by reason of his position or employment, or shall evade the answer to any such question, such officer or employee shall be deemed in contempt of the commission, and shall be punished in the same manner and to the same extent as contempts are punished by courts of record.

Data
required
by this
act; how
procured.

SEC. 24. The commission may, in its discretion, prescribe the forms of accounts, records and memoranda to be kept by any railroad or other transportation company, subject to the provisions of this act, including accounts, records and memoranda of the movement of traffic as well as the receipts and expenditures of moneys. The commission shall at all times have access to all accounts, records and memoranda kept by the companies subject to this act, and the commissioners and the officers and employees of the commission shall have authority to inspect and examine any and all accounts, records and memoranda kept by such companies.

Penalties.

In case of failure or refusal on the part of any such company, receiver, or trustee to keep such accounts, records, and memoranda on the books and in the manner prescribed by the commission, or to submit such accounts, records, and memoranda as are kept to the inspection of the commission or any of its authorized agents or examiners, such company, receiver or trustee shall forfeit to the state the sum of five hundred dollars for each offense, such sum or sums to be recoverable in the same manner as other fines provided for in this act.

Any person who shall wilfully make any false entry in the accounts of any book of accounts or in any record or memoranda kept by a railroad or other transportation company, or who shall wilfully destroy, mutilate, alter, or by any other means or device falsify the record of any such account, record, or memoranda, or who shall wilfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to such company's business, or shall keep any other accounts, records, or memoranda than those prescribed or approved by the commission, shall be deemed guilty of a misdemeanor, and shall be subject, upon conviction, to a fine of not less than one hundred dollars nor more than one thousand dollars or imprisonment in the county jail for a term not less than ninety days nor more than one year, or both such fine and imprisonment; *provided*, that the commission may in its discretion issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, or documents which may, after a reasonable time, be destroyed, and prescribing the length of time such books, papers, or documents shall be preserved.

Penalty
for dis-
closures.

Any person who divulges any fact or information which may come to his knowledge during the course of such examination,

except in so far as he may be directed by the commission or by a court shall be subject, upon conviction, to a fine of not more than one thousand dollars or imprisonment in the county jail for a term not exceeding one year or both.

SEC. 25. The commission shall have power to issue subpoenas for the attendance of witnesses by such rules as it may prescribe. Each witness who shall appear, by order of the commission, shall receive for his attendance two dollars per day and five cents per mile, traveled by the nearest practicable route, in going to and returning from the place to which he shall be subpoenaed to appear, which shall be paid by the party at whose request such witness is subpoenaed. When any witness shall be subpoenaed whom the commission shall deem necessary, who has not been required to attend at the request of any party, the fees and mileage of such witness may be paid from the funds appropriated for the use of the commission as other expenses of the commission are paid. Any witness subpoenaed except those whose fees and mileage may be paid from the funds of the commission, may, at the time of service, demand the fee to which he is entitled for travel to and from the place at which he is required to appear and one day's attendance. Unless such fees are tendered, or the witness fails to demand the same at time of service, such witness shall not be required to attend before the commission as directed in the subpoena. All fees or mileage to which any witness is entitled under the provisions of this section may be collected by action therefor instituted by the person to whom such fees are payable.

In any proceeding before the commission where it is found that there is a wilful violation of any rule, regulation, order or decision of the commission, all fees for the payment of witnesses or the service of process and expense of stenographic reporters incurred by the commission or by any party in such proceeding may be assessed against the party guilty of such wilful violation and shall be collectible as herein provided. No witness furnished with free transportation shall receive mileage for the distance he may have traveled on such free transportation. In case any witness shall fail or refuse to obey such subpoena, the commission may issue an attachment for said witness, directed to any constable, sheriff or other peace officer of the State of California, and compel him to attend before the commission and give his testimony upon such matters as shall be lawfully required by it. If a witness, after being duly summoned, shall fail or refuse to attend or to answer any question propounded to him, or to produce any books or papers upon any hearing herein provided for when ordered to do so by the commission, the commission shall have the same power to fine and imprison such witness for contempt as may be exercised by courts of record. The claim that the production of any such books or the giving of any such testimony may tend to incriminate the person producing or giving the same shall not excuse such witness from produc-

Wit-
nesses.

Witness
fees, etc.,
may be
assessed
against
guilty
party.

Witness
refusing to
answer.

ing said books or records or from testifying, but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall under oath have testified or produced documentary evidence; *provided, however*, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. Nothing herein contained shall be construed as in any manner giving to any railroad or other transportation company immunity of any kind. The sheriff, constable or other person executing any process issued under the provisions of this act, shall receive such compensation as may be allowed by the commission, not to exceed fees as now prescribed by law for similar services, such fees to be paid in the same manner as provided herein for the payment of fees of witnesses.

Sheriff's
fees.

Emergency
rates.

SEC. 26. When an emergency exists warranting such action the commission shall have power upon the request of any railroad or other transportation company affected or upon the request of any other person, firm or corporation interested and the concurrence of such company to establish for a definitely limited period and make immediately effective over the lines of such company rates for the transportation of freight and passengers to be known as "emergency rates." Emergency rates shall be immediately subject to revision according to the procedure in this act provided for the case where rates have been in existence more than six months. Unless so revised the formerly existing rates shall revive and be in force from and after the expiration of the period fixed for such emergency rates.

Copies of
records of
rates, etc.

SEC. 27. Upon application of any person, and the payment of ten cents per folio therefor, the commission shall furnish to such person a copy of any classification, rate, rule, regulation or order of the commission, and upon payment of one dollar additional shall certify thereto, and such certified copy, or printed copies published by or with the authority of the commission, shall be admissible in evidence in any suit and sufficient to establish the fact that any charge, rate, rule, order or classification therein contained, and which may be in issue in the trial, is the official act of the commission. All fees collected under this section and all penalties collected by the commission and all fines shall be paid into the general fund of the state.

Complaint
and pro-
cedure.

SEC. 28. Any person, firm, company or corporation, or any mercantile, commercial or traffic association or organization, or any body politic, may complain of any charge, rate, rule, or regulation made or established by, or any order or decision of, the commission, or of anything done or omitted to be done by any railroad or other transportation company, or of any act or practice by the railroad or other transportation company by filing with the commission a complaint, setting forth the cause or causes of such complaint in concise language. Any charge, rate, rule, regulation, order or decision alleged in such

complaint to be unjust, illegal, unreasonable, injurious or discriminatory as between or against places or persons, shall be a proper subject for hearing, investigation, order and decision of the commission, notwithstanding any previous act, order or decision of the commission with respect to or in connection therewith; *provided, however*, that the commission may at its discretion, dismiss without hearing any complaint which questions any rate, rule or regulation or decision which shall have been given, made, or established by the commission within one year from the time of the filing of said complaint. Upon such complaint being filed with the commission a copy of the same shall be served on the railroad or other transportation company concerned, and the commission shall fix a time and place when and where the said company shall answer the same. If such complaint is verified the answer shall also be verified. Thereafter the commission shall investigate and determine such complaint, under such rules and modes of procedure as it may adopt. If the commission shall find that there has been a violation of any rule, regulation, order or decision of the commission, it shall determine if the same was wilful. If it shall find that such violation was not wilful it may call upon said company to pay and satisfy the damage done to the complainant by such violation, if any such damage should appear, stating the amount of such damage, or shall decree that said company shall conform with the order, rule or regulation of the commission, as the case may be; and if the said company should comply with such order or decision of the commission within the time specified by the commission in such order or decision, judgment of satisfaction shall be thereafter entered by the commission; but if said company shall not pay said damage or conform to the rule, regulation, order or decision of the commission, within the time specified by the commission, or if the commission shall find such violation to be wilful, it shall thereupon impose a fine not exceeding one thousand dollars and shall thereupon take such further action as may be necessary to enforce its order and collect such fine. The commission may also enforce such decision or order through proceedings for contempt against any railroad or other transportation company or officer or agent thereof failing to comply with such decision or order. If any complaint filed under this section shall allege that any such charge, rate, rule, regulation, order or decision complained of is unjust, illegal, unreasonable, injurious, or discriminatory as between or against places or persons then the commission, after a hearing upon said complaint, shall have power to suspend, vacate or annul any and all former acts, orders, or decisions of the commission concerning said charge, rate, rule, regulation, order or decision so complained of, and to make, establish, and enforce such other or different charge, rate, rule, regulation or order as it shall determine to be just and proper. All damage awarded by the commission under the provisions of this section may be collected by action therefor instituted by the person to whom such damage has

Decision
and find-
ing of
damage.

Fine for
non-com-
pliance.

Contempt.

Power to
re-estab-
lish
rates, etc.

Suit for
damage.

- been awarded, if such damage remains unpaid after the time fixed by the commission for payment thereof. Actions or proceedings by any party to collect any award of damages, shall be instituted in the proper court in the county, or city and county, in which the violation complained of occurred or in which the plaintiff resides or in which the principal place of business of the defendant is situated. On the trial of such suit the findings or order of the commission shall be prima facie evidence of the facts therein stated. The commission when requested to do so by either party, or whenever it may deem it necessary, may employ a phonographic reporter, and require all testimony taken before it to be reduced to writing and certified under the hand and seal of said commission and such testimony so certified shall be admissible in evidence upon the trial in any court of any cause or proceeding growing out of the same act or transaction or involving the same subject-matter between the same parties. No complaint filed under this section shall at any time be dismissed because of the absence of direct damage to the plaintiff or complainant. The provisions of this section shall not be deemed to abridge or affect the right of any person, firm, company or corporation to institute in any court any character of action against any railroad or other transportation company for any wrong or damage suffered by such person, company, firm or corporation, by reason of any cause whatever, or for any remedy or penalty that may be due him, or to which he may be entitled under this act or any law whatsoever.
- SEC. 29.** Whenever the commission shall believe that any rate or charge may be unreasonable or discriminatory, or that any service in connection with the transportation of persons or property is inadequate, and that investigation relating thereto should be made, it may, on its own motion, investigate the same. If after making investigation, the commission becomes satisfied that sufficient grounds exist to warrant a hearing being ordered to determine whether the rate or charge so investigated is unreasonable or discriminatory, or whether the service investigated is inadequate, it shall furnish the railroad or other transportation company interested a statement setting forth the rate or service, investigated, which said statement shall be accompanied by a notice fixing a time and place for hearing on such rate or service as the case may be, and thereafter proceedings shall be had and conducted in reference to the matter investigated in like manner as though complaint had been filed with the commission relative to the matter investigated, pursuant to the provisions of section twenty-eight of this act, and the same order or orders may be made in reference thereto as if such investigation had been made on complaint.
- Any railroad or other transportation company subject to the provisions of this act shall have a right to complain on any of the grounds upon which complaints are allowed to be filed under the provisions of section twenty-eight of this act,
- Venue.**
- Perpetuation and use of testimony.**
- Limitation of effect of section.**
- Commission may investigate on its own motion.**
- Procedure.**
- Railroads may complain.**

and the same procedure shall be adopted and followed with reference to such complaint on the part of any such railroad or other transportation company as is provided in said section in the case of complaints filed under its provisions, except that the complaint filed by any railroad or other transportation company may be heard *ex parte* by the commission or may be served upon any parties designated by the commission, and that any parties interested may, when allowed by the commission, intervene and be allowed to be heard upon such complaint.

The commission is hereby authorized, when public interest requires, to file petitions for investigations, or complaint or complaints with the interstate commerce commission and to file such suit or suits, in tribunals or courts of competent jurisdiction as are permitted under the provisions of an act of congress of the United States entitled "An act to regulate commerce," approved February 4, 1887, and hereinafter designated as the interstate commerce act, complaining of anything done or omitted to be done by any railroad or other transportation company or companies, subject to the provisions of the said interstate commerce act, and to prosecute the same. The commission is also hereby authorized to file petitions for investigations, or complaint or complaints, and to commence and prosecute such suit or suits, in tribunals or courts of competent jurisdiction, complaining of any railroad or other transportation company or companies raising rates or entering into contracts or combinations or conspiracies to raise or maintain rates, or taking any action that will prevent or tend to prevent competition to and from, or to or from, California points, to or from points outside of California, or is in restraint of trade; and to commence and prosecute any other actions or suits against railroad or other transportation companies under the act of congress of July 2, 1890, being the so-called Sherman anti-trust act.

Commission may appear in other forums concerning interstate commerce, etc.

The commission is hereby empowered also to coöperate with the interstate commerce commission in the investigation of the justice and reasonableness of, or discrimination in, charges or facilities for transportation of passengers or freight made by any railroad or other transportation company between places or persons of or in the facilities for the transportation of the same classes of passengers or freight within this state, or coming from or going to points without this state and to that end and for either of said purposes may arrange for and hold joint meetings with the interstate commerce commission or any section thereof.

Co-operate with Interstate Commerce Commission.

Sec. 30. The commission, or any party, may in any investigation or hearing before the commission cause the depositions of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this state.

Depositions.

Sec. 31. After any order or decision has been made by the commission, any party interested therein may apply for a rehearing in respect to any matter determined therein, and

Rehear-
ings.

the commission may grant and hold such a rehearing, if in its judgment sufficient reason therefor be made to appear; if a rehearing shall be granted the same shall be determined by the commission within thirty days after the same shall be finally submitted. An application for such rehearing, or the going into effect of this act, shall not excuse any railroad or other transportation company from complying with, or obeying, any order or decision, or requirement of any order, of the commission, theretofore made, or operate in any manner to stay or postpone the enforcement thereof, except as the commission may by order direct. If after such rehearing and a consideration of the facts, including those arising since the making of the order, the commission shall be of the opinion that the original order or any part thereof is in any respect unjust or unwarranted, the commission may abrogate, change or modify the same. An order made after such rehearing abrogating, changing or modifying the original order or decision shall have the same force and effect as an original order or decision, but shall not affect any right or the enforcement of any right, arising from, or by virtue of, the original order or decision.

Penalties
for failure
to comply
with act.

SEC. 32. If any railroad or other transportation company doing business in this state shall fail or refuse to perform any duty enjoined upon it by this act or by the constitution of this state, for which a penalty has not been provided by law, or shall fail, neglect, or refuse to obey any requirement, order, judgment or decree made by the commission, for every such failure, neglect or refusal it shall pay to the State of California a penalty of not less than five hundred dollars, nor more than two thousand dollars. The commission, in addition to any and all powers conferred upon it by this or any other act or by the constitution of this state, shall have the power to enforce any order or to enforce the performance of any duty enjoined upon any railroad or other transportation company, or officer or agent thereof, by proceedings for mandamus or injunction in any court of competent jurisdiction against any such railroad or other transportation company or officer or agent thereof. This method of enforcing orders or the performance of duties is cumulative of and in addition to any other method provided in this or any other act or in the constitution of this state.

Notice of
decisions.

SEC. 33. The commission shall notify each railroad and other transportation company affected by any order or decision made by it in such manner as it shall prescribe.

Duration.

All orders and decisions of the commission shall be public records and shall be filed with the secretary thereof and shall take effect at such time as shall be specified by the commission except as otherwise herein provided and shall continue in force until modified, suspended or abrogated by the commission as herein provided.

Rules
for com-
mission.

SEC. 34. The commission shall have the power to adopt rules to govern its proceedings, and to regulate the mode and manner of all investigations and hearings in the establishment of rates, rules and regulations, in the making of orders and

in the doing of other acts required of it under this act; and prescribe the form of its process and all writs, warrants, notices, and necessary forms; but no informality in any proceeding before the commission or in the manner of taking testimony shall invalidate any order, rule or regulation made by it.

SEC. 35. The president and each of the commissioners, for the purposes mentioned in this act, shall have power to administer all oaths, certify to all official acts, and to compel the attendance of witnesses and the production of papers, way-bills, books, accounts, documents and testimony.

Powers of individual commissioners.

SEC. 36. Every railroad or other transportation company which shall fail or refuse, under such regulations as may be prescribed by the commission, to receive and transport without delay or discrimination, the passengers, freight, and cars, loaded or empty, of any connecting line of railroad, and every railroad which shall, under such regulations as may be prescribed by the commission, fail or refuse to transport and deliver, without delay or discrimination, any passengers, freight, or cars loaded or empty, destined to any point on or over the line of any connecting line of railroad, shall be deemed guilty of discrimination and punished as herein provided for that offense; *provided*, perishable freight of all kinds and live stock shall have precedence of shipment.

Failure to act by common carriers.

SEC. 37. No railroad or other transportation company subject to the provisions of this act shall, directly or indirectly, issue, give or tender any free ticket, free pass or free or reduced-rate transportation for freight or passengers, between points within this state except to its officers, agents, employees, surgeons, physicians, attorneys-at-law, and members of their families; to ministers of religion, inmates of hospitals and charitable and eleemosynary institutions and persons exclusively engaged in charitable and eleemosynary work, and persons and property engaged or employed in educational work when permitted by the commission; to indigent, destitute and homeless persons and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the national homes or state homes for disabled volunteer soldiers and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge; to necessary care-takers, going and returning, of live stock, poultry, milk, fruit and other freight under uniform and non-discriminatory regulations; to employees of sleeping car companies, express companies, telegraph and telephone companies; to railway mail service employees, United States internal revenue officers, post-office inspectors, customs inspectors and immigration inspectors when traveling in the course of their official duty; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the company is interested, persons injured in accidents or wrecks and physicians and nurses attending such

Anti-pass provisions.

Anti-pass
provisions.

persons; for the carriage, free or at reduced rates, of persons or property for the United States, state or municipal governments, or for charitable purposes, or of property to or from fairs and expositions for exhibit thereat. Nothing in this act contained shall be construed to prohibit the interchange of free or reduced-rate transportation between common carriers subject to this act or to the acts of the congress of the United States regulating interstate commerce, for their officers, agents, employees, attorneys, physicians, surgeons and members of their families; nor to prevent railroads or other transportation companies from entering into contracts with telegraph, telephone and cable companies for the exchange of services; nor to prohibit a carrier from transporting, free or at reduced rates, contractors or their employees, materials or supplies for use or engaged in the carrying out of their contracts; *provided*, such arrangements for free or reduced-rate carriage are made a part of the specifications upon which the contract is based or of the contract itself; nor to prohibit the carriage of passengers or property, free or at reduced rates, with the object of providing relief in cases of general epidemic, pestilence or other calamitous visitation. Nothing in this act shall be construed to prevent the issuance of mileage, excursion or commutation passenger tickets, or joint interchangeable mileage tickets with special privileges as to the amount of free baggage that may be carried under mileage tickets of one thousand miles or more; *provided*, that the commission may put reasonable restrictions upon the issuance and terms of such mileage, excursion and commutation passenger tickets and joint interchangeable mileage tickets;

Definition,
"em-
ployees,"
"families."

Provided, that the term "employees" as used in this section shall include furloughed, pensioned and superannuated employees, persons who have become disabled or infirm in the service of any such company, ex-employees traveling for the purpose of entering the service of any such company, and the remains of persons dying while in the employment of any such company; and the term "families" as used in this section shall include the families of those persons heretofore named in this proviso, the families of persons killed, and the widows during widowhood and minor children during minority of persons who died while in the service of any such company:

Provided, that no free tickets, free passes or free or reduced-rate transportation shall be issued, given or tendered to any officer, agent or employee of a railroad or other transportation company, who is at the same time a shipper or receiver of freight, or an officer, agent or employee of a shipper or receiver of freight, unless such officer, agent or employee devotes substantially his entire time to the service of such railroad or other transportation company:

Provided, further, that members of the railroad commission, their appointees and employees shall be entitled, when in the performance of their official duties, to free transportation over the lines of all railroad or other transportation companies within this state.

Nothing in this act shall be so construed as to prohibit the issuance of passenger transportation in exchange for advertising space in newspapers and other publications, at full rates, to the proprietors and employes of such newspapers and other publications.

Transportation for newspaper space.

SEC. 38. Every railroad or other transportation company which shall issue, give or tender any free ticket or free pass or any free or reduced-rate transportation for freight or passengers between points within this state, except as authorized in section thirty-seven of this act, shall for each offense be guilty of a misdemeanor and upon conviction shall be punished therefor by a fine of not less than five hundred dollars nor more than one thousand dollars. Every officer, agent or employee of any railroad or other transportation company who shall issue, tender or authorize the issue or tender of any free ticket or free pass or any free or reduced-rate transportation for freight or passengers, except as permitted by section thirty-seven of this act, and every person soliciting, accepting or using any such free ticket, free pass or free or reduced-rate transportation, except as permitted by section thirty-seven of this act, shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than three months nor for more than one year, or by both such fine and imprisonment; and in so far as any of the acts prohibited in this section shall be in violation of any order, rule or regulation of the railroad commission of this state, such act shall be a contempt of the commission, and shall be punishable by the commission as elsewhere in this act provided.

Penalties for violations thereof.

SEC. 39. Every railroad or other transportation company subject to the provisions of this act shall upon demand of the commission furnish a list of all free passes and of free or reduced rates of transportation issued by such railroad or other transportation company, including the name of the person to whom issued, and the amount, if any, paid therefor, and the places from and to which the same was issued.

List of passes.

SEC. 40. Any officer or agent of any railroad or other transportation company subject to the provisions of this act, who, by means of false billing, false classification, false weight, or by any other device, shall suffer or permit any person or persons to obtain transportation for property at a less, different or greater rate than the established rates then in force, or who, by means of false billing, false classification, false weighing, or by any device whatever shall charge any person, firm or corporation a less, different or greater rate for the transportation of property than the established rates, shall be guilty of a misdemeanor, and on conviction thereof, fined in a sum not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail not less than ninety days, nor more than one year.

Falsification and penalties therefor.

Any person who shall solicit or procure any officer or agent of any railroad or other transportation company subject to the provisions of this act, either by false representations or otherwise to do any of the acts which such officer or agent is forbidden by the provisions of this section from doing, shall also be guilty of a misdemeanor and on conviction thereof shall be fined in a sum not less than one hundred dollars or more than one thousand dollars or by imprisonment in the county jail not less than ninety days or more than one year or by both such fine and imprisonment.

Schedule
of offenses
including
rebating;
penalties.

SEC. 41. Anything done or omitted to be done by any railroad or other transportation company subject to this act, which, if done or omitted to be done by any director or officer thereof, or any receiver, trustee, lessee, agent or person acting for or employed by such company, would constitute a misdemeanor under this act, shall also be held to be a misdemeanor committed by such railroad or transportation company, and upon conviction thereof it shall be subject except as to imprisonment, to like penalties as are prescribed herein with reference to such persons, except as such penalties are in this section changed. The wilful failure upon the part of any railroad or other transportation company subject to this act or officer or agent thereof to file the tariffs or rates of charges as required by this act, or strictly to observe any rate, classification, rule or regulation established by the commission until changed according to law, shall be a misdemeanor and upon conviction thereof such railroad or other transportation company or such officer or agent thereof offending shall be subject to a fine of not less than five hundred dollars, nor more than two thousand dollars for each offense, and said railroad or other transportation company and any officer or agent thereof so offending shall also be punishable for contempt by said commission, as elsewhere in this act provided. And it is further provided that each day of such wilful failure upon the part of any such railroad or other transportation company or officer or agent thereof shall constitute a separate offense, and each such separate offense shall be punishable as in this section provided. It shall be unlawful for any person, persons, or corporations to offer, grant, or give or to solicit, accept or receive any rebate, concession or discrimination in respect to the transportation of any property in this state whereby any such property by any device whatever shall be transported at a less rate than that stated in the rates made and established by the commission, or whereby any other advantage is given or discrimination is practiced. Every person or corporation, whether railroad or other transportation company or shipper, who shall, knowingly, offer, grant, or give, or solicit, accept, or receive any such rebate, concession or discrimination shall be guilty of a misdemeanor and on conviction thereof shall be punishable in like manner and to the same extent as herein prescribed for

discrimination. Every violation of this act punishable by any court shall be prosecuted in the court having jurisdiction of crimes within the county or city and county in which such violation was committed, or through which the transportation may have been conducted; and whenever such offense is begun in one jurisdiction and completed in another it may be dealt with, inquired into, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein; *provided, however,* that nothing in this act contained shall be construed to abridge or interfere with the power of the commission to hear and determine all matters concerning which it is by this act authorized to inquire, or to enforce its orders and decisions. In construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any railroad or other transportation company or shipper, acting within the scope of his employment, shall in every case be also deemed to be the act, omission, or failure of such railroad or other transportation company or shipper, as well as that of such person.

Jurisdiction.

SEC. 42. All fines herein provided, other than fines and forfeitures which are to be imposed by a court, may be recovered by an action therefor, brought by the commission in its own name, and any such action may be instituted in any county or city and county in, to or through which the defendant railroad or transportation company may run or operate. This shall not, however, interfere in any respect with the power of the commission to enforce the payment of such fine or forfeiture by proceedings for contempt of the commission.

Fines.

SEC. 43. In case any railroad or other transportation company subject to this act shall do, cause to be done, or permit to be done any matter, act, or thing in this act prohibited or declared to be unlawful, or shall omit to do any act, matter or thing herein required to be done by it, such railroad or other transportation company shall be liable to the person or persons, firm or corporation injured thereby for the damages sustained in consequence of such violation; and in case such railroad or other transportation company shall be guilty of discrimination as by this act defined, then, in addition to such damages, such railroad or other transportation company shall be liable to the person, firm or corporation injured thereby in punitive damages in the sum of not less than one hundred dollars, nor more than five thousand dollars, to be recovered in any court of competent jurisdiction in any county into or through which such railroad or other transportation company may run or operate; *provided,* that any such recovery as herein provided shall in no manner affect a recovery by the state of a penalty provided for such violation.

Liability of companies for damages for violations of this act.

Additional penalty for discrimination.

SEC. 44. This act shall not have the effect to release or waive any right of action by the state or any person for any right, penalty or forfeiture which may have arisen, or may

Independent rights of action not affected.

hereafter arise, under any law of this state; and all penalties accruing under this act shall be cumulative of each other, and a suit for or recovery of one shall not be a bar to the recovery of any other penalty.

Evidence of the commission.

SEC. 45. In any action or proceeding, civil or criminal, commenced before any court of this state, or before the commission, involving any charge of discrimination, it shall not be necessary for the plaintiff or complainant in any such proceeding or action to plead or prove a like contemporaneous service, or a like contemporaneous transportation of a like quantity or class of goods, at a different rate or charge than that alleged in said complaint or proceeding to have been discriminatory.

Definition.

SEC. 46. The words "commission," "commissioners," and "railroad commission," as used in this act shall be construed as meaning the railroad commission of the State of California, and the word "commissioner," as used in this act, shall be construed as meaning any one of the members of the railroad commission of the State of California.

Limitation.

SEC. 47. This act shall be construed and held to apply only to the transportation of property and passengers within the State of California.

Statute of limitation.

SEC. 48. All actions or proceedings instituted in any court or before the commission, involving a violation of any of the provisions of this act, must be commenced within three years of the date of such violation.

Appropriation.

SEC. 49. The sum of one hundred thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be used by the commission in carrying out the provisions of this act, and the controller is hereby directed to draw his warrant on the general fund from time to time in favor of said commission for the amounts expended under its direction, and the treasurer is hereby authorized and directed to pay the same.

Repeal.

SEC. 50. An act entitled "An act providing for the organization of the railroad commission of the State of California, defining its powers and duties, and the powers and duties of transportation companies, their officers and employes, and defining offenses of transportation companies, their officers, employes and other persons, and providing penalties therefor, and repealing an act entitled 'An act to create the office of commissioner of transportation, and to define its powers and duties, to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein,' approved April 1, 1878, and also repealing an act entitled 'An act to organize and define the powers of the board of railroad commissioners,' approved April 15, 1880," approved March 20, 1909, and also "An act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight and providing a penalty and damages to be paid by such persons, corporations,

receivers or trustees to shippers for failure to do so and providing a penalty and damages to be paid to persons, corporations, receivers or trustees operating such railroad lines by the applicant or shipper for failure to load or unload cars so furnished." approved April 20, 1909, and all acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

SEC. 51. This act shall be known as the railroad commis- Name.
sion act

SEC. 52. This act shall take effect immediately.

CHAPTER 21.

An act to amend an act entitled "An act to establish and support a bureau of labor statistics," approved March 3d, 1883, by amending section one of said act, relating to the appointment and term of office of commissioner of bureau of labor statistics and the headquarters of said bureau, and repealing all acts or parts of acts in conflict herewith.

[Approved February 13, 1911]

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

SECTION 1. Section one of an act entitled "An act to establish and support a bureau of labor statistics," approved March 3d, 1883, is hereby amended so as to read as follows:

Section 1. As soon as possible after the passage of this act, the governor of this state shall appoint a suitable person to act as commissioner of a bureau of labor statistics. The headquarters of said bureau shall be located in the city and county of San Francisco. Said commissioner shall hold office and serve solely at the pleasure of the governor, and not otherwise.

**Term of
Labor
Commis-
sioner.**

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

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

CHAPTER 22.

An act to provide for the purchase and installation of two steam boilers for the Napa State Hospital and to make appropriation for the same.

[Approved February 13, 1911.]

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

Appropriation.

Boilers for Napa State Hospital.

SECTION 1. The sum of eight thousand eight hundred and two dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the payment of the purchase price and installation of two steam boilers for the Napa State Hospital. The controller is hereby authorized and directed to draw his warrants for the amount herein made payable, in favor of the board of managers of the Napa State Hospital for the amount above appropriated and the treasurer is hereby authorized and directed to pay the same.

SEC. 2. This act shall take effect immediately.

CHAPTER 23.

An act to authorize the legislative body of a municipality to create sewer districts within its boundaries, provide a system of sewer bonds for the construction of sewers therein, and to provide for the payment of said bonds.

[Approved February 13, 1911.]

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

Sewer districts.

SECTION 1. The legislative body of any city, town or municipal corporation, incorporated under the laws of this state may create from time to time, as hereinafter provided, within such city, town or municipal corporation, separate sewer districts whenever in the judgment of such legislative body it may be necessary or convenient for the proper sanitation and drainage of such districts to construct any sewer or sewers therein, and may designate such districts by distinctive names and numbers and may as hereinafter provided, provide for the incurring of indebtedness to pay for the cost of the construction of sewers in such districts.

Two thirds vote of city board.

SEC. 2. Whenever the legislative body of any such city, town or municipal corporation, shall, by resolution passed by a vote

of two thirds of all its members and approved by the executive of such municipality, determine that the public interest or convenience requires the construction of a sewer or any sewers in any part of the territory of such municipality, said legislative body shall describe in said resolution a district, naming and numbering the same as hereinabove provided, and declare said district to be the district benefited by said work or improvement, and may, at any subsequent meeting, by ordinance passed, by a vote of two thirds of all of its members, and also approved by the said executive, adopt plans and specifications for the proposed sewer work and also describe the territorial district upon which the expense of such proposed sewer work or improvement shall be chargeable, as hereinafter provided, and shall provide therein for a special election to be held in such sewer district. At such election there shall be submitted to the qualified electors of such city, town or municipal corporation, residing within such sewer district, the proposition of incurring indebtedness for the purposes set forth in said resolution, and no question other than the incurring of the indebtedness for such purposes shall be submitted at such special election. The ordinance calling such special election shall also recite the objects and purposes for which the proposed indebtedness is to be incurred, the estimated cost of the proposed sewer work, the amount of the principal of the indebtedness to be incurred therefor, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, the manner of holding such election, and the manner of voting for or against the incurring of such indebtedness. In all particulars not recited in such ordinance, such election shall be held as is provided by law for holding general municipal elections in such city, town or municipal corporation. The maximum rate of interest to be paid on such indebtedness shall be six (6%) per cent per annum, payable semi-annually.

Special election.

Objects and costs of work.

Rate of interest.

Manner of holding election.

Maximum rate.

SEC. 3. Said ordinance shall be published once a day for five days, prior to the date set for such election in some newspaper of general circulation designated by the legislative body of said city, town or municipal corporation, which newspaper is published once a day for at least six days a week in such municipality, or said ordinance shall be published once a week for two weeks prior to the date set for such election, in some newspaper of general circulation designated by said legislative body, and published less than six days a week in such municipality, and one insertion thereof in such last described newspaper each week for two succeeding weeks prior to the date set for such election by the legislative body of said city, town or municipal corporation, shall be a sufficient publication in such newspaper published less than six days a week.

Ordinance to be published.

In municipalities where no such newspaper is published, such ordinance shall be posted in three public places in the said sewer district for two succeeding weeks prior to the date set for such election by the legislative body of said city, town or municipal corporation. No other notice of such election need be

Where no newspaper is published.

Two thirds
vote of
electors.

Resolu-
tion.

Bonds
issued
in name
of city.

How
payable.

Denomina-
tions.

By whom
signed.

Coupons.

Officer
ceasing to
be officer.

Sale of
bonds.

given. It shall require the affirmative votes of two thirds of all the aforesaid qualified electors of said sewer district voting at such special election, to authorize the incurring of said indebtedness and the issuance of bonds therefor as provided herein; *provided, however*, if the proposition so submitted at such election fail to receive the requisite number of votes of the aforesaid qualified electors of such sewer district, voting at such election to incur the indebtedness for the purpose specified, the legislative branch of such municipality shall have no power or authority within six months after such election, to pass any ordinance calling another election for incurring any indebtedness for sewer work within any sewer district which has within its boundaries any of the territory of the district in which, at said election, the requisite number of votes for the issuance of said bonds has not been cast therefor.

SEC. 4. All bonds issued under the provisions of this act shall be issued in the name of the city, town or municipal corporation in which such sewer district has been formed, and shall be payable in the following manner; a part to be determined by the legislative body of the municipality, which part shall not be less than the one fortieth part of the whole amount of such indebtedness, shall be payable each and every year on a day and date, and at a place within the United States, to be fixed by the legislative body of the city, town or municipal corporation issuing the said bonds, and designated in such bonds, together with the interest on all sums unpaid at such date, until the whole of said indebtedness shall have been paid.

The bonds shall be issued in such denominations as the legislative body of the municipality may determine, except that no bonds shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars, and shall be payable on the day, and at the place, fixed in such bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of six per cent per annum, and shall be payable semi-annually, and said bonds shall be signed by any officer of said city, town or municipal corporation designated for that purpose by the city council, board of trustees or other legislative body of such city, town or municipal corporation, by resolution adopted by two thirds vote of all its members, and shall also be signed by the treasurer thereof, and shall be countersigned by the clerk of such city, town or municipal corporation. The coupons of said bonds shall be numbered consecutively and signed by the treasurer.

In case any of such officers whose signatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes, the same as if such officers had remained in office until the delivery of the bonds.

SEC. 5. The legislative body of the city, town or municipal corporation within whose territory such sewer district has been created as herein provided, may issue and sell said bonds at not

less than their par value, and the proceeds of the sales of such bonds shall be placed in the municipal treasury to the credit of the proper sewer district fund and shall be applied exclusively to the purposes and objects mentioned in the said ordinance.

Sewer fund.

SEC. 6. Before the legislative body of such city, town or municipal corporation shall award the contract for doing any sewer work or improvement, the expense of which is to be paid out of the proceeds of sales of the bonds issued in accordance with the provisions of this act, said legislative body of said city, town or municipal corporation, shall cause notice with specifications to be posted conspicuously for five days on or near the chamber door of said legislative body, inviting sealed proposals or bids for doing said sewer work or improvement, and shall also cause notice of said work inviting said proposals and referring to the specifications posted or on file, to be published for two consecutive insertions in a daily, semi-weekly, or weekly newspaper, published and circulated in said city, town or municipal corporation, designated by said legislative body for that purpose, and in case there is no newspaper published in said city, town or municipal corporation, then it shall only be posted as hereinbefore provided. All proposals or bids offered shall be accompanied by a check, payable to the order of the executive officer of said city, town or municipal corporation, certified by a responsible bank for an amount which shall be not less than ten (10%) per cent of the aggregate of the proposal, or by a bond for the said amount, and so payable, signed by the bidder and by two sureties who shall justify before an officer competent to administer an oath, in double such amount, and over and above all statutory exemptions. Said proposals or bids shall be delivered to the clerk of said legislative body and said legislative body shall in open session examine and publicly declare the same. Said legislative body may reject any or all proposals or bids should it deem this for the public good, and shall reject all proposals or bids other than the lowest proposal or bid of any responsible bidder, and may award the contract for said work or improvement to the lowest responsible bidder at the price named in his bid, which award shall be approved by the executive officer of said city, town or municipal corporation, or a three-fourths vote of the legislative body of said city, town or municipal corporation. If not approved by said executive officer or a three-fourths vote of said legislative body, without further proceedings the said legislative body may readvertise for proposals or bids for the performance of the work as in the first instance, and thereafter proceed in the manner in this section provided, and shall thereupon return to the proper parties the respective checks and bonds corresponding to the bid so rejected. But the checks accompanying such accepted proposals or bids shall be held by the clerk of said city, town or municipal corporation, until the contract for doing said work has been entered into by said lowest bidder. But if said bidder fails, neglects or refuses to

Notice calling for bids.

Publication.

Bids to be accompanied by check.

Open bids in open session.

May reject.

May re-advertise.

Return checks

Check
forfeited.

enter into the contract to perform said work within ten days after said contract shall have been awarded, then the certified check accompanying his bid and the amount therein mentioned shall be declared to be forfeited to said city, town or municipal corporation. The said legislative body shall have the right to require such bonds as they may deem adequate from the bidder to whom the contract for said work or improvement is awarded, to insure the faithful performance of said contract. Such officer of said city, town or municipal corporation as the legislative body thereof shall designate, is authorized, in his official capacity, to make all written contracts and to receive all bonds authorized by this act, and is authorized to fix the time for the commencement, which shall not be more than fifteen days from the date of the contract, and for the completion of the work under all contracts entered into by him, which work shall be prosecuted with diligence from day to day until completion, and he may extend the time so fixed from time to time under the direction of said legislative body of said city, town or municipal corporation; *provided, however*, that nothing herein contained shall be construed as prohibiting such city, town or municipal corporation itself from constructing or completing such sewer or improvement, and buying the material, and employing the labor necessary therefor.

Bonds of
successful
bidder.

Beginning
work.

City may
construct.

Cities
under
charter.

And provided, further, that in cities, towns and municipal corporations operating under a charter heretofore or hereafter framed under section VIII, article XI of the constitution of the State of California, and providing for a board or department of public works, all the things required in this section to be done and performed by the legislative body of the municipality shall be done and performed by the board or department of public works of such city, town or municipal corporation, and in case such charter also prescribes the manner of letting and entering into contracts for the furnishing of labor, materials or supplies for the construction or completion of public work or improvements, all contracts for the construction or completion of sewer work or improvement shall be let and entered into in conformity with the provisions of such charter.

Levy of
sewer tax.

SEC. 7. The legislative body of said city, town or municipal corporation shall, at the time of fixing the general tax levy, and in the manner for such general tax levy provided, levy and collect each year upon the property situated within such sewer district formed as hereinbefore set forth, and upon such property only, and until said bonds are paid or until there shall be a sum in the treasury of such city, town or municipal corporation set apart for that purpose, sufficient to meet all sums coming due for the principal and interest on such bonds, a tax sufficient to pay the annual interest on such bonds, and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy; *provided, however*, that if the maturity of the indebtedness created by the issue of said bonds or any part thereof, be made to begin more than one year after the date of the issuance of such bonds, such

tax shall be levied and collected at the time and in the manner aforesaid, annually, each year, sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, on or before the payments herein provided for, shall become due.

The taxes herein required to be levied and collected shall be in addition to all other taxes levied for municipal purposes, and shall be collected at the time, and in the manner, as other municipal taxes are collected, and shall be used for no other purpose than the payment of the sum or sums of money due on said bonds and the accruing interest thereon, and it is hereby expressly provided that the city, town or municipal corporation issuing bonds for the purposes and in the manner provided in this act shall not in any event whatsoever be liable for the payment of the said bonds so issued under the provisions of this act, nor any part thereof.

In addition to other tax.

How used.

City not liable.

SEC. 8. It shall be the duty of the legislative body of every city, town or municipal corporation, wherein sewer work or improvement is being made under the provisions of this act, to make all needful rules and regulations for carrying out and maintaining such sewer work or improvement, to appoint all needful agents, superintendents and engineers to properly look after the construction and operation of such sewers; *provided*, that in cities, towns and municipal corporations operating under a charter heretofore or hereafter framed under section VIII of article XI of the constitution of the State of California, and having a board or department of public works, all the matters and things required in this section to be done and performed by the legislative body of the municipality shall be done and performed by the board or department of public works of such city, town or municipal corporation.

Rules.

SEC. 9. Whenever the legislative branch of any municipality shall, by resolution, deem it necessary, they may require the treasurer of such municipality to give additional bonds for the safe custody and care of the funds received by him pursuant to the provisions of this act.

Treasurer to give bond.

SEC. 10. This act shall in nowise affect any other act by the provisions of which sewer work or improvement may be done within or by any city, town or municipal corporation, but is intended to and does provide an alternate system of proceedings for sewer work or improvements, and it shall be within the discretionary powers of the legislative body of any city, town or municipal corporation to proceed in making such improvements either under the provisions of this act or under the provisions of any other act. But when any proceedings are commenced under this act, the provisions of this act and such amendments thereto as may hereafter be adopted shall thereafter apply to all work done under such proceedings until the completion thereof. If, after certain sewer work or improvement has been done under the provisions of this act, the legislative body of any city, town or municipal corporation shall deem it necessary or convenient to construct any additional

This act does not affect other acts.

sewer or sewers, it shall be within the discretionary powers of the legislative body of any such city, town or municipal corporation to proceed in making such improvement either under the provisions of this act or under the provisions of any other act relative thereto. But any provision contained in any other acts in conflict with provisions here-of shall be void as to, and of no effect upon, proceedings commenced under the provisions of this act, except as herein provided.

Definition:
"sewer."

SEC. 11. The word "sewer" as used in this act shall be deemed to, and is hereby declared to, include sewers for sanitary or drainage purposes, drains or conduits for surface or storm waters, and the outlets therefor.

SEC. 12. This act shall take effect immediately.

CHAPTER 24.

An act making an appropriation for costs and expenses of suits wherein the state is a party in interest.

[Approved February 13, 1911.]

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

Appropriation
Cost of
state suits.

SECTION 1. The sum of two thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the use of the attorney general's office during the sixty-second fiscal year, in the payment of costs and expenses of suits wherein the state is a party in interest.

SEC. 2. This act shall take effect immediately.

CHAPTER 25.

An act making an appropriation to pay the deficiency in the appropriation for the arrest of criminals without the state for the sixtieth and sixty-second fiscal years.

[Approved February 13, 1911.]

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

Appropriation.
Arrest of
criminals.

SECTION 1. The sum of eight thousand three hundred dollars (\$8,300.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for the arrest of criminals without

the state for the sixtieth and sixty-second fiscal years, said deficiency having been approved by the board of examiners.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 26.

An act making an appropriation to pay certain expenses incurred in foreclosing delinquent land purchases.

[Approved February 13, 1911.]

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

SECTION 1. The sum of seventy-six dollars and thirty-nine cents (\$76.39) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay certain expenses incurred by district attorneys in foreclosing delinquent purchases of state school lands, the same having been approved by the board of examiners as follows: W. E. Byrne, district attorney of San Bernardino county, \$8.35; Clarence F. Lea, district attorney of Sonoma county, \$66.24; C. M. Crawford, district attorney of Lake county, \$1.80.

Appropriation.

Expenses of foreclosing land purchases.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 27.

An act making an appropriation to pay the deficiency in the appropriation for aid to the state agricultural society for the sixtieth fiscal year.

[Approved February 13, 1911.]

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

SECTION 1. The sum of four thousand dollars (\$4,000.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for aid to the state agricultural society for the sixtieth fiscal year, said deficiency having been allowed by the board of examiners.

Appropriation. deficiency of agricultural society.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 28.

An act making an appropriation to pay the deficiency in the appropriation for purchase of badges, seals, etc., motor vehicle department, secretary of state's office, for the sixty-second fiscal year.

[Approved February 13, 1911.]

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

Appropriation:
deficiency
motor
vehicle
department.

SECTION 1. The sum of two thousand five hundred dollars (\$2,500.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for purchase of badges, seals, etc., motor vehicle department, secretary of state's office, for the sixty-second fiscal year, said deficiency having been allowed by the board of examiners.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 29.

An act making an appropriation to pay the deficiency in the appropriation for postage and expressage, secretary of state's office, for the sixty-second fiscal year.

[Approved February 13, 1911.]

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

Appropriation:
deficiency
postage
secretary
of state.

SECTION 1. The sum of two thousand dollars (\$2,000.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for postage and expressage, secretary of state's office, for the sixty-second fiscal year, said deficiency having been allowed by the board of examiners.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 30.

An act making an appropriation to pay the expenses of street work fronting the property of the industrial home for the adult blind in Oakland.

[Approved February 13, 1911.]

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

SECTION 1. The sum of thirty-two dollars and twenty-six cents (\$32.26) is hereby appropriated out of any money in the state treasury not otherwise appropriated to be paid to the directors of the industrial home for the adult blind to pay the expenses of street work fronting the property of the industrial home for the adult blind on Grove street in the city of Oakland, said amount having been approved by the board of examiners. Appropriation: home for blind.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 31.

An act making an appropriation to pay the deficiency in the appropriation for searching for beneficial insects (Statutes 1907, chapter 332).

[Approved February 13, 1911.]

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

SECTION 1. The sum of seven hundred sixteen dollars and seventy-five cents (\$716.75) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for searching for beneficial insects (chapter 332, Statutes 1907) said deficiency having been allowed by the board of examiners. Appropriation: deficiency; beneficial insects.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 32.

An act making an appropriation to pay the deficiency in the appropriation for care of state armory, cleaning and transportation of arms, traveling and contingent expenses of the adjutant general's office for the sixty-first and sixty-second fiscal years.

[Approved February 13, 1911.]

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

Appropriation
deficiency;
care of
armory.

SECTION 1. The sum of two hundred thirty-eight dollars and fifty cents (\$238.50) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for care of state armory, cleaning and transportation of arms, traveling and contingent expenses of the adjutant general's office for the sixty-first and sixty-second fiscal years, said deficiency having been approved by the board of examiners.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 33.

An act making an appropriation to pay the deficiency in the appropriation for pure food and drug laboratory support for the state board of health, for the sixty-first and sixty-second fiscal years.

[Approved February 13, 1911.]

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

Appropriation
deficiency;
food laboratory.

SECTION 1. The sum of ten thousand dollars (\$10,000.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for pure food and drug laboratory support for the state board of health, for the sixty-first and sixty-second fiscal years, said deficiency having been approved by the board of examiners.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 34.

An act making an appropriation to pay the deficiency in the appropriation for salaries for the state normal school at Los Angeles for the sixty-first and sixty-second fiscal years.

[Approved February 13, 1911.]

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

SECTION 1. The sum of twelve thousand dollars (\$12,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for salaries for the state normal school at Los Angeles for the sixty-first and sixty-second fiscal years, said deficiency having been approved by the board of examiners.

Appropriation deficiency; Los Angeles normal.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 35.

An act making an appropriation to pay the deficiency in the appropriation for the support of the state normal school at Los Angeles for the sixty-second fiscal year.

[Approved February 13, 1911.]

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

SECTION 1. The sum of two thousand dollars (\$2,000.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for support of the state normal school at Los Angeles for the sixty-second fiscal year, said deficiency having been approved by the board of examiners.

Appropriation deficiency; Los Angeles normal.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 36.

An act transferring money from the general fund to the San Diego harbor improvement fund to meet the expenses of the publication of the San Diego seawall act under the provisions of chapter 623, Statutes of 1909, and providing for the transfer back of such money from the San Diego harbor improvement fund to the general fund.

[Approved February 13, 1911.]

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

Transfer-
ring money
to San
Diego
harbor
fund.

SECTION 1. The sum of nine thousand seven hundred six dollars and twenty-two cents (\$9,706.22) is hereby transferred from the general fund to the San Diego harbor improvement fund to meet the expenses of the publication of the San Diego seawall act under the provisions of chapter 623, Statutes of 1909, said expenses having been approved by the board of examiners as follows:

Oakland Tribune	\$468 21
Amador Ledger	131 25
Oroville Mercury	112 00
Calaveras Prospect	173 00
Colusa Herald	112 00
Contra Costa Gazette.....	172 00
Crescent City News.....	125 00
Republican and Nugget (Placerville).....	173 00
Fresno Herald	170 26
Glenn Transcript	149 16
Humboldt Times	173 00
Holtville Tribune	95 00
Inyo Independent	96 00
Delano Record	111 60
Hanford Sentinel	147 70
Lake County Bee	173 00
Lassen Advocate	148 50
Pasadena Star	294 40
Madera Mercury	91 66
Marin Independent	135 00
Mariposa Gazette	155 00
Ukiah Times	144 00
Merced Star	90 00
Modoc Republican	130 00
Chronicle-Union (Bridgeport)	108 00
Monterey Cypress	173 00
Napa Daily Register.....	184 25
Daily Transcript (Nevada City).....	168 00
Santa Ana Blade.....	168 00
Roseville Register	108 00

Plumas Independent	\$ 82 50
Morning Enterprise (Riverside).....	170 08
Sacramento Union	341 42
Free Lance (Hollister).....	173 00
Colton Chronicle	163 60
San Diego Union.....	294 40
Call (San Francisco).....	770 00
Daily Independent (Stockton).....	237 00
Tribune (San Luis Obispo).....	153 40
Times-Gazette (Redwood City).....	168 00
Times (Santa Maria).....	119 70
Santa Clara News.....	75 00
Sunday Tribune (Santa Cruz).....	173 00
Cottonwood Enterprise	112 50
Loyaltonian	72 00
Yreka Journal	135 98
Vallejo Chronicle	167 00
Sonoma County Herald.....	172 00
Modesto Herald	153 60
Sutter County Farmer (Yuba City).....	173 00
Sentinel (Red Bluff)	175 00
Trinity Journal (Weaverville).....	152 55
Visalia Morning Delta.....	149 38
Sierra Daily Times (Sonora).....	149 38
Oxnard Courier	176 20
Yolo Independent (Broderick).....	120 00
Democrat (Marysville)	196 54

SEC. 2. The state controller and state treasurer are hereby directed to make said transfer in conformity with section one of this act and to issue and pay warrants, respectively, against the San Diego harbor improvement fund to the amount so transferred upon the audit of the board of examiners.

SEC. 3. Whenever there is, at the end of each six months' period from the date of the approval of this act, any balance left in the San Diego improvement fund over and above the amount necessary to meet the proper and lawful expenses of the board of state harbor commissioners for the bay of San Diego for such six months' period, said balance shall be paid into the state treasury to the credit of the San Diego harbor improvement fund and shall be transferred by the state controller and the state treasurer to the general fund, until said amount of nine thousand seven hundred six dollars and twenty-two cents (\$9,706.22) has been transferred to the general fund.

SEC. 4. This act shall take effect immediately.

CHAPTER 37.

An act making an appropriation to pay the expenses incurred in the publication of the state highway act under the provisions of chapter 383, Statutes of 1909.

[Approved February 13, 1911.]

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

Appropriation:
publication
highway
act.

SECTION 1. The sum of nine thousand nine hundred eighty-two dollars (\$9,982.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the expenses incurred in the publication of the state highway act as provided for by chapter 383, Statutes 1909, said expenses having been approved by the board of examiners, as follows:

Oakland Tribune	\$468 21
Amador Ledger	131 25
Oroville Mercury	116 00
Calaveras Prospect	178 00
Colusa Herald	116 00
Contra Costa Gazette	172 00
Crescent City News	125 00
Republican and Nugget (Placerville)	165 00
Fresno Herald	170 25
Glenn Transcript	154 49
Humboldt Times	178 00
Holtville Tribune	100 50
Inyo Independent	104 00
Delano Record	117 00
Hanford Sentinel	155 80
Lake County Bee	178 00
Lassen Advocate	155 25
Pasadena Star	303 75
Madera Mercury	91 68
Marin Independent	128 60
Mariposa Gazette	148 00
Ukiah Times	144 00
Merced Star	110 00
Modoc Republican	130 00
Chronicle-Union (Bridgeport)	108 00
Monterey Cypress	178 00
Napa Daily Register	192 50
Daily Transcript (Nevada City)	174 00
Santa Ana Blade	174 00
Roseville Register	108 00
Plumas Independent	85 50
Morning Enterprise (Riverside)	176 27
Sacramento Union	354 06
Free Lance (Hollister)	178 00
Colton Chronicle	159 50
San Diego Union	303 75

Call (San Francisco)	\$797 50
Daily Independent (Stockton).....	249 00
Tribune (San Luis Obispo).....	161 60
Times-Gazette (Redwood City).....	174 00
Times (Santa Maria).....	115 50
Santa Clara News.....	75 00
Sunday Tribune (Santa Cruz).....	178 00
Cottonwood Enterprise	112 50
Loyaltonian	72 00
Yreka Journal	176 26
Vallejo Chronicle	180 00
Sonoma County Herald.....	178 00
Modesto Herald	153 30
Sutter County Farmer (Yuba City).....	178 00
Sentinel (Red Bluff)	175 00
Trinity Journal (Weaverville).....	150 25
Visalia Morning Delta.....	155 54
Sierra Daily Times (Sonora).....	155 54
Oxnard Courier	186 60
Yolo Independent (Broderick).....	120 00
Democrat (Marysville)	206 05

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

SEC. 3. This act shall take effect immediately.

CHAPTER 38.

An act making an appropriation to pay the expenses incurred in the publication of the India basin act under the provisions of chapter 407, Statutes of 1909.

[Approved February 13, 1911.]

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

SECTION 1. The sum of nine thousand four hundred dollars and forty cents (\$9,400.40) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the expenses incurred in the publication of the India basin act, as provided for by chapter 407, Statutes of 1909, said expenses having been approved by the board of examiners as follows:

Oakland Tribune	\$168 21
Amador Ledger	131 25
Oroville Mercury	104 00
Calaveras Prospect	162 00
Colusa Herald	104 00

Appropriation: publication India basin act.

Contra Costa Gazette	\$172 00
Crescent City News	125 00
Republican and Nugget (Placerville)	159 50
Fresno Herald	163 99
Glenn Transcript	143 83
Humboldt Times	162 00
Holtville Tribune	95 00
Inyo Independent	96 00
Delano Record	109 20
Hanford Sentinel	142 00
Lake County Bee	162 00
Lassen Advocate	143 00
Pasadena Star	290 65
Madera Mercury	91 66
Marin Independent	132 80
Mariposa Gazette	139 00
Ukiah Times	144 00
Merced Star	90 00
Modoc Republican	130 00
Chronicle-Union (Bridgeport)	101 25
Monterey Cypress	162 00
Napa Daily Register	120 45
Daily Transcript (Nevada City)	162 00
Santa Ana Blade	162 00
Roseville Register	101 25
Plumas Independent	81 00
Morning Enterprise (Riverside)	163 90
Sacramento Union	328 77
Free Lance (Hollister)	162 00
Colton Chronicle	147 20
San Diego Union	290 65
Call (San Francisco)	742 50
Daily Independent (Stockton)	289 50
Tribune (San Luis Obispo)	147 90
Times Gazette (Redwood City)	162 00
Times (Santa Maria)	114 45
Santa Clara News	70 00
Sunday Tribune (Santa Cruz)	162 00
Cottonwood Enterprise	112 50
Loyaltonian	67 50
Yreka Journal	181 30
Vallejo Chronicle	164 00
Sonoma County Herald	161 00
Modesto Herald	142 50
Sutter County Farmer (Yuba City)	162 00
Sentinel (Red Bluff)	175 00
Trinity Journal (Weaverville)	138 65
Visalia Morning Delta	143 22
Sierra Daily Times (Sonora)	143 22
Oxnard Courier	167 40
Yolo Independent (Broderick)	120 00
Democrat (Marysville)	190 20

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

SEC. 3. This act shall take effect immediately.

CHAPTER 39.

An act making an appropriation to pay the deficiency in the appropriation for postage, expressage and telegraphing of the surveyor general's office for the sixty-first and sixty-second fiscal years.

[Approved February 13, 1911.]

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

SECTION 1. The sum of three hundred and fifty dollars (\$350.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for postage, expressage and telegraphing of the surveyor general's office for the sixty-first and sixty-second fiscal years, said deficiency having been approved by the board of examiners.

Appropriation:
deficiency;
surveyor
general.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 40.

An act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the surveyor general's office for the sixty-first and sixty-second fiscal years.

[Approved February 13, 1911.]

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

SECTION 1. The sum of four hundred and twenty-five dollars (\$425.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for contingent and traveling expenses of the surveyor general's office for the sixty-first and

Appropriation:
deficiency;
surveyor
general.

sixty-second fiscal years, said deficiency having been approved by the board of examiners.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 41.

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

[Approved February 11, 1911.]

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

Vacancy in
office;
how filled.

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

Absence.

Section 854. Any vacancy occurring in any of the offices provided for in this act shall be filled by appointment by the board of trustees; but in the event of said board of trustees failing to fill such vacancy by appointment within thirty days after a vacancy occurs, they must, if said office be an elective one, immediately after the expiration of said thirty days cause an election to be held to fill said vacancy; *provided, however,* that any person appointed or elected to fill such vacancy shall hold office only until the next regular election, at which time a person shall be elected to serve for the remainder of such unexpired term. In case a member of the board of trustees is absent from the city for the period of ninety days, unless by permission of the board of trustees, his office shall by the board be declared vacant, and the same filled as in case of other vacancies.

SEC. 2. This act shall take effect immediately.

CHAPTER 42.

An act to amend section five hundred and twenty-seven of the Code of Civil Procedure relating to the manner of granting temporary injunctions.

[Approved February 15, 1911.]

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

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

527. An injunction may be granted at any time before judgment upon a verified complaint, or upon affidavits if the complaint in the one case, or the affidavits in the other, show satisfactorily that sufficient grounds exist therefor. A copy of the complaint or of the affidavits, upon which the injunction was granted, must, if not previously served, be served therewith. No preliminary injunction shall be granted without notice to the opposite party; nor shall any temporary restraining order be granted without notice to the opposite party, unless it shall appear from facts shown by affidavit or by the verified complaint that great or irreparable injury would result to the applicant before the matter can be heard on notice. In case a temporary restraining order shall be granted without notice, in the contingency above specified, the matter shall be made returnable on an order requiring cause to be shown why the injunction should not be granted, on the earliest day that the business of the court will admit of, but not later than ten days from the date of such order. When the matter first comes up for hearing the party who obtained the temporary restraining order must be ready to proceed and must have served upon the opposite party at least two days prior to such hearing, a copy of the complaint and of all affidavits to be used in such application and a copy of his points and authorities in support of such application; if he be not ready, or if he shall fail to serve a copy of his complaint, affidavits and points and authorities, as herein required, the court shall dissolve the temporary restraining order. The defendant, however, shall be entitled, as of course, to one continuance for a reasonable period, if he desire it, to enable him to meet the application for the preliminary injunction. The defendant may, in response to such order to show cause, present affidavits relating to the granting of the preliminary injunction, and if such affidavits are served on the applicant at least two days prior to the hearing, the applicant shall not be entitled to any continuance on account thereof. On the day upon which such order is made returnable, such hearing shall take precedence of all other matters on the calendar of said day, except older matters of the same character, and

Injunction

Notice.

Party obtaining order must be ready.

Defendant entitled to continuance.

Precedence.

matters to which special precedence may be given by law. When the cause is at issue it shall be set for trial at the earliest possible date and shall take precedence of all other cases, except older matters of the same character, and matters to which special precedence may be given by law.

CHAPTER 43.

To amend section four hundred and ninety-nine of the Civil Code of the State of California relating to the use of the same street or tracks by two lines of street railway.

[Approved February 15, 1911.]

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

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

499. The legislative body of any incorporated city, city and county, or town, may permit two or more lines of street railway to use the same portion of the same street or the same tracks upon such terms as may be agreed upon by the companies operating such railways; but no permission shall be granted to one company to use the same tracks or portion of the same street for a distance of more than five consecutive blocks without the consent of the company occupying said portion of the street and then only upon payment of an equal portion of the cost of construction of the tracks and appurtenances used by such railways jointly; *provided*, that any incorporated city, city and county, or town may own and operate street railways within or without the municipal limits, and may occupy the same street or tracks occupied or used by any street railway company within its limits upon payment to such company of an equal portion of the estimated cost of construction, at the time of such occupation, of the tracks or appurtenances to be used jointly by said company and said city, city and county, or town. Where such portion of such street shall be occupied by a track or tracks of a different gauge from the track or tracks proposed to be constructed thereon by a line of street railway under a different management, such last-mentioned line of street railway may nevertheless construct its track or tracks, subject to the limitation before prescribed, over the same ground as may be occupied by such prior track or tracks; *provided*, the same can be so constructed as not to interfere with the operation of such prior track or tracks beyond such necessary interference therewith as shall be incident to such construction with reasonable skill, care and diligence.

Two lines of railway may use streets.

City may use.

Tracks of different gauge.

CHAPTER 44.

An act to amend section seven hundred and eighty-nine of an act entitled, "An act to establish a Civil Code," approved March 21, 1872, relating to termination of estates.

[Approved February 15, 1911.]

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

SECTION 1. Section seven hundred and eighty-nine of said act is hereby amended to read as follows:

789. A tenancy or other estate at will, however created, may be determined by the landlord's giving notice in writing to the tenant, in the manner prescribed by section eleven hundred and sixty-two of the Code of Civil Procedure, to remove from the premises within a period of not less than thirty days, to be specified in the notice.

Termination of estates.

CHAPTER 45.

An act to amend section 1265 of an act entitled "An act to establish a Civil Code," approved March 21, 1872, relating to homesteads and exemptions.

[Approved February 15, 1911.]

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

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

1265. From and after the time the declaration is filed for record, the premises therein described constitute a homestead. If the selection was made by a married person from the community property, or from the separate property of the spouse making the selection or joining therein, the land so selected, on the death of either of the spouses, vests in the survivor, subject to no other liability than such as exists or has been created under the provisions of this title; in other cases, upon the death of the person whose property was selected as a homestead, it shall go to the heirs or devisees, subject to the power of the superior court to assign the same for a limited period to the family of the decedent; but in no case shall it, or the products, rents, issues or profits thereof be held liable for the debts of the owner, except as provided in this title; and should the homestead be sold by the owner, the proceeds arising from such sale

Homestead.

Tenure..

to the extent of the value allowed for a homestead exemption as provided in this title shall be exempt to the owner of the homestead for a period of six months next following such sale.

CHAPTER 46.

An act to amend the Penal Code of the State of California, by adding a new section thereto to be numbered section 367c, concerning the duty of the driver and persons in charge of an automobile, motor cycle or other motor vehicle, when the same collides with a person or a vehicle containing a person, and prescribing a penalty for failure to perform such duty.

[Approved February 17, 1911.]

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

SECTION 1. A new section is hereby added to the Penal Code of the State of California, to be numbered section 367c, to read as follows:

367c. Whenever an automobile, motor cycle, or other motor vehicle strikes any person, or collides with any vehicle containing a person, the driver of, and all persons in, such automobile, motor cycle or other motor vehicle who have or assume authority over such driver, shall immediately cause such automobile, motor cycle or other motor vehicle to stop, and shall forthwith render to the person struck, or to the occupants of such vehicle, all needed assistance, including the carrying of such person or occupant to a physician or surgeon for medical or surgical treatment, if such treatment seems to be required, or if such carrying is requested by the person struck or occupying such vehicle; and such driver and person having or assuming authority over him, shall forthwith give to the occupants of such vehicle or person struck, the number of such automobile, motor cycle or other motor vehicle, with the name and address of the driver and of each person in such automobile, motor cycle or other motor vehicle at the time of such striking or collision. Any person violating any of the provisions of this section is punishable by imprisonment in the state prison not exceeding five years, or in the county jail not exceeding one year, or by fine not exceeding five thousand dollars, or by both such fine and imprisonment.

Duty of
automobile
driver in
collision.

Penalty.

CHAPTER 47.

An act to amend section 737 of the Political Code relating to the salary of superior judges.

[Approved February 17, 1911.]

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

SECTION 1. Section 737 of the Political Code is hereby amended to read as follows:

737. The annual salaries of the judges of the superior court of the city and county of San Francisco, of the county of Los Angeles and of the county of Alameda are six thousand dollars, of the counties of Riverside, Contra Costa, San Joaquin, Sacramento, Marin, Santa Clara, San Diego, Fresno and San Bernardino, five thousand dollars, of the counties of Santa Cruz, San Mateo, Yuba, Sutter, Butte, Nevada, Sonoma, Colusa, Monterey, San Luis Obispo, Shasta, Siskiyou, Santa Barbara, Mendocino, Tehama, Kern, Placer, Humboldt, Tulare, Solano, Yolo, Mariposa, Ventura, Mono, Kings, Amador, Calaveras, Stanislaus, El Dorado, Merced, Madera, Tuolumne, Orange, Glenn, Napa and San Benito, four thousand dollars, and of the county of Alpine, two thousand dollars; one half of which shall be paid by the state and the other half thereof by the county of which the judge is elected or appointed.

Salaries of superior judges.

CHAPTER 48.

An act to amend section 1 of an act entitled, "An act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the superior court jurisdiction of such offenses, and repealing inconsistent acts, approved March 8, 1909," defining the words "dependent child."

[Approved February 17, 1911.]

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

SECTION 1. Section 1 of an act entitled, "An act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of

age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the superior court jurisdiction of such offenses, and repealing inconsistent acts, approved March 8, 1909," is hereby amended.

Juvenile
court law.

Section 1. This act shall be known as the "Juvenile Court Law" and shall apply only to children under the age of eighteen years not now or hereafter inmates of a state institution.

"Dependent
child."

For the purposes of this act, the words "dependent child" shall mean any child under the age of eighteen years:

(1) Who is found begging, receiving or gathering alms, whether actually begging or under the pretext of selling or offering anything for sale; or

(2) Who is found in any street, road or public place for the purpose of so begging, gathering or receiving alms; or

(3) Who is a vagrant; or

(4) Who is found wandering and not having any home, or any settled place of abode, or any proper guardianship, or any visible means of subsistence; or

(5) Who has no parent or guardian; or who has no parent or guardian willing to exercise, or capable of exercising, proper parental control; or

(6) Who is destitute; or

(7) Whose home by reason of neglect, cruelty or depravity of his parents or either of them, or on the part of his guardian, or on the part of the person in whose custody or care he may be, is an unfit place for such child; or

(8) Who frequents the company of reputed criminals, vagrants or prostitutes; or

(9) Who is found living or being in any house of prostitution or assignation; or

(10) Who habitually visits, without parent or guardian, any saloon, pool-room or place where any spirituous, vinous or malt liquors are sold, bartered or given away; or

(11) Who persistently refuses to obey the reasonable and proper orders or directions of his parents or guardian; or

(12) Who is incorrigible; that is, who is beyond the control and power of his parents, guardian or custodian by reason of the vicious conduct or nature of said minor; or

(13) Whose father is dead or has abandoned his family or is an habitual drunkard, or whose father does not provide for such minor, and it appears that such minor is destitute of a suitable home or of adequate means of obtaining an honest living, or who is in danger of being brought up to lead an idle and dissolute or immoral life; or where both parents of such child are dead, or the mother, if living, is unable to provide proper support and care of such minor child; or

(14) Who is an habitual truant within the meaning of an act entitled "An act to enforce the educational rights of children and providing penalties for the violation of said act," approved March 24, 1903, and who is not placed in a parental school under the provisions of said act, or who being over the age of fourteen years refuses to attend public or private school as directed by his parents, duly authorized guardian or legal custodian; or

(15) Who habitually uses intoxicating liquor as a beverage or habitually smokes cigarettes or who habitually uses opium, cocaine, morphine or other similar drug, without the direction a competent physician.

The words "delinquent child" shall include any child under the age of eighteen years who violates any law of this state, or any ordinance of any town, city, county or city and county of this state, defining crime. ^{"delinquent child."}

CHAPTER 49.

An act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

[Approved February 20, 1911.]

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

SECTION 1. It shall be unlawful for any common carrier ^{Full crew.} by railroad in the State of California operating more than four trains each way per day of twenty-four hours on any main track or branch line of railroad within this state to run, or permit to be run, any passenger, mail, or express train propelled or drawn by steam locomotive that has not at least the following named employees thereon: One engineer, one fireman, one conductor, one brakeman, one baggageman; *provided*, that on any such train upon which baggage is not hauled a baggageman need not be employed; *provided, further*, that on any such train where four passenger coaches or cars exclusive of railroad officers' private cars, or more than four passenger coaches or cars are hauled, two brakemen instead of one shall be employed. ^{Passenger train.}

SEC. 2. It shall be unlawful for any such common carrier to run, or permit to be run, any freight or work train propelled or drawn by steam locomotive that has not at least the following named employees thereon: One engineer, one fireman, one conductor, two brakemen; *provided*, that on any such freight or work train composed of fifty cars or more, three brakemen instead of two shall be employed. ^{Freight train.}

- Minimum crew.** SEC. 3. It shall be unlawful for any such common carrier to run or permit to be run any train propelled or drawn by steam locomotive other than those trains described in section 1 and section 2 of this act, that have not at least the following named employees thereon: One engineer, one fireman, one conductor, and one brakeman; *provided*, that nothing in this section contained shall apply to an engine or engines without cars; nor to any relief train or wrecking train in any case where a sufficient number of employees to comply with this section are not available for service on such relief or wrecking train.
- Relief train.**
- Engineer.** SEC. 4. It shall be unlawful for any such common carrier to employ any person as a steam locomotive engineer who shall not have had at least two years' actual service as a steam locomotive fireman, or one year of actual service as a steam locomotive engineer, or to employ any person as a conductor who shall not have had at least two years of actual service as a railroad brakeman, or one year at actual service as a railroad conductor, or to employ any person as a brakeman who shall not have passed the regular examination required by trans-continental railroads; *provided*, that nothing in this section contained shall apply to the running or operating of steam locomotives to or from trains at divisional terminals by hostlers or to the running or operating of steam locomotives to and from engine houses or to the doing of work on steam locomotives at shops and engine houses.
- Conductor.**
- Brakeman.**
- Penalty.** SEC. 5. Any violation of this act shall be deemed a misdemeanor, and shall be punished, upon conviction, by fine not exceeding five hundred dollars, or by imprisonment in a county jail not exceeding six months, or by both such fine and imprisonment.
- Strikes.** SEC. 6. Nothing in this act contained shall apply to the operation of any train by common carriers during times of strikes or walkouts, participated in by any of the hereinbefore mentioned employees of such common carrier.

CHAPTER 50.

An act to prohibit the use of nets, seines, traps, or weirs for the catching of fish in Cache slough and its tributaries in the counties of Solano and Yolo.

[Approved February 20, 1911.]

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

Seining in Cache slough.

SECTION 1. Any person who, in the waters of Cache slough, from its source to its mouth, in the counties of Solano and Yolo, State of California, or in any of the tributaries of said

slough in either county, shall take any fish of any kind, by means of a net, seine, trap or weir, or who shall have in his possession, or use, or set any net, seine, trap or weir for the purpose of catching any fish in said waters, is guilty of a misdemeanor; *provided*, that nothing in this act contained shall prohibit any person from taking, during the open season therefor, any fish with hook and line.

SEC. 2. Every person found guilty of violating any of the provisions of this act shall be fined not less than one hundred dollars, or by imprisonment in the county jail in the county in which the conviction shall be had, not less than fifty days, or by both such fine and imprisonment, and all fines imposed or collected for violation of any provision of this act shall be paid into the state treasury to the credit of the fish and game preservation fund. Penalty.

SEC. 3. This act shall take effect immediately.

CHAPTER 51.

An act to make an appropriation for the contingent expenses of the assembly for the session of the thirty-ninth legislature of the State of California during the sixty-second fiscal year.

[Approved February 20, 1911.]

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

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of seven thousand five hundred dollars for the contingent expenses of the assembly for the session of the thirty-ninth legislature of the State of California during the sixty-second fiscal year. Appropriation: expenses of assembly.

SEC. 2. This act shall take effect immediately.

CHAPTER 52.

An act increasing the number of judges of the superior court of the county of San Diego, State of California, and for the appointment of such additional judge.

[Approved February 21, 1911.]

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

SECTION 1. The number of judges of the superior court of the county of San Diego, State of California, is hereby increased from two to three. Superior judges of San Diego county.

SEC. 2. Within sixty days after this act takes effect, the governor shall appoint one additional judge of the superior court of the county of San Diego, State of California, who shall hold office until the first Monday after the first day of January, 1913. At the next general election one judge of such superior court of said county shall be elected, who shall succeed the judge appointed under this act, and the person so elected shall hold office for the term prescribed by law.

Salary.

SEC. 3. The salary of said additional judge shall be five thousand dollars per annum, and shall be paid at the same time and in the same manner as the salaries of the other judges of the superior court of said county.

CHAPTER 53.

An act to amend section 682 of the Penal Code, relating to the prosecution of public offenses.

[Approved February 21, 1911.]

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

SECTION 1. Section 682 of the Penal Code is hereby amended to read as follows:

682. Every public offense must be prosecuted by indictment or information, except:

Public
offenses,
how
prosecuted.

1. Where proceedings are had for the removal of civil officers of the state;
2. Offenses arising in the militia when in actual service, and in the land and naval forces in the time of war, or which the state may keep, with the consent of congress, in time of peace;
3. Offenses tried in justices' and police courts;
4. All misdemeanors of which jurisdiction has been conferred upon superior courts sitting as juvenile courts.

CHAPTER 54.

An act to amend section two and section fourteen of an act entitled "An act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905.

[Approved February 21, 1911.]

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

SECTION 1. Section two of an act entitled "An act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905, is hereby amended so as to read as follows:

Section 2. Before ordering any improvement to be made, which is authorized by section 1 of this act, the city council shall adopt a resolution declaring its intention to do so, briefly describing the proposed improvement, which may include the whole or any part of one or more streets, lanes, alleys, courts or places, and specifying the exterior boundaries of the district to be benefited by said improvement and to be assessed to pay the cost and expenses thereof, and to be known as the assessment district. Said proposed improvement may include any or all of the different kinds of work mentioned in section 1 of this act: *provided, however*, that the maintenance of appliances or the furnishing of gas, electric current or other illuminating agent, shall be for a period stated in the resolution of intention, but not exceeding two years. The city council shall, also, in the same resolution, refer the proposed improvement to the city engineer, if there be one, and if not, to some competent person employed by the municipality for the purpose and named in said resolution, and direct him to make and file with the clerk of the city council a report in writing presenting the following:

1. Plans and specifications for the work required in order to make said improvements; Plans.

2. An estimate of the cost of said improvement and of the incidental expenses in connection therewith; Cost.

3. A diagram showing the district above referred to, and also the boundaries and dimensions of the respective subdivisions of the land within said district, each of which subdivisions shall be given a separate number in red ink upon said diagram. Diagram.

4. A proposed assessment of the total amount of the costs and expenses of the proposed improvement upon the several subdivisions of land in said district in proportion to the estimated benefits to be received by such subdivisions, respect- Assess- ment.

ively, from said improvement. Said assessment shall refer to such subdivisions upon said diagram by the respective red ink numbers thereof, and shall show the names of the owners, if known, otherwise designating them as unknown. No mistake in the name of the owner of any parcel of land shall affect the validity of the assessment thereon.

Board of
public
works.

In any municipality having a board of public works or other board or commission in charge of street lighting, created by charter or by law, the proposed improvement shall be referred to said board or commission and the report provided for herein shall be made by said board or commission.

Letting of
contract.

SEC. 2. Section fourteen of the act referred to in the title of this act, is hereby amended so as to read as follows:

Section 14. At any time after the funds for the work, or any part of the work, shall be in the hands of said treasurer, the city council may let the contract or contracts for such work or the respective parts thereof. Every such contract shall be let to the lowest responsible bidder, after notice published by two insertions in some newspaper published in such municipality and designated by the city council for that purpose, or if there be no such newspaper, then by such posting as the city council may provide. In any municipality owning and operating a municipal lighting plant and having a board of public works or other board or commission in charge of street lighting created by charter or law, said board or commission may present a bid in response to said notice and if award of the contract for the work is made to it may proceed with and complete the said work thereunder.

Board of
public
works
may bid.

Certified
check.

Every bid, except that of a board or commission as above provided for shall be accompanied by a certified check, amounting to ten per cent of the bid, payable to the order of the clerk of said city council, and the same shall be forfeited to the municipality in case the bidder depositing the same does not, within ten days after written notice that the contract has been awarded to him, enter into a contract with the municipality for the work, the faithful performance of which, except when made with any such board or commission, shall be secured by an undertaking in such penal sum as the city council shall require, with sureties satisfactory to said council.

Work,
how done.

The contract must provide that the work shall be done and the work must be done, strictly in accordance with the plans and specifications contained in the report provided for in sections 2 and 3 of this act. The work must be done under the supervision of the board, officer or person by whom the report provided for in section 2 of this act was made, and no work shall be paid for until it has been accepted by said board, officer or person and by said city council.

Abandon-
ment of
contract.

If the contractor abandons the work or fails to proceed with the same as rapidly as required by his contract, the said city council may relet the work in the same manner as in the case of the first letting thereof and retain the cost of the same, and also any expense incidental to the reletting, out of

fund due or to become due to the contractor, and also hold him and his sureties responsible for such cost and expense, and for any damages resulting from such abandonment or failure upon his bond.

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

CHAPTER 55.

An act to repeal section 644 of the Penal Code of the State of California.

[Approved February 22, 1911.]

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

SECTION 1. Section six hundred and forty-four of the Penal Code of the State of California is hereby repealed.

CHAPTER 56.

An act to authorize and regulate the employment of prisoners in the state prisons of this state and to provide for the disposition of the products of their skill and labor.

[Approved February 23, 1911.]

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

SECTION 1. The state board of prison directors are hereby authorized and empowered to cause the prisoners in the state prisons of this state to be employed in the production and manufacture of such articles, materials, and supplies as are now, or may hereafter be, needed by the state, or any political subdivision thereof, or that may be needed for any state, county, district, municipal, school, or other public use, or that may be needed by any public institution of the state or of any political subdivision thereof. The state board of prison directors are further authorized and empowered to purchase, install, and equip, such machinery, tools, supplies, materials, and equipment as may be necessary to carry out the provisions of this act.

Employment of prisoners.

Purchase of tools, etc.

SEC. 2. The state board of prison directors, in conjunction with the state board of examiners, and subject to the approval of the governor, shall, from time to time, determine the kind, quality, and quantity, of the several articles, materials, and

Kind, price, etc., of articles made.

supplies to be thus produced and manufactured, and shall also, from time to time, determine the price at which such articles, materials, and supplies shall be sold, which price shall be as near the prevailing market price as possible.

Purchase
of product.

SEC. 3. After the passage of this act all articles, materials, and supplies, herein authorized to be produced or manufactured, shall be purchased from the state prisons of this state, and at the prices fixed in the manner herein provided, excepting such articles, materials, and supplies as the state prisons are unable to furnish.

List of
articles.

SEC. 4. The state board of prison directors shall, from time to time, file with the state board of examiners a statement showing the kinds of articles, materials, and supplies produced or manufactured at the state prisons.

Rules
of sale.

SEC. 5. The state board of examiners, subject to the approval of the governor, shall establish and enforce rules and regulations under which the sale, purchase, and delivery of said articles, materials, and supplies may be made.

System of
payment.

SEC. 6. The state board of examiners, in conjunction with the controller, and subject to the approval of the governor, shall establish and enforce a method and system of payments and accounts in connection with said purchases, sales, and deliveries.

Product
for public
use.

SEC. 7. All articles, materials, and supplies, produced or manufactured under the provisions of this act shall be solely and exclusively for public use, and no article, material, or supplies produced or manufactured under the provisions of this act shall ever be sold, supplied, furnished, exchanged, or given away, for any private use or profit whatever.

Branding.

SEC. 8. Each and every article manufactured under the provisions of this act shall have plainly marked or stamped thereon either the words "San Quentin Prison" or the words "Folsom Prison," according as such article may be manufactured at one or the other of said prisons.

Jute
products
exempt.

SEC. 9. Nothing in this act contained shall repeal, or in any manner affect, any of the provisions of any existing act or law relating to the purchase, manufacture, or sale of jute or jute products; nor shall anything contained in this act repeal, or in any manner affect, any of the provisions of any act or law relating to the crushing of rock or stone or the sale thereof.

SEC. 10. This act shall take effect immediately.

CHAPTER 57.

An act to amend section one (1) of an act entitled, "An act amending an act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885," (approved March 16, 1889), and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the "revolving fund" provided for in said act.

[Approved February 23, 1911.]

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

SECTION 1. Section one (1) of an act entitled, "An act amending an act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885," (approved March 16, 1889), is hereby amended so as to read as follows:

Section 1. The sum of two hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to provide and maintain a permanent revolving fund for the purchase of jute for the state prisons. All moneys taken therefrom to be used exclusively in payment for jute to be used in manufacturing in said state prisons; and so much of the money received from the sale of any goods manufactured from said jute shall be returned to the said revolving fund, so that the fund shall contain two hundred thousand dollars before any of the proceeds from the sale of said manufactured goods are used for any other purpose than the purchase of jute. Whenever said "revolving fund" shall be replenished and there shall be a surplus, or balance, over the amount appropriated, such surplus, or balance, shall be paid, not less frequently than semi-annually, into the state treasury to the credit of the fund to be known as "the prison fund of San Quentin prison" (which "fund" is hereby created), for the use and support of San Quentin prison and of the trades and industries conducted therein.

SEC. 2. This act shall take effect immediately.

Appropriation:
purchase
of jute.

"revolving
fund"

CHAPTER 58.

An act to add a new section to the Penal Code of the State of California to be known as section six hundred and thirty-two (4), relating to fishing through the ice in the waters of this state.

[Approved February 23, 1911.]

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

SECTION 1. A new section is hereby added to the Penal Code of the State of California, to be known as section six hundred and thirty-two (4), and to read as follows:

Fishing
through
ice.

632(4). Every person who at any time fishes through the ice formed on any of the waters of this state, or who attempts, in any manner to take, catch, or kill any fish inhabiting the waters beneath such ice, is guilty of a misdemeanor.

CHAPTER 59.

An act making an appropriation for certain urgent repairs and equipment at the State Normal School at San Diego.

[Approved February 23, 1911.]

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

Appropriation:
repairs, San
Diego
normal.

SECTION 1. The sum of three thousand dollars (\$3,000.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the costs of certain urgent repairs and equipment at the state normal school at San Diego, the same having been approved by the board of examiners.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 60.

An act making an appropriation to pay the deficiency in the appropriation for erection and construction of additional cells at the state prison at San Quentin (ch. 211 Stats. 1905).

[Approved February 23, 1911.]

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

SECTION 1. The sum of two thousand dollars (\$2,000.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for erection and construction of additional cells at the state prison at San Quentin (ch. 211, Stats. 1905), said deficiency having been approved by the board of examiners.

Appropriation:
deficiency:
cells, San
Quentin.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 61.

An act making an appropriation to pay the deficiency in the appropriation for support of San Quentin state prison for the sixty-first fiscal year.

[Approved February 23, 1911.]

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

SECTION 1. The sum of two thousand four hundred seventy-four dollars and thirty cents (\$2,474.30) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for support of San Quentin state prison for the sixty-first fiscal year, said deficiency having been approved by the board of examiners.

Appropriation:
deficiency:
support,
San
Quentin.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 62.

An act making an appropriation to pay the deficiency in the appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work. (Ch. 579, Stats. 1909.)

[Approved February 23, 1911.]

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

Appropriation
deficiency;
street
work, Sutter
Fort

SECTION 1. The sum of seven hundred twelve dollars and eighty-nine cents (\$712.89) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento (ch. 579, Stats. 1909), said deficiency having been approved by the board of examiners.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 63.

An act making an appropriation to pay the deficiency in the appropriation for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind. (Chapter 210, Statutes 1907.)

[Approved February 23, 1911.]

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

Appropriation
deficiency;
home for
blind.

SECTION 1. The sum of four thousand three hundred fifty-three dollars and seventy cents (\$4,353.70) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind (chapter 210, Statutes 1907), said deficiency having been approved by the board of examiners.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 64.

An act to amend section 593 of the Civil Code of the State of California, relating to the incorporation of religious, social and benevolent corporations and other corporations not organized for pecuniary profit.

[Approved February 24, 1911.]

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

SECTION 1. Section five hundred ninety-three of the Civil Code of the State of California is hereby amended to read as follows:

593. Any number of persons associated together for any purpose, where pecuniary profit is not their object, and for which individuals may lawfully associate themselves, may, in accordance with the rules, regulations, or discipline of the association, elect directors, the number thereof to be not less than three nor more than thirty-one, and may incorporate themselves as provided in this title.

Corporations not for profit.

CHAPTER 65.

An act to amend section 599 of the Civil Code of the State of California, relating to the by-laws of corporations organized for purposes other than profit.

[Approved February 24, 1911.]

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

SECTION 1. Section five hundred ninety-nine of the Civil Code of the State of California is hereby amended to read as follows:

599. Corporations now organized or that may hereafter be organized for purposes other than profit, may, either in their by-laws, ordinances, constitutions, or articles of incorporation, provide for:

By-laws of corporations not for profit.

1. The qualification of members, mode of election or appointment, and terms of admission to membership;

2. The fees of admission and dues to be paid to their treasury by members;

3. The number of persons that shall constitute a quorum at any meeting of the corporation, and the number of directors who shall constitute a quorum at any meeting of the board

By-laws of corporations not for profit.

of directors, and that an election of officers of the corporation by a meeting so constituted, or the appointment or selection of such officers, or any of them, in any manner required by the rules, regulations, or discipline of any specified religious denomination, society, or church, shall be as valid as if made at an election at which a majority of the members of the corporation were present and voted;

4. The expulsion and suspension of members for misconduct or non-payment of dues, also for restoration to membership;

5. A special method of organizing the board of directors, and a special method of increasing or diminishing the number of directors within the limits as to number prescribed by section five hundred and ninety-three of this code;

6. Contracting, securing, paying, and limiting the amount of their indebtedness;

7. That the rules, regulations, or discipline, for the time being, of any specified religious denomination, society, or church, shall always be a part of their by-laws, ordinances, constitutions, or articles of incorporation;

8. Other regulations not repugnant to the constitution or laws of the state and consonant with the objects of the corporation.

CHAPTER 66.

An act to amend section 1721 of the Code of Civil Procedure relating to establishing who are or were the heirs at law of persons to whom patent for lands has been or shall be issued in cases where the person entering such lands has died or shall die before the issuance of such patent.

[Approved February 25, 1911.]

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

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

Death before patent is issued.

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

such patent, and that the same was issued to the heirs at law of such deceased entryman, and the land described therein and the names, ages, and residences, if known, of the heirs at law of such deceased entryman, (or if any such heirs are dead, or their residence is unknown, such facts shall be stated), and a request that a decree be entered in said court establishing who are or were the heirs at law of such deceased person.

Death
before
patent is
issued.

Notice of the time and place for the hearing of said petition must be given by the clerk by posting notices thereof in three or more public places in said county at least ten days prior to the date fixed for said hearing.

At any time before the date fixed for such hearing any person interested in said lands may answer said petition and deny any of the matters contained therein.

At the time fixed for such hearing or at such time thereafter as may be fixed by the court, the court must hear the proofs offered by the petitioner and the person answering the same, if there be any answer thereto, and must make a decree conformable to the proofs. Such decree shall have the same force and effect as decrees entered in accordance with the provisions of part III, title XI of this code.

CHAPTER 67.

An act to amend section 2287 of the Civil Code of the State of California, relating to the appointment of trustees in case of vacancy.

[Approved February 25, 1911.]

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

SECTION 1. Section 2287 of the Civil Code of the State of California is hereby amended to read as follows:

2287. The superior court may appoint a trustee whenever there is a vacancy and the declaration of trust does not provide a practicable method of appointment. If the *cestui que trust* is of the age of fourteen years, he may nominate such trustee, and if such nominee is found competent to discharge the duties of trustee, he is entitled to be appointed such trustee in preference to any other person.

Appoint-
ment of
trustees.

CHAPTER 68.

An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing "An act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act."

[Approved February 25, 1911.]

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

Supervisors
may
establish.

SECTION 1. The boards of supervisors of the several counties shall have power to establish and maintain, within their respective counties, county free libraries in the manner and with the functions prescribed in this act.

Not to in-
clude cities
having
libraries.

SEC. 2. The board of supervisors of any county may establish at the county seat a county free library for that part of such county lying outside of incorporated cities and towns maintaining free public libraries, and outside of library districts maintaining district libraries, and for all such additional portions of such county as may elect to become a part of, or to participate in, such county free library system, as hereafter provided in this act. At least once a week for two successive weeks prior to taking such action the board of supervisors shall publish, in a newspaper designated by them and published in such county, notice of such contemplated action, giving therein the date of the meeting at which such action is proposed to be taken.

Publi-
cation
of notice.

How cities
having
libraries
may par-
ticipate.

SEC. 3. After the establishment of a county free library as provided in this act, the board of trustees, common council or other legislative body of any incorporated city or town in the county maintaining a free public library, or the board of trustees of any library district maintaining a district library, may notify the board of supervisors that such city, town or library district desires to become a part of the county free library system, and thereafter such city, town or library district shall be a part thereof and its inhabitants shall be entitled to the benefits of such county free library, and the property within such city, town or library district shall be liable to taxes levied for county free library purposes. But the board of trustees, common council or other legislative body of any incorporated city or town in the county, or the board of trustees of any library district may at any time notify the board of supervisors that such city, town or library district no longer desires to be a part of the county free library system, and thereafter such city, town or library district shall cease to participate in the benefits of such county free library, and the property situated in such city, town or library district shall not be liable to taxes for county free library purposes: *provided, however,* that the board of trustees, common council

May cease
to par-
ticipate.

or other legislative body of any incorporated city or town, or the board of trustees of any library district, shall publish, at least once a week for two successive weeks prior either to giving or to withdrawing such notice, in a newspaper designated by said board of trustees, city council or board of library trustees, and circulating throughout such city, town or library district, notice of such contemplated action, giving therein the date and the place of the meeting at which such contemplated action is proposed to be taken.

Publication
of notice.

Sec. 4. The board of supervisors of any county wherein a county free library has been established under the provisions of this act, shall have full power and authority to enter into contracts with any incorporated city or town maintaining a free public library, and any such incorporated city or town shall, through its board of trustees or other legislative body, have power to enter into contracts with such county to secure to the residents of such incorporated city or town the same privileges of the county free library as are granted to, or enjoyed by, the residents of the county outside of such incorporated city or town, or such privileges as may be agreed upon in such contract, upon such consideration to be named in said contract as may be agreed upon, the same to be paid into the county free library fund, and thereupon the residents of such incorporated city or town shall have the same privileges with regard to said county free library as are had by the residents of such county outside of such incorporated city or town, or such privileges as may be agreed upon by said contract.

Cities
having
libraries
may con-
tract with
with
county
library for
service.

Sec. 5. The board of supervisors of any county wherein a county free library has been established under the provisions of this act, shall have full power and authority to enter into contracts or agreements with the board of supervisors of any other county to secure to the residents of such other county such privileges of such county free library as may, by such contract, be agreed upon and upon such consideration as may in said contract be agreed upon, the same to be paid into the county free library fund, and thereupon the inhabitants of such other county shall have such privileges of such county free library as may by such contract be agreed upon; and the board of supervisors of such county shall have full power and authority to enter into a contract with the board of supervisors of another county wherein a county free library has been established under the provisions of this act, as in this section provided, and shall have power to levy a library tax, as in this act provided, for the purpose of carrying out such contract, but the making of such contract shall not bar the board of supervisors of such county during the continuance of such contract from establishing a county free library therein under the provisions of this act, if none be already established therein, and upon the establishment of such county free library, such contract may be terminated upon such terms as may be agreed upon by the parties thereto, or may continue for the term thereof.

One county
may fur-
nish library
service to
another.

Library
tax.

Board of
library ex-
aminers.

SEC. 6. A commission is hereby created to be known as the board of library examiners, consisting of the state librarian, who shall be ex officio chairman of said board, the librarian of the public library of the city and county of San Francisco, and the librarian of the Los Angeles public library. The members of said board shall receive no compensation for their services, except their actual and necessary traveling expenses, to be paid out of the state library fund. Said board shall pass upon the qualifications of all persons desiring to become county librarians, and may, in writing, adopt rules and regulations not inconsistent with law for its own government, and for carrying out the purposes of this act. Persons of either sex shall be eligible to certification for the office of county librarian.

To pass on
qualifica-
tions of
county
librarians.

County
librarian,
appoint-
ment.

SEC. 7. Upon the establishment of a county free library, the board of supervisors shall appoint a county librarian, who shall hold office for the term of four years, subject to prior removal for cause, after a hearing, by said board. No person shall be eligible to the office of county librarian unless prior to his appointment he has received from the board of library examiners a certificate of qualification for the office. At the time of his appointment, the county librarian need not be a resident of the county nor a citizen of the State of California.

Govern-
ment of
county
library.

SEC. 8. The county free library shall be under the general supervision of the board of supervisors, which shall have power to make general rules and regulations regarding the policy of the county free library, to establish, upon the recommendation of the county librarian, branches and stations throughout the county and may locate said branches and stations in incorporated cities and towns wherever deemed advisable, to determine the number and kind of employees of such library, and to appoint and dismiss such employees upon the recommendation of the county librarian. Such employee shall not be removed except for cause, and in case any such removal be made upon the ground that the services of such employee are no longer required, such removed employee shall have the first right to be restored to such employment when such services are again required, but the board of supervisors may, at the time of appointing any employee, and upon the recommendation of the county librarian, enter into an agreement that such employee be employed for a definite time only.

Employees.

All employees of the county free library whose duties require special training in library work shall be graded in grades to be established by the county librarian, with the advice and approval of the state librarian, according to the duties required of them, experience in library work and other qualifications for the service required; and before appointment to a position in the graded service, the candidate must pass an examination appropriate to the position sought, satisfactory to the county librarian, and show a satisfactory experience in library work. Work in approved library schools or libraries, or certificates issued by the board of library examiners, may be accepted by the county librarian in lieu of such examination. The county

Grades.

librarian may also accept as apprentices, without compensation, candidates possessing personal qualifications satisfactory to him and may dismiss the same at any time if in his judgment their work is not satisfactory to him.

Appren-
tices.

SEC. 9. The county librarian shall, prior to entering upon the duties of his office, file with the county clerk the usual oath of office and a bond, conditioned upon the faithful performance of his duties, with sufficient sureties approved by a judge of the superior court in the county of which the librarian is to be the county librarian, in such sum as may be determined by the board of supervisors. The county librarian shall, subject to the general rules adopted by the board of supervisors, build up and manage, according to accepted principles of library management of the library for the use of the people of the county, and shall determine what books and other library equipment shall be purchased. The salary per annum of the county librarian shall be as follows: In counties of the first to the third classes inclusive, two thousand four hundred dollars; of the fourth to the tenth classes inclusive, two thousand dollars; of the eleventh to the twentieth classes inclusive, eighteen hundred dollars; of the twenty-first to the thirtieth classes inclusive, fifteen hundred dollars; of the thirty-first to the forty-eighth classes inclusive, twelve hundred dollars; and of the forty-ninth to the fifty-seventh classes inclusive, five hundred dollars. The salary of each of the county librarians here provided shall be paid by each of such counties in equal monthly installments, at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid. The county librarian and his assistant shall be allowed actual and necessary traveling expenses incurred on the business of the office.

County
librarian,
bond,
duties.

Salary.

SEC. 10. The county free libraries of the state shall be under the general supervision of the state librarian, who shall from time to time, either personally or by one of his assistants, visit the county free libraries and inquire into their condition. The actual and necessary expenses of such visits shall be paid out of the state library fund. The state librarian shall annually call a convention of county librarians, to assemble at such time and place as he shall deem most convenient, for the discussion of questions pertaining to the supervision and administration of the county free libraries, the laws relating thereto, and such other subjects affecting the welfare and interest of the county free libraries as shall properly be brought before it. It is hereby made the duty of all the county librarians to attend and take part in the proceedings of such convention. The actual and necessary expenses of the county librarians attending the convention shall be paid out of the county free library fund.

Supervision
of state
librarian.

Convention
of county
librarians.

SEC. 11. The county librarian shall, on or before the thirty-first day of July in each year, report to the board of supervisors and to the state librarian on the condition of the county free library, for the year ending June thirtieth preced-

Report.

ing. Such reports shall, in addition to other matters deemed expedient by the county librarian, contain such statistical and other information as may be deemed desirable by the state librarian. For this purpose the state librarian may send to the several county librarians instructions or question blanks so as to obtain the material for a comparative study of library conditions in the state.

Tax levy.

SEC. 12. The board of supervisors, after a county free library has been established, shall annually levy, in the same manner and at the same time as other county taxes are levied, and in addition to all other taxes, a tax not to exceed one mill on the dollar of assessed valuation upon all property in such county outside of incorporated cities and towns maintaining free public libraries, and library districts maintaining district libraries, and upon all property within incorporated cities, towns and library districts, which have elected to become a part of such county free library system as provided in this act, for the purpose of purchasing property for, establishing and maintaining the county free library. County bonds may be issued, in the manner prescribed in section 4088 of the Political Code for the erection and equipment of county free library buildings and the purchase of land therefor. The board of supervisors is authorized to receive, on behalf of the county, any gift, bequest or devise for the county free library, or for any branch or subdivision thereof. The title to all property belonging to the county free library shall be vested in the county. All laws applicable to the collection of county taxes shall apply to the collection of the tax herein provided. All funds of the county free library, whether derived from taxation or otherwise, shall be in the custody of the county treasurer. They shall constitute a separate fund, called the county free library fund, and shall not be used for any purposes except those of the county free library. Each claim against the county free library fund shall be authorized and approved by the county librarian, or in his absence from the county by his assistant. It shall then be acted upon in the same manner as are all other claims against the county.

Bonds.

Gifts.

Fund.

Claims,
how paid.

County
law
library.

SEC. 13. In any county of this state where a law library may now or hereafter exist under the provisions of section 4190 to 4204, inclusive, of the Political Code of the state, the board of supervisors of such county shall have power to enter into contracts, or agreements with the board of law library trustees of such law library for the coöperation of said law library and the county free library, and, in that connection, to contract or agree with the board of law library trustees of such law library that the county librarian and other employees of the county free library perform the duties required to be done or performed by the officers and employees of such law library as contemplated by section 4190 to 4204, inclusive, of the Political Code of this state for a compensation to be named in such contract or agreement, the same to be paid into the county free library fund.

SEC. 14. The board of supervisors shall have power to accept on behalf of the county free library, all books and other property of school libraries and of the teachers' library as provided by sections 1565, 1715 and 1716 of the Political Code, and to manage and maintain the same as a part of the county free library.

School
library.

SEC. 15. After a county free library has been established, it may be disestablished in the same manner as it was established. At least once a week for two successive weeks prior to taking such action, the board of supervisors shall publish, in a newspaper designated by them, and published in the county, notice of such contemplated action, giving therein the date of the meeting at which such contemplated action is proposed to be taken.

How dis-
established

SEC. 16. Instead of establishing a separate county free library, the board of supervisors may enter into a contract according to the provisions of this section with the board of library trustees or other authority in charge of the free public library of any incorporated city or town, and the board of library trustees, or other authority in charge of such free public library, is hereby authorized to make such a contract. Such contract may provide that the free public library of such incorporated city or town shall assume the functions of a county free library within the county with which such contract is made, including incorporated cities and towns therein. The board of supervisors may agree to pay annually into the library fund of such incorporated city or town such sum as may be agreed upon. Either party to such contract may terminate the same by giving six months' notice of intention to do so.

Contract
with public
library.

SEC. 17. An act entitled "An act to provide county library systems," approved April 12, 1909, and all acts and parts of acts in conflict herewith are hereby repealed: *provided, however,* that any county library which may have been established and is now in existence under the provisions of the act approved April 12, 1909, shall be continued under the provisions of this act, and be considered the same as if established under the provisions of this act; *and provided, further,* that in any case where a contract has been entered into between any county board of supervisors and any city or incorporated town under the provisions of section twelve of said act, the same shall continue in force, and the provisions of section sixteen of this act shall be applicable thereto, until the establishment and equipment of a county free library under the provisions of sections one to fifteen inclusive of this act, unless sooner terminated under the provisions thereof.

Act of
April 12,
1909,
repealed.

CHAPTER 69.

An act to add a new section to the Political Code of the State of California to be known as section four thousand one hundred and eighty-nine, relating to the duties of constables.

[Approved February 27, 1911.]

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

SECTION 1. A new section is hereby added to the Political Code of the State of California, to be known as section four thousand one hundred and eighty-nine, and to read as follows:

Duties of
constables.

4189. All writs, notices or other process issued by justices or justices' courts in civil actions or proceedings, if served within the township where issued, must not be served by any constable other than the duly elected, qualified and acting constable or constables of said township.

CHAPTER 70.

An act to amend section 2193 of the Political Code, with relation to moneys due the state by reason of commitments to the Sonoma State Home.

[Approved February 27, 1911.]

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

SECTION 1. Section 2193 of the Political Code is hereby amended to read as follows:

Moneys
due state.

2193. Each county auditor must include in his state settlement report rendered to the controller in the months of May and December the amount due the state under this act by reason of commitments to the home for feeble-minded; and the county treasurer, at the time of the settlement with the state in such months, must pay to the state treasurer, upon the order of the controller, the amounts found to be due to the state by reason of the commitments herein referred to. In the event of the failure of the county auditor or county treasurer to do or perform any of the things required in this section, the state commission in lunacy may require the county treasurer by writ of mandate to pay to the state treasurer upon an order of the controller all amounts found to be due to the state as aforesaid at the time of the next settlement of the said county treasurer with the state, and it shall be no defense to

such a proceeding that the county auditor has failed to include such sums in his said report rendered to the controller, and it shall not be necessary for the said commission to allege or prove any fact with relation to the condition of the funds of the county. The said commission may, in its discretion, recover sums due from counties as in this chapter provided, by the presentation of claims against the board of supervisors, and recovery may be had on all sums due the state for a period of three years next prior to the presentation of any such claims.

CHAPTER 71.

An act to amend an act entitled, "An act to add a new section to the Code of Civil Procedure of the State of California to be known and numbered as section 526a, relating to actions by taxpayers against officers and agents of any county, town, city, or city and county in said state," approved March twentieth, nineteen hundred and nine.

[Approved February 27, 1911.]

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

SECTION 1. Section 526a of the Code of Civil Procedure of the State of California is hereby amended so as to read as follows, to wit:

526a. An action to obtain a judgment, restraining and preventing any illegal expenditure of, waste of, or injury to, the estate, funds, or other property of a county, town, city or city and county of the state, may be maintained against any officer thereof, or any agent, or other person, acting in its behalf, either by a citizen resident therein, or by a corporation, who is assessed for and is liable to pay, or, within one year before the commencement of the action, has paid, a tax therein. This section does not affect any right of action in favor of a county, city, town, or city and county, or any public officer: *provided*, that no injunction shall be granted restraining the offering for sale, sale, or issuance of any municipal bonds for public improvements or public utilities.

Actions
against
officers.

CHAPTER 72.

An act to amend section 1322 of the Code of Civil Procedure of the State of California relating to wills.

[Approved February 28, 1911.]

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

SECTION 1. Section 1322 of the Code of Civil Procedure of the State of California, is hereby amended to read as follows:

Wills
proved in
other
states.

1322. All wills duly proved and allowed in any other of the United States, or in any foreign country or state, may be allowed and recorded in the superior court of any county in which the testator shall have left any estate, or shall have been a resident, at the time of his death.

CHAPTER 73.

An act to amend an act, entitled "An act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture; the cushions whereof are stuffed in whole or in part with materials made of secondhand or cast-off clothing, rags or cast-off, or secondhand materials of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this act a misdemeanor," approved March 18, 1909, by adding a new section thereto, to be numbered section 3, providing for the enforcement of this act by the commissioner of the bureau of labor statistics.

[Approved February 28, 1911.]

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

SECTION 1. An act entitled "An act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of secondhand or cast-off clothing, rags, or cast-off or secondhand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this act a misdemeanor," approved March 18, 1909, is hereby amended

by adding a new section thereto, to be numbered 3, and to read as follows:

Section 3. It shall be the duty of the commissioner of the bureau of labor statistics to enforce the provisions of this act. The commissioner, his deputies and agents shall have all powers and authority of sheriffs to make arrests for violations of the provisions of this act.

Duty of
labor com-
missioner.

CHAPTER 74.

An act appropriating money to be used in the purchase of a boiler for the Whittier State School.

[Approved February 28, 1911.]

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

SECTION 1. The sum of twenty-five hundred dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be expended in the purchase of a one hundred and twenty-five horse power boiler for the Whittier State School.

Appropriation:
boiler for
Whittier
State
School.

SEC. 2. The state controller is hereby directed to draw his warrant in favor of the board of trustees of the Whittier State School for the amount herein appropriated, and the state treasurer is hereby directed to pay the same.

CHAPTER 75.

An act appropriating money to be used in the purchase of a new range and new equipment in kitchen, boys' department of the Whittier State School.

[Approved February 28, 1911.]

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

SECTION 1. The sum of twenty-five hundred dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be expended in the purchase of a new range and new equipment in kitchen, boys' department of the Whittier State School.

Appropriation:
range for
Whittier
State
School.

SEC. 2. The state controller is hereby directed to draw his warrant in favor of the board of trustees of the Whittier State School for the amount herein appropriated, and the state treasurer is hereby directed to pay the same.

CHAPTER 76.

An act to appropriate money to be expended in the purchase of furniture for one cottage of the Whittier State School.

[Approved February 28, 1911.]

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

Appropriation: furniture for Whittier State School.

SECTION 1. The sum of two thousand five hundred dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be expended in the purchase of furniture for one cottage of the Whittier State School.

SEC. 2. The state controller is hereby authorized to draw his warrant in favor of the board of trustees of the Whittier State School for the amount herein made payable, and the state treasurer is hereby directed to pay the same.

CHAPTER 77.

An act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered section 367d, concerning the operation or driving of an automobile, motor cycle, or other motor vehicle by a person who becomes or is intoxicated while driving said automobile, motor cycle or other motor vehicle and prescribing a penalty for the violation of said section.

[Approved February 28, 1911.]

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

SECTION 1. A new section is hereby added to the Penal Code of the State of California to be numbered section 367d, to read as follows:

Driving automobile while intoxicated.

367d. Any person operating or driving an automobile, motor cycle or other motor vehicle who becomes or is intoxicated while so engaged in operating or driving such automobile, motor cycle or other motor vehicle shall be guilty of a misdemeanor.

CHAPTER 78.

An act to amend the Penal Code of the State of California by adding a new section thereto to be numbered section 588a, concerning the throwing or depositing of any glass bottle, glass, nails, tacks, hoops, wire, cans or any other substance likely to injure any person, animal or vehicle upon any public highway in the State of California and prescribing a penalty for the violation of such section.

[Approved February 28, 1911.]

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

SECTION 1. A new section is hereby added to the Penal Code of the State of California to be numbered section 588a, to read as follows:

588a. Any person who throws or deposits any glass bottle, glass, nails, tacks, hoops, wire, cans or any other substance likely to injure any person, animal or vehicle upon any public highway in the State of California shall be guilty of misdemeanor.

Throwing
glass upon
highway.

CHAPTER 79.

An act to amend section 1584 of the Penal Code of the State of California, relating to moneys received or collected by the wardens of San Quentin prison and of Folsom prison and the disposition thereof.

[Approved February 28, 1911.]

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

SECTION 1. Section one thousand five hundred and eighty-four of the Penal Code of the State of California is hereby amended so as to read as follows:

1584. All moneys received or collected by the warden of San Quentin prison shall be reported to the state controller on the first day of each and every month in such form as the controller may require, and, at the same time, shall, on the order of the controller, be paid into the state treasury to the credit of "the prison fund of San Quentin prison," except so much thereof as shall be necessary to be paid into the jute revolving fund as required by the provisions of an act of the legislature, approved March 9, 1885, and the acts amendatory thereof or supplemental thereto. All money received or

Moneys
received
at San
Quentin.

Moneys received at Folsom.

collected by the warden of Folsom prison shall be reported to the state controller on the first day of each and every month, in such form as the controller may require, and at the same time shall be paid into the state treasury to the credit of the Folsom state prison fund, excepting so much thereof as may be necessary to pay the expenses and money allowed discharged prisoners under the provisions of this title. The wardens shall require vouchers for all moneys by them expended, and safely keep the same on file in their respective offices at the prisons. For all sums of money required to be paid other than for the uses above named, as well as for said uses when there is not sufficient money in the hands of the warden, drafts shall be drawn on the controller of state, signed by at least three of the directors, and the controller of state shall draw his warrant on the state treasurer, who shall pay the same out of any moneys belonging to the state prison funds, or appropriated for the use or support of the state prisons. The amount of all money retained by the wardens, and the aggregate amount paid out, shall be reported quarterly to the controller of state and the proper entries shall be made on the controller's books.

Moneys expended.

Quarterly reports.

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

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

CHAPTER 80.

An act to amend section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

[Approved February 28, 1911.]

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

SECTION 1. Section 1251 of the Code of Civil Procedure of the State of California, is hereby amended so as to read as follows:

When plaintiff in right of eminent domain cases must pay.

1251. The plaintiff must, within thirty days after final judgment, pay the sum of money assessed. In case the plaintiff is the State of California, or is a public corporation, and it appears by affidavit that bonds of said state or public corporation must be issued and sold in order to provide the money necessary to pay the sum assessed, then such sum may be paid at any time within six months from the date of such judgment; *provided, further,* that if the sale of any such bonds can not be had by reason of litigation affecting the validity thereof, then the time during which such litigation is

pending shall not be considered a part of the six months' time in which such payment must be made. In case the use is for railroad purposes, the plaintiff may, at the time of or before payment, elect to build the fences and cattle-guards; and if he so elect, shall execute to the defendant a bond, with sureties to be approved by the court in double the assessed cost of the same, to build such fences and cattle-guards within eighteen months from the time the railroad is built on the land taken, and if such bond be given, need not pay the cost of such fences and cattle-guards. In an action on such bond, the plaintiff may recover reasonable attorney's fees.

CHAPTER 81.

An act authorizing any municipal corporation, using the word "town" in its corporate name, to change such word to "city" and providing the procedure therefor.

[Approved February 28, 1911.]

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

SECTION 1. Any municipal corporation within this state, except freeholder charter city, may eliminate the word "town" in its corporate name and insert in place thereof, the word "city," as in this act provided. The council, board of trustees or other legislative body of such municipal corporation may, by ordinance, upon receiving a petition asking that the word "town" be eliminated or dropped from the corporate name of such municipality and the word "city" be substituted therefor, signed by not less than twenty-five per cent of the qualified electors thereof, as shown by the vote cast at the last municipal general election held therein, eliminate the word "town" from the corporate name of such municipality and substitute in place thereof, the word "city". Upon the adoption of such ordinance, the clerk of such municipality must file a statement with the secretary of state and also with the board of supervisors of the county within which the municipal corporation is situate, stating the filing of such petition and the adoption of such ordinance and from thenceforth and thereon, the name "city" shall take the place of and be deemed substituted for the word "town" in such corporate name.

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

CHAPTER 82.

An act to amend section 2714 of the Political Code relating to the construction, repair and maintenance of bridges.

[Approved February 28, 1911.]

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

SECTION 1. Section 2714 of the Political Code of the State of California is hereby amended to read as follows:

Mainte-
nance of
bridges of
adjoining
districts.

2714. If the road overseer of one district, after five days' notice from the overseer of an adjoining district to aid in the repair of a bridge in which each is interested, fails so to aid, the one giving notice may make the necessary repairs, and must be allowed a pro rata compensation therefor by the board of supervisors out of the road fund of the defaulting district. Bridges crossing the line or lines between cities or towns and road districts, or between cities or towns, may be constructed and maintained by the cities or towns and from the road fund of the road district or by the cities or towns into which such bridges extend. Any such bridge may be constructed by contract let as provided by law by either city or town or by the county into which such bridge extends or wherein such bridge is located, and any such city, town or county may contribute toward the cost and expense of the construction or maintenance of such bridge by the appropriation for such purpose of any funds in the treasury of such city, town or county not otherwise appropriated, upon such terms and conditions as may be prescribed by ordinance or resolution of the governing body of such city, town or county aiding in the construction or maintenance of such bridge: *provided*, that if the proportion to be paid by any such city, town or county can not be otherwise determined, the cost of construction or maintenance of any such bridge shall be borne equally by the city or town and from the road fund of the road district or by the cities or towns into which such bridge extends. The proceeds of any bonds heretofore or hereafter authorized by the voters of any such city, town or county for the acquisition, construction or completion of any such bridge, or any portion thereof, may be expended or contributed as herein provided.

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

CHAPTER 83.

An act to validate municipal bonds.

[Approved February 28, 1911.]

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

SECTION 1. Where, in any city, city and county, or incorporated town, an election has been held, in accordance with the laws of the state, and the necessary two thirds of all the qualified electors voting thereat shall have voted in favor of incurring an indebtedness for any of the purposes permitted by law, all the proceedings leading up to the issuance, and the proposed issuance, of bonds for any such purpose are hereby legalized, ratified, and declared valid to all intents and purposes, and the power of the municipal corporation to issue such bonds is hereby confirmed, and all bonds sold in accordance with the provisions of the laws of this state for not less than their par value are hereby declared to be legal and valid obligations of and against the city, city and county, or town so issuing them, and the faith and credit of such municipal corporation is hereby pledged for the prompt payment and redemption of the principal and interest of such bonds; *provided*, this act shall not operate to legalize any bonds which have been sold for less than their par value, nor any bonds which have not, at the time of the passage of this act, been authorized by not less than two thirds of the qualified electors of such municipal corporation voting at any such election.

Validating
municipal
bonds.

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

CHAPTER 84.

An act to amend sections four thousand five c, four thousand six, four thousand one hundred forty-nine d, four thousand two hundred thirty, four thousand two hundred thirty-one, four thousand two hundred thirty-two, four thousand two hundred thirty-three, four thousand two hundred thirty-four, four thousand two hundred thirty-five, four thousand two hundred thirty-six, four thousand two hundred thirty-seven, four thousand two hundred thirty-eight, four thousand two hundred thirty-nine, four thousand two hundred forty, four thousand two hundred forty-one, four thousand two hundred forty-two, four thousand two hundred forty-three, four thousand two hundred forty-four, four thousand two hundred forty-five, four thousand two hundred forty-six, four thousand two hundred forty-seven, four thousand two hundred forty-eight, four thousand two hundred forty-nine, four thousand two hundred fifty, four thousand two hundred fifty-one, four thousand two hundred fifty-two, four thousand two hundred fifty-three, four thousand two hundred fifty-four, four thousand two hundred fifty-five, four thousand two hundred fifty-six, four thousand two hundred fifty-seven, four thousand two hundred fifty-eight, four thousand two hundred fifty-nine, four thousand two hundred sixty, four thousand two hundred sixty-one, four thousand two hundred sixty-two, four thousand two hundred sixty-three, four thousand two hundred sixty-four, four thousand two hundred sixty-five, four thousand two hundred sixty-five a, four thousand two hundred sixty-six, four thousand two hundred sixty-seven, four thousand two hundred sixty-eight, four thousand two hundred sixty-nine, four thousand two hundred seventy, four thousand two hundred seventy-one, four thousand two hundred seventy-two, four thousand two hundred seventy-three, four thousand two hundred seventy-four, four thousand two hundred seventy-five, four thousand two hundred seventy-six, four thousand two hundred seventy-seven, four thousand two hundred seventy-eight, four thousand two hundred seventy-nine, four thousand two hundred eighty, four thousand two hundred eighty-one, four thousand two hundred eighty-two, four thousand two hundred eighty-three, four thousand two hundred eighty-four, four thousand two hundred eighty-five, four thousand two hundred eighty-six and four thousand two hundred ninety of the Political Code, and to add a new section to said code, to be numbered section four thousand two hundred eighty-seven, all relating to the population and classification of the several counties of the state and to the county and township officers therein, to determine the population and fix the classification of said counties, and to provide for the appointment of assistants, deputies, clerks, stenographers, copyists and employees of the county officers

of such counties, and for the compensation of such officers, their assistants, deputies, clerks, stenographers, copyists and employees, and to repeal sections four thousand two hundred forty-three a, four thousand two hundred fifty a, four thousand two hundred seventy-one a and four thousand two hundred eighty-one a of said Political Code.

[Approved February 28, 1911.]

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

SECTION 1. Section four thousand and five c of the Political Code is hereby amended to read as follows:

4005c. The population of the counties of this state is hereby ascertained and determined to be and is as follows: Population of counties

1. Los Angeles	504,131
2. San Francisco	416,912
3. Alameda	246,131
4. Santa Clara	83,539
5. Fresno	75,657
6. Sacramento	67,806
7. San Diego	61,665
8. San Bernardino	56,706
9. San Joaquin	50,731
10. Sonoma	48,394
11. Kern	37,715
12. Tulare	35,440
13. Riverside	34,696
14. Orange	34,436
15. Humboldt	33,857
16. Contra Costa	31,674
17. Santa Barbara	27,738
18. Solano	27,559
19. Butte	27,301
20. San Mateo	26,585
21. Santa Cruz	26,140
22. Marin	25,114
23. Monterey	24,146
24. Mendocino	23,929
25. Stanislaus	22,522
26. Napa	19,800
27. San Luis Obispo.....	19,383
28. Shasta	18,920
29. Siskiyou	18,801
30. Ventura	18,347
31. Placer	18,237
32. Kings	16,230
33. Merced	15,148
34. Nevada	14,955
35. Yolo	13,926
36. Imperial	13,591

Popula- tion of counties, continued.	37.	Tehama	11,401
	38.	Yuba	10,042
	39.	Tuolumne	9,979
	40.	Calaveras	9,171
	41.	Amador	9,086
	42.	Madera	8,368
	43.	San Benito	8,041
	44.	Colusa	7,732
	45.	El Dorado	7,492
	46.	Glenn	7,172
	47.	Inyo	6,974
	48.	Sutter	6,328
	49.	Modoc	6,191
	50.	Lake	5,526
	51.	Plumas	5,259
	52.	Lassen	4,802
	53.	Sierra	4,098
	54.	Mariposa	3,956
55.	Trinity	3,301	
56.	Del Norte	2,417	
57.	Mono	2,042	
58.	Alpine	309	

SEC. 2. Section four thousand and six of the Political Code of the State of California is hereby amended to read as follows:

Classifica-
tion of
counties.

4006. For the purpose of regulating the compensation of all officers herein provided for, the several counties of this state are hereby classified, according to their population (as ascertained and determined in section four thousand and five c) of this code as follows, to wit:

- 1st class. Counties containing a population of five hundred thousand and over shall belong to and be known as counties of the first class.
- 2d class. Counties containing a population of four hundred thousand and under five hundred thousand shall belong to and be known as counties of the second class.
- 3d class. Counties containing a population of two hundred thousand and under four hundred thousand shall belong to and be known as counties of the third class.
- 4th class. Counties containing a population of eighty thousand and under two hundred thousand shall belong to and be known as counties of the fourth class.
- 5th class. Counties containing a population of seventy-five thousand and under eighty thousand shall belong to and be known as counties of the fifth class.
- 6th class. Counties containing a population of sixty-five thousand and under seventy-five thousand shall belong to and be known as counties of the sixth class.
- 7th class. Counties containing a population of sixty thousand and under sixty-five thousand shall belong to and be known as counties of the seventh class.

Counties containing a population of fifty-five thousand and under sixty thousand shall belong to and be known as counties of the eighth class. 8th class.

Counties containing a population of fifty thousand and under fifty-five thousand shall belong to and be known as counties of the ninth class. 9th class.

Counties containing a population of forty thousand and under fifty thousand shall belong to and be known as counties of the tenth class. 10th class.

Counties containing a population of thirty-six thousand and under forty thousand shall belong to and be known as counties of the eleventh class. 11th class.

Counties containing a population of thirty-five thousand and under thirty-six thousand shall belong to and be known as counties of the twelfth class. 12th class.

Counties containing a population of thirty-four thousand five hundred and under thirty-five thousand shall belong to and be known as counties of the thirteenth class. 13th class.

Counties containing a population of thirty-four thousand and under thirty-four thousand five hundred shall belong to and be known as counties of the fourteenth class. 14th class.

Counties containing a population of thirty-two thousand and under thirty-four thousand shall belong to and be known as counties of the fifteenth class. 15th class.

Counties containing a population of thirty-one thousand and under thirty-two thousand shall belong to and be known as counties of the sixteenth class. 16th class.

Counties containing a population of twenty-seven thousand seven hundred and under thirty-one thousand shall belong to and be known as counties of the seventeenth class. 17th class.

Counties containing a population of twenty-seven thousand five hundred and under twenty-seven thousand seven hundred shall belong to and be known as counties of the eighteenth class. 18th class.

Counties containing a population of twenty-seven thousand three hundred and under twenty-seven thousand five hundred shall belong to and be known as counties of the nineteenth class. 19th class.

Counties containing a population of twenty-six thousand five hundred and under twenty-seven thousand three hundred shall belong to and be known as counties of the twentieth class. 20th class.

Counties containing a population of twenty-six thousand and under twenty-six thousand five hundred shall belong to and be known as counties of the twenty-first class. 21st class.

Counties containing a population of twenty-five thousand and under twenty-six thousand shall belong to and be known as counties of the twenty-second class. 22d class.

Counties containing a population of twenty-four thousand and under twenty-five thousand shall belong to and be known as counties of the twenty-third class. 23d class.

Counties containing a population of twenty-three thousand and under twenty-four thousand shall belong to and be known as counties of the twenty-fourth class. 24th class.

- 25th class. Counties containing a population of twenty-two thousand and under twenty-three thousand shall belong to and be known as counties of the twenty-fifth class.
- 26th class. Counties containing a population of nineteen thousand five hundred and under twenty-two thousand shall belong to and be known as counties of the twenty-sixth class.
- 27th class. Counties containing a population of nineteen thousand three hundred and under nineteen thousand five hundred shall belong to and be known as counties of the twenty-seventh class.
- 28th class. Counties containing a population of eighteen thousand nine hundred and under nineteen thousand three hundred shall belong to and be known as counties of the twenty-eighth class.
- 29th class. Counties containing a population of eighteen thousand five hundred and under eighteen thousand nine hundred shall belong to and be known as counties of the twenty-ninth class.
- 30th class. Counties containing a population of eighteen thousand three hundred and under eighteen thousand five hundred shall belong to and be known as counties of the thirtieth class.
- 31st class. Counties containing a population of eighteen thousand and under eighteen thousand three hundred shall belong to and be known as counties of the thirty-first class.
- 32d class. Counties containing a population of sixteen thousand and under eighteen thousand shall belong to and be known as counties of the thirty-second class.
- 33d class. Counties containing a population of fifteen thousand and under sixteen thousand shall belong to and be known as counties of the thirty-third class.
- 34th class. Counties containing a population of fourteen thousand and under fifteen thousand shall belong to and be known as counties of the thirty-fourth class.
- 35th class. Counties containing a population of thirteen thousand seven hundred and under fourteen thousand shall belong to and be known as counties of the thirty-fifth class.
- 36th class. Counties containing a population of thirteen thousand and under thirteen thousand seven hundred shall belong to and be known as counties of the thirty-sixth class.
- 37th class. Counties containing a population of eleven thousand and under thirteen thousand shall belong to and be known as counties of the thirty-seventh class.
- 38th class. Counties containing a population of ten thousand and under eleven thousand shall belong to and be known as counties of the thirty-eighth class.
- 39th class. Counties containing a population of nine thousand five hundred and under ten thousand shall belong to and be known as counties of the thirty-ninth class.
- 40th class. Counties containing a population of nine thousand one hundred and under nine thousand five hundred shall belong to and be known as counties of the fortieth class.
- 41st class. Counties containing a population of nine thousand and under nine thousand one hundred shall belong to and be known as counties of the forty-first class.

Counties containing a population of eight thousand three hundred and under nine thousand shall belong to and be known as counties of the forty-second class. 42d class.

Counties containing a population of eight thousand and under eight thousand three hundred shall belong to and be known as counties of the forty-third class. 43d class.

Counties containing a population of seven thousand seven hundred and under eight thousand shall belong to and be known as counties of the forty-fourth class. 44th class.

Counties containing a population of seven thousand four hundred and under seven thousand seven hundred shall belong to and be known as counties of the forty-fifth class. 45th class.

Counties containing a population of seven thousand and under seven thousand four hundred shall belong to and be known as counties of the forty-sixth class. 46th class.

Counties containing a population of six thousand five hundred and under seven thousand shall belong to and be known as counties of the forty-seventh class. 47th class.

Counties containing a population of six thousand three hundred and under six thousand five hundred shall belong to and be known as counties of the forty-eighth class. 48th class.

Counties containing a population of six thousand and under six thousand three hundred shall belong to and be known as counties of the forty-ninth class. 49th class.

Counties containing a population of five thousand three hundred and under six thousand shall belong to and be known as counties of the fiftieth class. 50th class.

Counties containing a population of five thousand and under five thousand three hundred shall belong to and be known as counties of the fifty-first class. 51st class.

Counties containing a population of four thousand five hundred and under five thousand shall belong to and be known as counties of the fifty-second class. 52d class.

Counties containing a population of four thousand and under four thousand five hundred shall belong to and be known as counties of the fifty-third class. 53d class.

Counties containing a population of three thousand five hundred and under four thousand shall belong to and be known as counties of the fifty-fourth class. 54th class.

Counties containing a population of three thousand and under three thousand five hundred shall belong to and be known as counties of the fifty-fifth class. 55th class.

Counties containing a population of two thousand four hundred and under three thousand shall belong to and be known as counties of the fifty-sixth class. 56th class.

Counties containing a population of two thousand and under two thousand four hundred shall belong to and be known as counties of the fifty-seventh class. 57th class.

Counties containing a population less than two thousand shall belong to and be known as counties of the fifty-eighth class. 58th class.

SEC. 3. Section four thousand one hundred forty-nine *d* of the Political Code is hereby amended to read as follows:

Salary of
fish and
game
warden.

4149d. The salary and compensation of the fish and game warden shall be as follows: For counties of the first class one hundred and twenty-five dollars per month; for counties of the second and third classes, one hundred dollars per month; for counties of the fourth and sixth classes, seventy-five dollars per month; for counties of the fifth, seventh, eighth and ninth classes, sixty dollars per month; for counties of the tenth class, seventy-five dollars per month; and for counties of all other classes, from the eleventh to the fifty-eighth, inclusive, fifty dollars per month. In addition thereto, said warden shall be allowed a sum not to exceed twenty-five dollars per month for expenses incurred by him in the performance of his duties. Said salary and expenses incurred must be paid monthly from the county treasury.

Expenses.

SEC. 4. Section four thousand two hundred thirty of the Political Code is hereby amended to read as follows:

1st class
(Los
Angeles),
salaries.

4230. In counties of the first class the county and township officers shall receive as compensation for the services required of them by law or by virtue of their office the following salaries, to wit:

County
clerk.

1. The county clerk, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk the following clerks, deputies and employees, who shall be appointed by the county clerk, and shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy who shall be cashier and bookkeeper at a salary of one hundred and fifty dollars per month; one deputy, who shall be in charge of the probate department, at a salary of one hundred and fifty dollars per month; one deputy who shall be in charge of the registration department at a salary of one hundred and fifty dollars per month; one deputy who shall be an assistant to the registration clerk at a salary of one hundred and thirty-five dollars per month; one deputy who shall be an assistant to the registration clerk at a salary of one hundred and twenty-five dollars per month; one deputy who shall be an assistant to the registration clerk at a salary of one hundred and ten dollars per month; one deputy, who shall be clerk of the board of supervisors, at a salary of one hundred and fifty dollars per month; twelve deputies who shall be court room clerks at salaries of one hundred and twenty-five dollars each per month; one deputy who shall be judgment clerk at a salary of one hundred and twenty-five dollars per month; one deputy who shall be an assistant judgment clerk at a salary of one hundred and ten dollars per month; one deputy who shall be a file clerk at a salary of one hundred and ten dollars per month; one deputy who shall be an index clerk at a salary of one hundred and ten dollars per month; one deputy who shall be in charge of the criminal records at a salary of one hundred and ten dollars per month;

two deputies who shall be recording clerks for probate orders at a salary of one hundred and fifteen dollars each per month; one deputy who shall be an assistant clerk of the board of supervisors at a salary of one hundred and ten dollars per month; one deputy who shall be a stenographer at a salary of one hundred and ten dollars per month; one deputy who shall be a stenographer for the board of supervisors at a salary of one hundred dollars per month; one deputy who shall be a miscellaneous department clerk at a salary of one hundred and twenty-five dollars per month; six deputies at a salary of one hundred dollars each per month; one messenger and telephone boy at a salary of sixty dollars per month; one deputy at a salary of twenty-five dollars per month; twelve deputies for a period not to exceed one month in any one year at a salary of eighty dollars per month each; *provided, further*, that in such years as the compilation of the great register of voters is required by law to be made, the county clerk in counties of this class shall be and he is hereby allowed one hundred and fifty deputies for a period not to exceed one month each in any such year, at a salary of ninety dollars per month each, and also for any such year one additional deputy in each voting precinct in the county for the purpose of registering electors in such precincts, who shall be paid five cents per name for each elector legally registered by them. The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments, at the same time, and in the same manner and out of the same fund as the salary of the county clerk is paid.

2. The sheriff, four thousand dollars per annum; *provided*, Sheriff. that in counties of this class there shall be and there hereby is allowed to the sheriff an under-sheriff and the following deputies, stenographers, and employees, who shall be appointed by the sheriff of said county and shall be paid salaries as follows, to wit: One under-sheriff, at a salary of two hundred dollars per month; one deputy, who shall be bookkeeper, at a salary of one hundred and fifty dollars per month; two deputies, who shall be assistant bookkeepers, at a salary of one hundred and ten dollars each per month; one deputy, who shall be the return clerk, at a salary of one hundred dollars per month; one deputy, who shall be foreclosure clerk, at a salary of one hundred and fifteen dollars per month; three deputies at a salary of one hundred and thirty-five dollars each per month; one cook at the county jail, at a salary of seventy dollars per month; twenty-five deputies at a salary of one hundred dollars each per month; six deputies, who shall be turnkeys at the county jail, at a salary of ninety dollars each per month; one deputy, who shall be bookkeeper at the county jail, at a salary of one hundred dollars per month; one deputy, who shall be head jailer at the county jail, at a salary of one hundred and fifteen dollars per month; one matron of the county jail at a salary of seventy-five dollars per month; two stenographers at a salary of seventy-five dollars each per

1st class
(Los
Angeles).
continued.

1st class
(Los
Angeles),
continued.

month; one deputy, who shall be a chauffeur and machinist, at a salary of one hundred dollars per month. The salaries of the under-sheriff, matron, cook, and all deputies, stenographer, and chauffeur herein provided for shall be paid by said county in monthly installments at the same time, in the same manner, and out of the same fund that the salary of the sheriff is paid. The sheriff shall also receive the amount of money necessarily expended by him in serving all processes and notices, and the same shall be charged against the county and allowed as such by the board of supervisors, and paid as other county charges are paid. In case of sale of property on foreclosure of mortgage or on execution, the sheriff shall be entitled to receive all necessary expenses of keeping the property and of advertising the sale.

Recorder.

3. The recorder, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder the following deputies and copyists, who shall be appointed by the recorder of said county, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy at a salary of one hundred and fifty dollars per month; two deputies at a salary of one hundred and thirty dollars each per month; seven deputies at a salary of one hundred and fifteen dollars each per month; one deputy at a salary of one hundred and ten dollars per month; one deputy at a salary of one hundred and five dollars per month; fifteen deputies at a salary of one hundred dollars each per month; three deputies at a salary of seventy-five dollars each per month; and as many copyists as may be required, who shall receive as compensation for their services the sum of seven cents per folio for recording any instrument or notice, except maps or plats; for copies of any paper or record, seven cents per folio. The salaries and compensation of all deputies and copyists herein provided for shall be paid by the county in monthly installments, at the same time, in the same manner and out of the same fund as the salary of the county recorder is paid.

Auditor.

4. The auditor, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the auditor the following deputies, clerks, and assistants, who shall be appointed by the auditor, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy who shall be in charge of the redemption department at a salary of one hundred and thirty-five dollars per month; one deputy in the redemption department at a salary of one hundred and thirty dollars per month; one deputy in the redemption department at a salary of one hundred and twenty-five dollars per month; one deputy in the redemption department at a salary of one hundred and twenty dollars per month; one deputy who shall be chief bookkeeper, at a salary of one hundred and fifty dollars per month; one deputy who shall be assistant bookkeeper at a salary of one

hundred and thirty-five dollars per month; one deputy who shall be assistant bookkeeper at a salary of one hundred and twenty-five dollars per month; one deputy at a salary of one hundred and fifteen dollars per month; two deputies at a salary of one hundred dollars each per month; one hundred clerks at a salary of four dollars per day each for each day employed for a period not to exceed thirty days in any one year; and such additional clerks and assistants as the auditor may require, and whose compensation in the aggregate shall not exceed seventeen hundred and fifty dollars in any one year. The salaries of the deputies, clerks and assistants herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the auditor is paid.

1st class
(Los
Angeles).
continued.

5. The treasurer, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer the following deputies, who shall be appointed by the treasurer, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy who shall be cashier and bookkeeper at a salary of one hundred and fifty dollars per month; one deputy at a salary of one hundred and thirty-five dollars per month; one deputy at a salary of one hundred dollars per month. The salaries of the deputies herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the treasurer is paid.

Treasurer.

6. The tax collector, three thousand six hundred dollars per annum, which shall be in full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector the following deputies, stenographers and clerks, who shall be appointed by the tax collector, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy who shall be chief clerk, at a salary of one hundred and twenty-five dollars per month; two deputies, who shall be assistants to the chief clerk, at a salary of one hundred and ten dollars each per month; one deputy who shall be cashier, at a salary of one hundred and twenty-five dollars per month; one deputy who shall be assistant cashier, at a salary of one hundred and ten dollars per month; two deputies, who shall be assistants to the cashier, at a salary of one hundred and ten dollars each per month, for a period not to exceed six months in any one year; one deputy who shall be correspondence clerk, at a salary of one hundred and twenty-five dollars per month; one deputy who shall be correspondence clerk, at a salary of one hundred and fifteen dollars per month; one deputy who shall be license clerk, at a salary of one hundred and ten dollars per month; two deputies who shall be checking clerks, at a salary of one hundred and fifteen dollars each per month; and one deputy who shall be register clerk, at a salary of one hundred and ten dollars per month; one deputy who

Tax
collector.

1st class
(Los
Angeles),
continued.

Tax
collector.

shall be record clerk, at a salary of one hundred and ten dollars per month; two deputies, who shall be license inspectors, at a salary of one hundred dollars each per month; one deputy who shall be chief report clerk, at a salary of one hundred and twenty-five dollars per month; six deputies, who shall be report clerks, at a salary of one hundred and ten dollars each per month; one deputy who shall be bookkeeper, at a salary of one hundred and ten dollars per month; twelve deputies, at a salary of one hundred dollars each per month; two deputies, who shall be sale and redemption clerks, at a salary of one hundred dollars each per month; one deputy who shall be map clerk, at a salary of one hundred and fifteen dollars per month; one deputy who shall be a stenographer at a salary of seventy-five dollars per month; sixty-five clerks for a period not to exceed six months during the year 1909, at a salary of four dollars per day each for each day employed; and for any year subsequent to the year 1909, eighty-five clerks for a period not to exceed six months in any one year at a salary of four dollars each per day for each day employed; and also such additional assistants as the tax collector may require in preparing a property index; the compensation of such assistants, however, shall not exceed in the aggregate the sum of two thousand dollars during the year 1909, and like assistants in any year subsequent thereto for the revision and maintenance of such property index, whose compensation for any year after the year 1909 shall not exceed in the aggregate two thousand dollars for any such year. The tax collector shall also be allowed and there is hereby allowed a sum not to exceed six hundred dollars for the necessary traveling expenses of said license tax collector each year. The salaries of the deputies, clerks, assistants and stenographers herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the tax collector is paid.

District
attorney.

7. The district attorney, six thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the district attorney the following deputies, employees, and assistants, who shall be appointed by the district attorney of said county, and who shall be paid salaries as follows: One assistant district attorney at a salary of two hundred and seventy-five dollars per month; one chief deputy at a salary of two hundred and fifty dollars per month; four deputies at a salary of two hundred and twenty-five dollars per month each; seven deputies at a salary of two hundred dollars each per month; one clerk at a salary of one hundred and fifty dollars per month; two detectives at a salary of one hundred and thirty-five dollars each per month; two process servers at a salary of one hundred dollars each per month; one stenographer at a salary of one hundred and fifty dollars per month; three stenographers at a salary of one hundred dollars each per month; one messenger at a salary of sixty dollars per month; the auditor shall audit and allow, and the treasurer shall pay to the district attorney the sum of fifty dollars per

month on the first of each month, which shall be for a secret service fund, to be used in detection and prevention of crime by the district attorney; *provided, however,* that nothing contained in this subdivision shall be construed as limiting the provisions of section four thousand three hundred and seven; *provided, further,* that nothing herein contained shall be construed to prevent the board of supervisors of said counties of this class from employing special counsel, when, in the judgment of said board, the interests of said county require it. The salaries of the assistants, deputies, clerks, stenographers, special counsel, detectives, and employees herein provided for, shall be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the district attorney is paid.

1st class
(Los Angeles).
continued.

8. The assessor, three thousand six hundred dollars per annum; *provided,* that in counties of this class there shall be and hereby is allowed to the assessor the following deputies, clerks, stenographers, and copyists, who shall be appointed by the assessor, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one head deputy, county department, at a salary of one hundred and twenty-five dollars per month; one head deputy, city department, at a salary of one hundred and twenty-five dollars per month; two improvement valuation deputies at a salary of one hundred and twenty dollars each per month; three real estate valuation deputies at a salary of one hundred and twenty dollars each per month; one deputy who shall be a cashier at a salary of one hundred and twenty dollars per month; one machinery valuation deputy at a salary of one hundred and twenty dollars per month; one tax sale and redemption deputy at a salary of one hundred and ten dollars per month; ten deputies at a salary of one hundred dollars each per month; four transfer deputies at a salary of one hundred dollars each per month; fifty field deputies for a period not exceeding four months in any one year at a salary of one hundred dollars each per month; forty field deputies for a period not exceeding three months in any one year at a salary of one hundred dollars each per month; twenty-five clerks for a period not exceeding four months in any one year at a salary of one hundred dollars each per month; nine field deputies for a period not exceeding four months in any one year at a salary of one hundred dollars each per month; fifteen copyists at a salary of seventy-five dollars each per month; ten copyists for a period not exceeding four months in any one year at a salary of seventy-five dollars each per month; forty copyists for a period not exceeding four months in any one year at a salary of seventy-five dollars each per month; eight comparers, for a period not exceeding four months in any one year, at a salary of eighty dollars each per month; twelve comparers for a period not exceeding three months in any one year, at a salary of eighty dollars each per month; two deputies, who shall be photographers, at a salary of one hundred and twenty

Assessor.

1st class
(Los Angeles),
continued.

Assessor.

dollars each per month; two stenographers at a salary of seventy-five dollars each per month; there is also allowed not to exceed five hundred dollars for traveling expenses of the said assessor or his deputies for each year. The salaries of the deputies, stenographers, clerks, and copyists herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the county assessor is paid. It is further provided that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes, nor shall the said assessor receive any compensation for making out the military roll of persons returned to him as subject to military duty as provided by section one thousand nine hundred and one of the Political Code; *provided, however,* that fifteen per cent of all moneys collected by him for poll taxes and road poll taxes shall be allowed to such counties on their settlement with the state, and be and remain the property of such counties.

Coroner.

9. The coroner, three thousand dollars per annum and his actual necessary expenses in traveling outside of the county seat. He shall hold inquests as prescribed by chapter two, title twelve, part two, of the Penal Code, except that he may in his discretion dispense with a jury. The coroner or other officer holding an inquest upon the body of a deceased person may subpoena a physician or surgeon to inspect a body, or a chemist to make an analysis of the contents of the stomach or tissues of the body, or hold a post-mortem examination of the deceased, and give his professional opinion as to the cause of death. The coroner in counties of this class shall be and he is hereby allowed the following assistants: One deputy at a salary of two hundred dollars per month; said deputy shall have the power, and it shall be his duty when directed by the coroner, to hold inquests, and all power conferred by law upon the coroner may be exercised by said deputy; one stenographer at a salary of one hundred and fifty dollars per month. Said stenographer shall take down in shorthand the testimony of witnesses at inquests and shall transcribe the same into long-hand and file a certified copy thereof with the county clerk; one clerk at a salary of one hundred and twenty-five dollars per month. The salaries of the deputies, clerk and stenographer herein provided for shall be paid by the county in the same manner, at the same time, and out of the same funds as the salary of the coroner is paid.

Public
admini-
strator.

10. The public administrator, three thousand dollars per annum; *provided,* that in counties of this class there shall be and there is hereby allowed to the public administrator one deputy at a salary of one hundred and fifty dollars per month. The salary of said deputy shall be paid by the county in the same manner, at the same time, and out of the same fund as the salary of the public administrator is paid.

11. The superintendent of schools, three thousand six hundred dollars per annum, which shall be in full for all services, including attendance upon the board of education, also actual necessary traveling expenses not to exceed five dollars for every school district in the county; *provided*, that in counties of this class there shall be and there hereby is allowed the superintendent of schools the following assistants and deputies, who shall be appointed by the superintendent of schools of said county, and who shall be paid salaries as follows: Two assistants at a salary of one hundred and seventy-five dollars each per month; two deputies at a salary of one hundred and twenty-five dollars each per month; two deputies at a salary of one hundred dollars each per month. The salaries of the assistants and deputies herein provided for shall be paid by the county at the same time, in the same manner, and out of the same fund as the salary of the superintendent of schools is paid.

1st class
(Los Angeles),
continued.

Superintendent of
schools.

12. The health officer, fifteen hundred dollars per annum, and special health officers when appointed as in this title provided, ten dollars each per day; *provided*, that no more than five hundred dollars per annum shall be paid or expended in any one year in payment of special health officers. The salaries of the health officer and special health officers shall be paid by the county in the same manner and at the same time and out of the same fund as the salaries of county officers are paid.

Health
officer.

12a. Each member of the county board of education, except the secretary thereof, five dollars for each session of the board attended, not exceeding a total of four hundred dollars to any member in any one year. In addition, each member shall be entitled to mileage at the rate of ten cents per mile, for one way only, while attending the regular sessions. Said compensation of the said members of the board of education shall be payable monthly and out of the same funds and in the same manner as the salary of the county superintendent of schools is paid. Said compensation shall be in full payment for all services rendered.

Board of
education.

13. The surveyor, three thousand six hundred dollars per annum, and in addition thereto all necessary expenses and transportation for work performed in the field, and all necessary expenses for searching records and compiling assessor's maps; *provided*, that in counties of this class there shall be and there hereby is allowed to the surveyor, one chief deputy who shall be a licensed engineer, and fifteen deputies who shall be draughtsmen, and who shall be appointed by the surveyor of said county and shall be paid salaries as follows: One chief deputy at a salary of two hundred and fifty dollars per month; one deputy at a salary of one hundred and fifty dollars per month; seven deputies at a salary of one hundred and twenty-five dollars each per month; five deputies at a salary of one hundred dollars each per month; two deputies at a salary of ninety dollars each per month. The salaries of said surveyor

Surveyor.

1st class
(Los
Angeles),
continued.

and said deputies and draughtsmen herein provided for shall be paid by said county in monthly installments at the same time, in the same manner and out of the same fund as the salary of the county surveyor is paid.

Super-
visors.

14. Supervisors, two thousand four hundred dollars per annum, together with mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties, either as road commissioners or supervisors, not exceeding in the aggregate seven hundred and fifty dollars each per annum. They shall also receive their necessary expenses when attending meetings of the state board of equalization: *and provided, further*, that there shall be and hereby is allowed to the said board of supervisors the following clerks: One clerk who shall be auditor and accountant at a salary of one hundred and fifty dollars per month; one clerk who shall be in charge of miscellaneous records, equalization and election matters, at a salary of one hundred and twenty-five dollars per month; one clerk who shall be demand clerk at a salary of one hundred and fifteen dollars per month; one clerk who shall be stenographer and index clerk at a salary of one hundred dollars per month; one clerk, as emergency clerk, at a salary of one hundred dollars per month; one clerk who shall be superintendent of charities at a salary of one hundred and twenty-five dollars per month; one clerk at a salary of one hundred and ten dollars per month, and one clerk at a salary of one hundred dollars per month, each of whom shall be an assistant to the superintendent of charities; one clerk who shall be stenographer for the department of charities at a salary of eighty-five dollars per month; thirty clerks for a period not exceeding thirty days in any one year at a salary of four dollars each for each day actually employed to assist said board while sitting as a board of equalization; and, in addition to the clerks hereinbefore provided for, in years when a general election is held in the state, there shall be and hereby is allowed the said board of supervisors forty clerks for a period not to exceed twenty days in such years, at a compensation of four dollars each per day for each day actually employed; such clerks shall be appointed by the board of supervisors and shall be paid by said county in the same manner, at the same time, and out of the same fund as other clerks of the county offices are paid; *and still further provided*, that from and after the first Monday after the first day of January in the year one thousand nine hundred and thirteen, supervisors in counties now of this class shall receive as compensation for the services required of them by law a salary of three thousand dollars each per annum, together with mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties either as road commissioners or supervisors, not exceeding in the aggregate seven hundred and fifty dollars each per annum, and they shall also receive their necessary expenses when attending meetings of the state board of equalization. The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in

Clerks.

monthly installments at the same time, in the same manner and out of the same fund as the county officers are paid.

1st class
(Los Angeles),
continued.

15. Justices of the peace, such fees as are now or may be hereafter allowed by law; *provided*, that no justice of the peace shall receive more than one thousand five hundred dollars per annum, which may be paid in monthly installments of not exceeding one hundred and twenty-five dollars per month, for all services rendered by him in criminal cases, or in actions or proceedings to which the people of the State of California are or may be parties; and no claim of any such justice of the peace in excess of said sum of one thousand five hundred dollars per annum, or the installments thereof as aforesaid, shall be allowed or paid; but all fines and fees collected by every such justice on the account aforesaid shall belong to and be the property of the county in which such justice exercises his jurisdiction. And each of such justices shall report, under oath, on the first Monday of each month, to the board of supervisors of such county, the amount of all fines and fees collected by him, on the account aforesaid, during the preceding month, and shall, on said date, deposit with the county treasurer, to the credit of the county, all such fines and fees as may be shown by said report to have been collected by him. He shall also transmit the treasurer's receipt for said payment to said board with the said report; *provided, further*, that the boards of supervisors of such counties, in townships having a population of more than one hundred thousand, shall provide each such justice with an office and the necessary furniture and supplies for the justice's court and may in their discretion provide each such justice with the necessary law books; and *provided, further*, that the boards of supervisors in such counties shall, in townships having a population of more than one hundred thousand, appoint a clerk for each justice therein, which clerks shall each hold office for the term of two years from and after appointment, and shall receive a salary of one hundred dollars each per month, payable in like manner, at like times and out of the same fund as county officers are paid by the county; said clerks shall each take and file an oath of office in like manner as county officers, and after being appointed and qualifying as hereinbefore prescribed, shall have power to administer and certify oaths to affidavits, and all papers, documents, or instruments used in or in connection with the actions and proceedings of such justice's court. Such clerks shall perform such other clerical services as may be required of them by the justice or justices; and *provided, further*, that in townships having a population of more than one hundred thousand and less than three hundred thousand, each justice of the peace shall receive a salary of three thousand dollars per year, payable in like manner and out of the same fund and at like times as county officers are paid, and such salary shall be in lieu of all fees due or to become due such justice for performance of any official act. And all fees, together with all fines and penalties

Justices of
the peace.

1st class
(Los
Angeles),
continued.

paid to such justice or into such court, shall be and become the property of the county in which such justice exercises his jurisdiction.

Constables

16. Constables, such fees as are now or may hereafter be allowed by law; *provided*, that no constable shall receive more than one thousand two hundred dollars per annum, which may be paid in monthly installments of not exceeding one hundred dollars per month for all services rendered by him in all criminal cases or in actions or proceedings to which the people of the State of California are, or may be, made parties; and all fees collected by such constable on account of services rendered in criminal cases or proceedings, to which the people of the State of California are parties, shall belong to and be the property of the county in which said constable has been elected or appointed; *provided, further*, that constables shall be allowed all necessary expenses actually incurred in serving any criminal process or in pursuing, taking, or arresting persons charged with crime or transporting such persons to or from the court or county jail; *and provided, further*, that in counties of this class and in townships having more than one hundred thousand inhabitants, and less than three hundred thousand, there shall be and there is hereby allowed to each of the four constables of each township one deputy who shall be appointed by the constable, and shall receive a salary of one hundred dollars per month, payable in like manner and at like times, and out of the same fund as the county officers are paid; said deputies shall each take and file an oath of office in like manner as county officers. Each constable shall report under oath on the first Monday of each month to the board of supervisors of such county the amount of all fees collected by him for all services rendered in all criminal cases, or in actions or proceedings to which the people of the State of California are, or may be, made parties, during the preceding month, and shall, on said date, deposit with the county treasurer to the credit of the county all such fees as may be shown by said report to have been collected by him on account of the aforesaid. He shall also transmit the treasurer's receipt for said payment to said board with said report.

Fish and
game
warden.

17. The fish and game warden, one hundred and twenty-five dollars per month. In addition thereto said fish and game warden shall be allowed a sum not to exceed fifty dollars per month for expenses incurred by him in the performance of his duties. Said salary and expenses incurred must be paid monthly from the county treasury.

SEC. 5. Section four thousand two hundred thirty-one of the Political Code is hereby amended to read as follows:

2d class
(San Fran-
cisco).

4231. In counties of the second class the officers shall receive as compensation for the services required of them by law, or by virtue of their office, the salaries and fees fixed by law as compensation; *provided*, that this shall not be construed as adding additional compensation to any officer.

SEC. 6. Section four thousand two hundred thirty-two of the Political Code is hereby amended to read as follows:

4232. In counties of the third class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries: 3d class
(Alameda),
salaries.

1. The county clerk, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one chief deputy, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; one judgment clerk, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; one assistant judgment clerk, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; five court-room deputies, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; one index clerk, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one document clerk, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one clerk to the board of supervisors, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; four deputies, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; four copyists, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each, and two stenographers, whose salaries are hereby fixed at the sum of nine hundred dollars per annum each; all the foregoing deputies, clerks, copyists and stenographers herein provided for shall be appointed by the clerk of said county, and their salaries shall be paid by said county in equal monthly installments, at the same time and in the same manner and out of the same fund as is the salary of the county clerk; *provided, further*, that in such years as the compilation of a great register of voters is required by law to be made, the county clerk in counties of this class shall be and he is hereby allowed the following additional help: One clerk for a period of and not exceeding ten months whose salary is hereby fixed at one hundred and twenty-five dollars per month; ten clerks for a period of and not exceeding six months whose salaries are hereby fixed at one hundred dollars per month each; ten clerks for a period of and not exceeding one month whose salaries are hereby fixed at one hundred dollars per month each; such clerks shall be appointed by the county clerk of such county, and during their respective periods of employment their salaries shall be paid by such county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the county clerk of such county. County
clerk.

2. The sheriff, four thousand dollars per annum: *provided*, Sheriff, that in counties of this class there shall be and hereby is allowed to the sheriff, one under-sheriff, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; one deputy, who shall be bookkeeper for the sheriff's office, whose salary is hereby fixed at the sum of eighteen

3d class
(Alameda),
continued.
Sheriff.

hundred dollars per annum; one deputy, who shall be assistant bookkeeper for the sheriff's office, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one deputy for office, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; two deputies, who shall be detectives for the sheriff, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; two deputies, who shall be transportation men, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; five deputies, who shall be bailiffs, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; one stenographer, whose salary is hereby fixed at the sum of nine hundred dollars per annum; one deputy, who shall be chief jailer, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; two deputies, who shall be assistant jailers, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; six deputies, who shall be turnkeys at the jail, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each, and one matron for the jail, whose salary is hereby fixed at the sum of nine hundred dollars per annum; one engineer for the jail, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; *provided, further*, that the under-sheriff, all deputies, bookkeepers, office deputy, detectives, transportation men, bailiffs, stenographer, chief jailer, assistant jailers, turnkeys, matron for jail, and engineer herein provided for, shall be appointed by the sheriff, and their salaries shall be paid by the said county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the sheriff; the sheriff shall also receive the amount of money necessarily expended by him in serving all process and notices, and all expenses necessarily incurred by him in the pursuit of criminals within his county, and the same shall be a charge against the county, and allowed as such by the board of supervisors, and paid as other county charges are paid; *provided, further*, that the provisions of this subdivision of this section shall be in force from and after its passage.

Recorder.

3. The recorder, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the recorder the following deputies and copyists, who shall be appointed by the recorder of such county, and shall be paid salaries and compensations as follows: One chief deputy, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; three deputies, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each, and five deputies whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; *provided, further*, that the salary of the chief deputy, and the salaries of the eight deputies herein provided for shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same

fund as the salary of the recorder; *provided, further*, that in counties of this class the recorder shall be entitled to the actual cost incurred by him for the recording of all papers and documents and records in his office at the rate of eight cents per folio for each paper or document so recorded; *and provided, further*, that said recorder shall file monthly with the county auditor a verified statement showing in detail the persons and the amount paid to each for such recording.

3d class
(Alabama),
continued.

4. The auditor, thirty-six hundred dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the auditor one chief deputy, who shall be appointed by the auditor of said county, and whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; one redemption deputy, who shall be appointed by the auditor of said county and whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; three deputies who shall be appointed by the auditor of said county, and whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; and one stenographer who shall be appointed by the auditor of said county and whose salary is hereby fixed at the sum of nine hundred dollars per annum; and such additional assistance as the auditor may appoint, and whose compensation shall not in the aggregate exceed the sum of two thousand dollars per annum; *and provided*, that the auditor shall file with the county clerk a certified statement showing in detail the amounts paid, and the person to whom said compensation is paid for such extra assistance as aforesaid. The salaries herein provided for shall be paid by the said county in equal monthly installments at the same time and in the same manner, and out of the same fund as is the salary of the auditor.

Auditor.

5. The treasurer, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer one chief deputy, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; two deputies, whose salaries are hereby fixed at the sum of eighteen hundred dollars per annum each; and one deputy, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum, which sums shall be paid by said county in equal monthly installments at the same time and in the same manner, and out of the same fund as is the salary of the treasurer; *provided*, that the chief deputy and the three deputies herein provided for shall be appointed by the treasurer of said county.

Treasurer.

6. The tax collector, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector one chief deputy, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; one cashier, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; two assistant cashiers, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; one chief clerk, whose salary

Tax
collector.

3d class
(Alameda),
continued.
TAX
collector.

is hereby fixed at the sum of eighteen hundred dollars per annum; two correspondence clerks, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; one bookkeeper, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one state lands clerk, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one stenographer, whose salary is hereby fixed at the sum of nine hundred dollars per annum; *provided, further*, that there shall be and there hereby is allowed to the tax collector three extra deputies for a period not to exceed eight months in any one year, at a salary of one hundred dollars per month each; six extra deputies for a period not to exceed five months in any one year, at a salary of one hundred dollars per month each; six extra deputies for a period not to exceed four months in any one year, at a salary of one hundred dollars per month each; *provided, further*, that in counties of this class the tax collector shall appoint six persons to be known as indexers, which office is hereby created, and whose duties it shall be under the supervision and direction of the tax collector to compile, make out, and complete an index of the assessment rolls of the county, and of the sanitary assessment rolls for each sanitary district in the county of Alameda, yearly, commencing with the year 1909, as soon as said rolls are completed by the assessor of the county and each assessor of said sanitary districts and for each year thereafter. The said indexes to be a public record for use of the tax collector and the general public, and to be kept in the office of the tax collector during the collection of taxes and to be turned over to the auditor at the same time as the assessment rolls are turned over in the final settlement of the tax collector with the county auditor. Such indexers shall be paid a salary of one hundred dollars per month each, payable at the same time and in the same manner as other county officers are paid, but such indexers shall not be employed to exceed four months in any one year; *provided, further*, that the chief deputy, the stenographer and all other deputies herein provided for shall be appointed by the tax collector of said county and the salaries of said chief deputy, stenographer, and all deputies herein provided for shall be paid by said county during the time which they shall hold office as herein provided at the same time and in the same manner and out of the same fund as the salary of the tax collector.

License
collector.

7. The license collector shall receive fifteen per cent of all licenses collected by him.

Assessor.

8. The assessor, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the assessor the following deputies, who shall be appointed by the assessor, and shall be paid salaries as follows: One chief deputy, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; one head deputy assessor, city department, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one head deputy assessor, country department, whose salary is hereby

fixed at the sum of fifteen hundred dollars per annum; one record deputy assessor, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one mortgage deputy assessor, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one transfer deputy assessor, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one cashier, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one bookkeeper, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; seven outside field deputies for a period not to exceed six months in any one year, whose salaries are hereby fixed at the sum of one hundred and twenty-five dollars per month each; six field deputies, for a period not to exceed six months in any one year, whose salaries are hereby fixed at the sum of one hundred dollars per month each; two building inspectors, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; six building inspectors, for a period not to exceed six months in any one year, whose salaries are hereby fixed at the sum of one hundred and twenty-five dollars per month each; five extra deputies, for a period not to exceed six months in any one year, at a salary of one hundred dollars per month each; ten copyists for a period not to exceed six months in any one year at a salary of one hundred dollars per month each; two stenographers, whose salaries are hereby fixed at the sum of nine hundred dollars per annum each; and such additional deputies as the assessor may appoint and whose compensation shall not in the aggregate exceed the sum of forty-five hundred dollars per annum; *and provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts paid and the persons to whom such compensation is paid for such extra assistance as aforesaid. The salaries herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the assessor is paid; *and provided, further*, that in counties of this class the assessor shall receive commissions for his collections of taxes on personal property, and such assessor shall receive compensation or commissions for the collection of poll taxes or road poll taxes; *provided, however*, that should the assessor be directed by any law, or by any order of the board of supervisors, or by any municipality within said counties of the third class, to prepare maps, plats, or block books for the use of the county, or assessment rolls for the use of any municipality, then said assessor shall make such maps, plats, or block books, or assessment rolls for the use of any municipality, but shall only receive the actual cost by him incurred in making or preparing said maps, plats or block books; *and provided, further*, that he shall file with the county auditor a sworn statement showing the persons to whom, and the amounts paid to each for such maps, plats or block books, and he shall account forthwith and pay over to the county any difference

3d class
(Alameda),
continued.

2d class
(Alameda),
continued.

between such costs and the amount allowed him for such work; *provided*, that on and after January first, 1911, the assessor in all counties of the third class shall receive as compensation for all services rendered, seven thousand dollars per annum and shall receive no commissions or compensations for his collections of taxes on personal property or for the collection of poll taxes or road poll taxes; and shall be allowed the deputies above mentioned.

District
attorney.

9. The district attorney, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the district attorney the following assistant deputies and employees, who shall be appointed by the district attorney of said county and who shall be paid salaries as follows: One assistant district attorney, whose salary is hereby fixed at the sum of thirty-three hundred dollars per annum; one chief deputy district attorney, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; three deputy district attorneys, whose salaries are hereby fixed at the sum of twenty-four hundred dollars per annum each; two deputy district attorneys whose salaries are hereby fixed at the sum of eighteen hundred dollars per annum each; one clerk, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; three stenographers whose salaries are hereby fixed at the sum of nine hundred dollars per annum each; one detective who shall assist the district attorney in the detection of crime and prosecution of criminal cases, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; and two deputy district attorneys whose salaries are hereby fixed at the sum of twenty-four hundred dollars per annum each, whose duty it shall be, in addition to performing services as deputy district attorneys, to attend the sessions of the police courts in cities of the second class, and conduct, on behalf of the people, all prosecutions for public offenses of which said police courts shall have jurisdiction; *and provided, further*, that nothing herein contained shall be construed to prevent the boards of supervisors of counties of this class from employing special counsel when in the judgment of said boards the interests of said county require it. The salaries of said assistants, deputies, clerk, detective and special counsel in this subdivision provided for shall be payable by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney.

Coroner.

10. The coroner must hold inquests as prescribed by chapter two, title twelve, part two of the Penal Code, and he, or any other officer holding the inquest upon the body of a deceased person, may subpoena a chemist to make an analysis of the contents of the stomach or of the tissues of the body, or a physician or surgeon to inspect the body or hold a post-mortem examination of the body of the deceased and give a professional opinion as to the cause of death of such deceased, or he may subpoena a physician and surgeon and chemist for

the purposes aforesaid, and may, on the written order of the district attorney, employ a stenographer for the purpose of taking down in shorthand and transcribing the testimony of such witness or witnesses testifying at such inquest; the compensation of such stenographer shall be the same as that allowed superior court phonographic reporters as provided in section two hundred and seventy-four of the Code of Civil Procedure; and when such testimony is taken down by such stenographer as herein set forth, his transcription thereof duly certified to by him shall constitute the deposition of the witness or witnesses testifying at such inquest.

3d class
(Alameda).
continued.

The coroner shall be and he is hereby allowed such fees as are now or may hereafter be allowed by law; *provided*, that in counties of this class he shall be paid in the same manner and out of the same funds as such fees are now paid, the sum of two dollars for each certificate of the cause of death made by him; *and further provided*, that on and after January 1, 1911, in counties of this class the coroner shall be paid out of the same fund and in the same manner as other county officers, four thousand dollars per annum and his actual necessary expenses in traveling outside the county seat, which shall be in full compensation for all services rendered by him; and on and after said first day of January, 1911, the coroner in counties of this class shall be and hereby is allowed one deputy, which position is hereby created, and whose salary is hereby fixed at the sum of eighteen hundred dollars per annum, and a stenographer, which position is hereby created, and whose compensation is hereby fixed at twenty-four hundred dollars per annum, and who shall be paid in addition thereto for transcribing all the testimony and proceedings taken by him at any inquest the sum of twenty cents per hundred words for one copy and fifteen cents per hundred words for two copies made at one time, and in every case where the death of any person shall have been caused by the criminal act of another, such stenographer shall make a copy of transcript of the testimony and proceedings taken at such inquest for the use of the district attorney of such county; in all inquests so reported the fees for transcribing as provided herein shall be paid out of the county treasury upon the order of the coroner. When such testimony is taken down by such stenographer as herein set forth, his transcription thereof duly certified to by him shall constitute the deposition of the witnesses testifying at such inquest so reported by such stenographer.

The deputy and stenographer herein provided for shall be appointed by the coroner, and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of county officers in counties of this class.

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

Public
admini-
strator.

12. The superintendent of schools, four thousand dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the superintendent of schools, one

Superin-
tendent of
schools.

8d class
(Alameda),
continued.

assistant superintendent of schools, one chief deputy superintendent of schools and one deputy superintendent of schools, all of whom shall be appointed by the superintendent of schools of said county, and whose salaries shall be as follows: The salary of the assistant superintendent of schools shall be two hundred dollars per month; the salary of the chief deputy superintendent of schools shall be one hundred and fifty dollars per month, and that of the deputy superintendent of schools shall be one hundred and twenty-five dollars per month. The salaries shall be paid out of the same fund and in the same manner as the salary of the superintendent of schools is paid.

Surveyor.

13. The surveyor shall receive ten dollars per day for all work performed for the county, and in addition thereto all necessary expenses and transportation for work performed in the field; *provided*, that whenever the surveyor is directed or charged to make plat, trace, or otherwise prepare maps, plats, or block books for the use of the county, city and county, or any municipality within such county, then such county surveyor shall only be allowed, in addition to the actual cost and expense of making, platting, tracing, or otherwise preparing said maps, plats, or block books, a compensation to be determined by the board of supervisors, not exceeding the sum of ten dollars per day while he is actually so employed; *and provided, further*, that such county surveyor shall file with the county auditor a sworn statement showing in detail the amount so paid and the persons to whom such amounts have been so paid or such expenses as aforesaid.

Justices of
the peace.

14. Justices of the peace shall receive the following monthly salaries to be paid each month and in the manner and out of the same fund as other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nineteen thousand, two hundred and twenty-five dollars; and each justice of the peace in townships having a population of more than nineteen thousand shall be provided by the board of supervisors with a suitable office in which to hold his court, at an expense of not to exceed twenty-five dollars per month, the location of which is to be selected by the justice of the peace; in townships having a population of fifteen thousand and less than nineteen thousand, one hundred and fifty dollars; in townships having a population of less than fifteen thousand, seventy-five dollars.

In addition to the compensation received in criminal cases each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions; *provided*, that in townships containing a population of more than nineteen thousand there shall be but one justice of the peace in and for such townships.

Each justice of the peace must keep a book open for the inspection of the public, during office hours, in which must be entered at once and in detail the amount of all fines collected

by him in criminal cases, and on the first Monday of each and every month he must pay such fines so collected into the county treasury or city treasury as provided by law.

3d class
(Alameda),
continued.

For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of such townships, as shown by the federal census taken in the year A. D. 1900.

15. Constables shall receive the following monthly salaries, to be paid each month and in the same manner and out of the same fund as other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than twenty-five thousand, one hundred and fifty dollars; in townships having a population of nineteen thousand and not more than twenty-five thousand, one hundred and twenty-five dollars; in townships having a population of fifteen thousand and less than nineteen thousand, one hundred and twenty-five dollars; in townships having a population of less than fifteen thousand, eighty-five dollars; *provided*, that in townships having a population of fifteen thousand and less than nineteen thousand there shall be but one constable. In addition to the compensation received in criminal cases each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases; *provided*, that in counties of this class constables shall be and they are hereby allowed such expenses as are actually and necessarily incurred by them in conveying prisoners to and from the county jail; such expenses to be itemized and presented as a claim against the county, and to be audited and allowed by the board of supervisors and paid out of the county treasury in the manner as are other claims.

Constables.

For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of such townships, as shown by the federal census taken in the year A. D. 1900.

16. Each supervisor, two hundred and twenty-five dollars per month; *provided, however*, that no mileage of whatever kind or nature shall be charged against the county.

Super-
visors.

SEC. 7. Section four thousand two hundred thirty-three of the Political Code is hereby amended to read as follows:

4233. In counties of the fourth class county officers shall receive as compensation for the services required of them by law or by virtue of their office the following salaries, to wit:

4th class
(Santa
Clara).
salaries.

1. The county clerk, thirty-six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk two deputy county clerks who shall receive a salary of fifteen hundred dollars per annum each, also four deputy clerks who shall receive a salary of twelve hundred dollars per annum each, also one deputy county clerk who shall receive a salary of nine hundred dollars per annum; the deputies herein provided for shall be appointed by the clerk of said county, and their salaries shall

County
clerk.

4th class
(Santa
Clara),
continued.

County
clerk.

be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as is the salary of the county clerk; *provided, further*, that in such years as the compilation of a great register of voters is required by law to be made the said clerk may appoint two deputies who shall serve for a term of four months and shall each receive a salary not to exceed seventy-five dollars per month, to be paid as are other deputies herein provided for; and also for any such year one additional deputy in each voting precinct in the county, outside of the corporate limits of municipalities containing twenty-five thousand or more inhabitants for the purpose of registering electors in such precincts, who shall be paid seven cents per name for each elector legally registered by them; *provided*, that the said county clerk may be allowed the actual and necessary expenses incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

Sheriff.

2. The sheriff, four thousand dollars per annum; *provided*, that there shall be and hereby is allowed to the sheriff one under-sheriff, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum, also six deputies who shall receive a salary of twelve hundred dollars per annum each, also one deputy who shall act as matron of the county jail who shall receive a salary of nine hundred (900) dollars per annum. The under-sheriff and deputies herein provided for shall be appointed by the sheriff and paid at the same time and in the same manner and out of the same funds as is the salary of the sheriff; *provided*, that said sheriff shall be allowed the actual necessary expenses incurred in the performance of his official duties. He shall pay into the county treasury all fees and mileage collected by him for the service of papers or process issued by any court of this state.

Recorder.

3. The county recorder, thirty-six hundred dollars per annum, the said recorder may appoint one deputy recorder who shall receive a salary of fifteen hundred dollars per annum, one deputy recorder who shall receive a salary of twelve hundred dollars per annum, also six deputy recorders who shall receive a salary of nine hundred dollars per annum each. The deputies herein provided for shall be paid at the same time and in the same manner and out of the same funds as the county recorder; *provided*, that such recorder may be allowed the actual necessary expenses incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

Auditor.

4. The county auditor, thirty-six hundred dollars per annum, and said auditor may appoint one deputy auditor who shall receive a salary of fifteen hundred dollars per annum; *provided*, that for the purpose of performing the work imposed upon him by law, in connection with the annual assessment and collection of property taxes, said auditor may

be allowed five additional deputies for a period of one month who shall each receive a salary of one hundred dollars, and two additional deputies for a period of one and one half months, who shall each receive a salary of one hundred dollars per month. The deputies herein provided for shall be paid at the same time and in the same manner as is the county auditor; *provided*, that such auditor shall pay into the county treasury all fees received by him in his official capacity.

4th class
(Santa
Cruz),
continued.

5. The county treasurer, thirty-six hundred dollars per annum, and said treasurer may appoint one deputy treasurer who shall receive a salary of fifteen hundred dollars per annum. All fees and commissions collected by him in his official capacity shall be paid into the county treasury; *provided*, that the county treasurer shall be entitled to retain for his own use the fees which are now or which may hereafter be allowed by the state law for the collection and payment to the state treasurer of inheritance taxes, except that he shall not be entitled to retain more than the sum of one hundred dollars out of the inheritance taxes paid on account of any one estate. Whenever the fees received on account of any one estate paying inheritance taxes shall exceed the sum of one hundred dollars such excess shall be by the county treasurer paid into the county treasury, as in the case of fees received by him from other sources. The deputy herein provided for shall be paid at the same time and in the same manner and out of the same funds as is the county treasurer.

Treasurer.

6. The tax collector, thirty-six hundred dollars per annum, and said tax collector may appoint one deputy tax collector who shall receive a salary of eighteen hundred dollars per annum, one additional deputy tax collector who shall receive a salary of fifteen hundred dollars per annum, also seven additional deputy tax collectors to serve as such only from the first day of October to the fifteenth day of December of each year and who shall receive a salary of one hundred dollars each per month, also one deputy tax collector who shall serve as such only during the months of April and May of each year and shall receive a salary of one hundred dollars per month, also nine copyists who shall serve only during one month and one half month of each year and shall each receive a salary of seventy-five dollars per month. The deputies and copyists herein provided for shall be paid at the same time and in the same manner and out of the same funds as is the salary of the tax collector; *provided*, that said tax collector shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

Tax
collector.

7. The license collector, fifteen per cent on the whole amount of licenses collected by him; *provided*, that the entire compensation of said license collector shall not exceed the sum of fifteen hundred dollars per annum.

License
collector.

4th class
(Santa
Clara),
continued.

Assessor.

8. The county assessor, thirty-six hundred dollars per annum, and said assessor may appoint one deputy assessor who shall receive a salary of fifteen hundred dollars per annum, also seventeen deputy assessors who shall serve as such only during the months of March, April, May and June of each year, who shall each receive a salary of one hundred dollars per month, also eight additional deputy assessors who shall serve as such only during the months of March, April, May, June and July of each year, who shall each receive a salary of one hundred dollars per month, also six copyists to serve as such only during four months of each year who shall receive a salary of seventy-five dollars each per month: *provided*, that the above salaries and compensations shall be in full for all services rendered by him as such assessor and that no commission for the collection of state or infirmity poll taxes or personal property taxes shall be retained by him, but that all such commissions shall be paid into the county treasury. The deputies and copyists herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the county assessor: *provided*, that the assessor shall be allowed the actual necessary expenses incurred by him in the performance of his official duties.

District
attorney.

9. The district attorney, three thousand six hundred dollars per annum; he may appoint a chief deputy at a salary of two thousand two hundred dollars per annum, one assistant district attorney at a salary of eighteen hundred dollars per annum, and one assistant district attorney at a salary of one thousand five hundred dollars per annum; also a deputy district attorney at a salary of one thousand five hundred dollars per annum, and a clerk at a salary of twelve hundred dollars per annum, all of whom shall be paid in the same manner as said district attorney; *provided*, that said district attorney shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties. All fees and commissions collected by him shall be paid into the county treasury.

Coroner
and public
administrator.

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

Superintendent
of
schools.

11. The county superintendent of schools, three thousand dollars per annum, and the said superintendent of schools may appoint a deputy superintendent of schools who shall receive a salary of twelve hundred dollars per annum, and the said superintendent of schools shall also be paid his actual traveling expenses when visiting the schools of the county. The deputies herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the superintendent of schools.

Surveyor.

12. The county surveyor, the sum of three thousand dollars per annum. Said surveyor may appoint the chief deputy surveyor who shall receive a salary of fifteen hundred dollars per annum, also one deputy who shall receive a salary of twelve hundred dollars per annum, and one deputy at nine

hundred dollars per annum. Such compensation and salaries as above set forth shall be in full for all services as such county surveyor, and all fees and compensation received or collected by him for engineering and surveying other than for the county, shall be paid into the county treasury; *provided*, that said county surveyor shall be allowed all necessary transportation and expenses incurred by himself or deputies for work performed in the field, and in the official discharge of his duties. Such salaries to be paid at the same time and in the same manner as the salaries of other county officers are paid.

4th class
(Santa
Clara),
continued.

13. The fish and game warden, twelve hundred dollars per annum and the actual and necessary expenses incurred by him in the performance of his official duties, not to exceed fifty dollars for any one month.

Fish and
game
warden.

14. In counties of this class justices of the peace shall be compensated as follows, and all salaries shall be payable monthly in the same manner as the salaries of county officers are paid, viz.:

Justices of
the peace.

(1) In townships having a population of twenty thousand or more, justices of the peace shall each receive a salary of one hundred and fifty dollars per month as for all services rendered by them in criminal cases; *provided, however*, that in all such townships having a population of twenty thousand or more, there shall be two township justices of the peace in and for any such townships, and such justices shall be allowed a clerk, to be appointed by the justices of the peace at a salary of one hundred dollars per month, payable monthly, in the same manner as salaries of county officers are paid, and shall be furnished with offices and necessary supplies by the board of supervisors.

As compensation for all services rendered in civil cases and in all other matters wherein a justice of the peace may lawfully charge fees for his services, including fees for celebrating marriages and returning certificates thereof, taking acknowledgments, taking depositions, administering oaths, issuing commissions to take testimony, performing services connected with posting estrays, performing the duties of coroner, and taking and approving bonds or undertakings including the justification of sureties, justices of the peace may receive and retain for their own use such fees as are now or may hereafter be allowed for such service.

(2) In townships having a population of five thousand and less than twenty thousand, justices of the peace shall receive the sum of one hundred and thirty-seven dollars and fifty cents per month as salaries for all services rendered by them in criminal cases.

As compensation for all services rendered in civil cases and in all other matters wherein a justice of the peace may lawfully charge fees for his services, including fees for celebrating marriages and returning certificates thereof, taking acknowledgments, taking depositions, administering oaths, issuing commissions to take testimony, performing services connected with

1th class
(Same
Clara),
continued.
Justices of
the peace.

posting estrays, performing the duties of coroner and taking and approving bonds or undertakings, including the justification of sureties, justices of the peace may receive and retain for their own use such fees as are now, or may hereafter be, allowed for such services.

(3) In townships having a population of forty-four hundred and less than five thousand, justices of the peace shall each receive as salary the sum of one hundred and thirty-seven dollars and fifty cents per month as full compensation for all services rendered by them both in criminal cases and civil cases and in all cases wherein the justice of the peace performs the duties of coroner, and also in all other matters wherein a justice of the peace may lawfully charge fees for his services, including fees for celebrating marriages and returning certificates thereof, taking acknowledgments, taking depositions, administering oaths, issuing commissions to take testimony, performing services connected with posting estrays, and taking and approving bonds and undertakings, including the justification of sureties; all fees collected by justices of the peace in criminal cases and in civil cases and also all other fees of every kind and character lawfully chargeable and collectible by justices of the peace shall be collected by them and by them paid monthly into the county treasury, the above salary being in full for all services.

(4) In townships having a population of four thousand and less than forty-four hundred, justices of the peace shall each receive as a salary the sum of one hundred and thirty-five dollars per month as full compensation for all services rendered by them in both criminal cases and civil cases, and in all cases wherein the justice of the peace performs the duties of coroner. All fees chargeable and collectible by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury.

All other matters wherein a justice of the peace may lawfully charge fees for his services, including fees for celebrating marriages and returning certificates thereof, taking acknowledgments, taking depositions, administering oaths, issuing commissions to take testimony, performing services connected with posting estrays, and taking and approving bonds or undertakings, including the justification of sureties, a justice of the peace may collect and retain for his own use such fees as are chargeable by law as his compensation.

(5) In townships having a population of fifteen hundred and less than four thousand, justices of the peace shall each receive as a salary the sum of sixty-five dollars per month as full compensation for all services rendered by them in both criminal cases and civil cases. All fees chargeable and collected by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury. All other matters wherein a justice of the peace may lawfully

charge fees for the services, he may collect and retain for his own use such fees as are chargeable by law as his compensation. 4th class
(Santa Clara),
continued.

(6) In townships having a population of one thousand and less than fifteen hundred, justices of the peace shall each receive as a salary the sum of fifty dollars per month as full compensation for all services rendered by them in both criminal cases and civil cases. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them shall be collected and by them paid monthly into the county treasury. Justices of
the peace.

In all other matters wherein a justice of the peace may lawfully charge fees for his services he may collect and retain for his own use such fees as are chargeable by law as his compensation.

(7) In townships having a population of less than one thousand, justices of the peace shall each receive as a salary the sum of thirty dollars per month as full compensation for all services rendered by them in both criminal and civil cases. All fees chargeable and collectible by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected and by them paid monthly into the county treasury.

In all other matters wherein a justice of the peace may lawfully charge fees for his services he may collect and retain for his own use such fees as are chargeable by law as his compensation.

15. In counties of this class constables shall be compensated as follows, and all salaries herein provided shall be paid as follows, in the same manner as the salaries of county officers are paid, viz: Constables.

(1) In townships having a population of twenty thousand or more, constables shall each receive a salary of one hundred dollars per month for all services rendered by them in criminal cases. As compensation for all services rendered in civil cases and in all other matters wherein they may charge fees for their services, a constable may collect and retain for his own use as his compensation such fees as are now, or may hereafter be allowed by law.

(2) In townships having a population of five thousand and less than twenty thousand, constables shall each receive the sum of seventy-seven dollars and fifty cents per month as a salary for all services rendered by them in criminal cases. As compensation for all services rendered in civil cases and in all other matters wherein they may charge fees for their services, a constable may collect and retain for his own use as his compensation such fees as are now or may hereafter be allowed by law.

(3) In townships having a population of forty-four hundred and less than five thousand, constables shall each receive the sum of seventy-seven dollars and fifty cents per month as a salary for all services rendered by them in criminal cases,

4th class
(Suta
(lara),
continued.
Constables.

civil cases and in the performance of all other duties imposed upon them by law. All fees chargeable and collectible by them both in criminal cases, civil cases, and in all other cases wherein fees are chargeable by constables, they shall collect in advance and pay monthly into the county treasury.

(4) In townships having a population of four thousand and less than forty-four hundred, constables shall each receive the sum of seventy-five dollars per month as a salary for all services rendered by them in both criminal and civil cases. All fees collected by them in civil and criminal cases shall be paid by them monthly into the county treasury. For all other services performed by them they may charge and retain for their own use such fees as are chargeable at law.

(5) In townships having a population of fifteen hundred and less than four thousand, constables shall each receive the sum of sixty dollars per month, as a salary for all services rendered in both civil and criminal cases. All fees collected by them in civil and criminal cases shall be paid monthly by them into the county treasury. For all other services performed by them they may charge and collect for their own use such fees as are allowed by law.

(6) In townships having a population of less than fifteen hundred, constables shall receive each the sum of forty dollars per month, as a salary for all services rendered by them both in civil and criminal cases. All fees collected by them both in criminal and civil cases shall be paid monthly into the county treasury. For all other services performed by them they may charge and collect for their own use such fees as are allowed by law. Constables shall be allowed all necessary expenses incurred in conveying prisoners.

The population herein referred to in classifying the townships for the purpose of regulating the compensation of justices of the peace and constables shall be the population found and determined by the last preceding federal census; *provided*, that if a township census be taken after the taking of the federal census, under the provisions of section four thousand and fifty-five, then such census shall be known and shall become the official census of the township in which the same is so taken, and the population therein determined shall be and become the official population of such township; *and provided, further*, that any census of the population of a township under the provisions of subdivisions twelve and a half of section twenty-five of an act entitled, "An act to establish a uniform system of county and township government," approved April 1st, 1897, taken after the federal census of 1900 and prior to the repeal of said subdivision twelve and a half of said act, shall be the official census of said township and the population therein determined shall be and shall be deemed the official population of said township for the purpose of classifying said township under the provisions of this article and shall continue to be the official census of said township until the next lawful census thereof

16. Each supervisor, one thousand two hundred dollars per annum and mileage of ten cents per mile for each mile actually traveled in going to and from their residence to the county seat or in performance of the duties required of them by law or by virtue of their office; *provided*, that in attending sessions of the board only four mileages shall be allowed for each month and that the total mileage allowed shall not exceed one hundred dollars in any one month; and in counties of this class the members of the board of supervisors shall be ex officio road commissioners and as such road commissioners shall be paid the sum of five hundred dollars per annum each.

4th class
(Santa
Clara),
continued.
Super-
visors.

17 The fees of grand jurors and trial jurors in the superior courts of said counties of the fourth class, in civil and criminal cases, shall be two and one half dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

Jurors.

SEC. 8. Section four thousand two hundred thirty-four of the Political Code is hereby amended to read as follows:

4234. In counties of the fifth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, to wit:

5th class
(Pacino),
salaries.

1. The county clerk, twenty-four hundred dollars per annum. He shall have two deputies at a salary of fifteen hundred dollars each per annum and four deputies at a salary of twelve hundred dollars each per annum. He shall have for use in his office and under his supervision and control one filing clerk, which office of filing clerk is hereby, by the terms of this act, expressly created. The said position of filing clerk to be filled by the county clerk in the same manner as deputies are appointed by him and said filing clerk is to be at all times as to his duties under the supervision and control of the county clerk the same as deputies of such county clerk are under his supervision and control, which said filing clerk shall receive a salary of twelve hundred dollars per annum. He shall also have a registration clerk, which office of registration clerk is hereby, by the terms of this act, expressly created. The said position of registration clerk to be filled by the county clerk in the same manner as deputies are appointed by him and said registration clerk is to be at all times as to his duties under the supervision and control of the county clerk the same as deputies of such county clerk are under his supervision and control, which said registration clerk shall receive a salary of twelve hundred dollars per annum.

County
clerk.

5th class
(Fresno).
continued.
Sheriff.

2. The sheriff, six thousand dollars per annum and all fees for the services of processes issued without his county. He shall have an under-sheriff whose annual salary shall be eighteen hundred dollars per annum. And six deputies whose salaries shall be twelve hundred dollars each per annum. He shall also have for use in his office and under his supervision and control one stenographer, which office of stenographer is hereby, by the terms of this act, expressly created. The said position of stenographer to be filled by the sheriff in the same manner as deputies are appointed by him and said stenographer is to be at all times as to his duties under the supervision and control of the sheriff in the same manner as deputies of such sheriff are under his supervision and control, which said stenographer shall receive a salary of twelve hundred dollars per annum. He shall also have for use in his office and under his supervision and control a jailer, which office of jailer is hereby, by the terms of this act, expressly created. The said position of jailer to be filled by the sheriff in the same manner as deputies are appointed by him and said jailer is to be at all times as to his duties under the supervision and control of the sheriff in the same manner as deputies of such sheriff are under his supervision and control, which said jailer shall receive a salary of twelve hundred dollars per annum. He shall pay into the county treasury all sums received by him for services of processes issued within his county.

Recorder.

3. The recorder, twenty-one hundred dollars per annum. He shall have one deputy whose annual salary shall be fifteen hundred dollars and two deputies whose annual salary shall be twelve hundred dollars each per annum. He shall have for use in his office and under his supervision and control a statistician for compiling the vital statistics of the county, which office of statistician is hereby, by the terms of this act, expressly created. The said position of statistician to be filled by the recorder in the same manner as deputies are appointed by him and said statistician is to be at all times as to his duties under the supervision and control of the recorder in the same manner as deputies of such recorder are under his supervision and control, which said statistician is to receive a salary of nine hundred and sixty dollars per annum. He shall have for use in his office and under his supervision and control an abstract clerk, which office of abstract clerk is hereby, by the terms of this act, expressly created. The said position of abstract clerk to be filled by the recorder in the same manner as deputies are appointed by him and said abstract clerk is to be at all times as to his duties under the supervision and control of the recorder in the same manner as deputies of such recorder are under his supervision and control, which said abstract clerk is to receive a salary of fifteen hundred dollars per annum. He shall have such copyists as are necessary to perform the duties of the office at a compensation of six cents per folio.

4. The auditor, twenty-one hundred dollars per annum and one deputy at an annual salary of fifteen hundred dollars, and one deputy at an annual salary of twelve hundred dollars. He shall have for use in his office and under his supervision and control a redemption clerk, which office of redemption clerk is hereby, by the terms of this act, expressly created. The said position of redemption clerk is to be filled by the auditor in the same manner as deputies are appointed by him and said redemption clerk is to be at all times as to his duties under the supervision and control of the auditor in the same manner as deputies of such auditor are under his supervision and control, which said redemption clerk is to receive a salary of twelve hundred dollars per annum.

5th class
(Fresno),
continued.
Auditor.

5. The treasurer, two thousand five hundred dollars per annum. He shall have a deputy at a salary of fifteen hundred dollars per annum.

Treasurer.

6. The tax collector, two thousand dollars per annum. He shall have one deputy who shall receive fifteen hundred dollars per annum; and three deputies at an annual salary of twelve hundred dollars each. He shall have for use in his office and under his supervision and control a bookkeeper, which office of bookkeeper is hereby, by the terms of this act, expressly created. The said position of bookkeeper to be filled by the tax collector in the same manner as deputies are appointed by him and said bookkeeper to be at all times as to his duties under the supervision and control of the tax collector in the same manner as deputies of such tax collector are under his supervision and control, which said bookkeeper is to receive a salary of twelve hundred dollars per annum. He shall have for use in his office and under his supervision and control a stenographer, which office of stenographer is hereby, by the terms of this act, expressly created. The said position of stenographer to be filled by the tax collector in the same manner as deputies are appointed by him and said stenographer to be at all times as to his duties under the supervision and control of the tax collector in the same manner as deputies of such tax collector are under his supervision and control, which said stenographer is to receive a salary of nine hundred dollars per annum. He shall be allowed such fees in addition to his salary as are now allowed by law for the collection of license taxes.

Tax
collector.

7. The assessor shall receive four thousand dollars per annum for all services rendered as assessor. He shall have one deputy at an annual salary of fifteen hundred dollars. He shall have for use in his office and under his supervision and control a draftsman, which office of draftsman is hereby, by the terms of this act, expressly created, and whose duties it shall be to, under the supervision and control of the assessor, prepare for use in said office proper books, blanks, maps and plat books, the said position of draftsman to be filled by the assessor in the same manner as deputies are appointed by him, and said draftsman is to be at all times as to his duties under

Assessor.

5th class
(Fresno)
continued.

the supervision and control of said assessor, the same as deputies of such assessor are under his supervision and control, which said draftsman shall receive a salary of twelve hundred dollars per annum; and he shall have not exceeding twenty deputies for three months in each year, whose per diem shall be four dollars each when actually employed, and six deputies for six months at a per diem of four dollars when actually employed. He shall have four copyists for a period of six months each at fifty dollars per month each during such time. All sums collected by the assessor or his deputies, either as personal property taxes or the fees allowed by law for the making of the military roll, shall be paid into the county treasury monthly as collected, with a statement of account of such collections.

Jurors.

8. In counties of this class grand and trial jurors shall receive three dollars per day while engaged in the performance of the duties required of them, and in addition thereto shall receive the mileage now allowed by law.

District
attorney.

9. The district attorney, three thousand dollars per annum. He shall have one deputy at a salary of eighteen hundred dollars per annum, and one deputy at a salary of fifteen hundred dollars per annum. He shall also have a detective at a salary of one hundred dollars per month.

Coroner.

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

Public
adminis-
trator.

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

Superin-
tendent of
schools.

12. The superintendent of schools, twenty-four hundred dollars per annum. He shall have one deputy at an annual salary of fifteen hundred dollars per annum. He shall have for use in his office and under his supervision and control one assistant superintendent, which office of assistant superintendent is hereby, by the terms of this act, expressly created. The said position of assistant superintendent to be filled by the superintendent of schools in the same manner as deputies are appointed and said assistant superintendent to be at all times as to his duties under the supervision and control of the superintendent of schools, which said assistant superintendent is to receive a salary of twelve hundred dollars per annum. The superintendent shall be allowed actual traveling expenses when visiting the schools of his county.

Surveyor.

13. The surveyor, two thousand dollars per annum in full compensation for all services as county surveyor, as road viewer or inspector and his actual expenses when at work in the field. He shall have one deputy at an annual salary of fifteen hundred dollars per annum.

Popula-
tion of
township.

14. The registered population of the several judicial townships of this county is hereby determined to be the registered vote as shown by the great register of the county in the office of the county clerk January first, 1907. The salaries of the constables in the several townships shall be determined by the registered voting population as shown by said register

at the general election of the preceding even numbered year, and are as follows, to wit:

5th class
(Fresno).
continued.

Judicial township No. 1.....	356
Judicial township No. 2.....	694
Judicial township No. 3.....	5,796
Judicial township No. 4.....	947
Judicial township No. 5.....	1,043
Judicial township No. 6.....	727
Judicial township No. 7.....	919
Judicial township No. 8.....	606
Judicial township No. 9.....	353
Judicial township No. 10.....	560
Judicial township No. 11.....	93
Judicial township No. 12.....	62
Judicial township No. 13.....	437

The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township offices aforesaid in the month of December biennially.

14a. For the purpose of regulating the compensation of the constables and justices of peace, townships of this class of counties are hereby classified according to the registered voting population as shown by the great register of the county. Townships having a registered voting population of five thousand and more shall belong and be known as townships of the first class; townships having a like population of one thousand and less than five thousand shall belong to and be known as townships of the second class; townships having a like population of eight hundred and less than one thousand shall belong to and be known as townships of the third class; townships having a like population of five hundred and less than eight hundred shall belong to and be known as townships of the fourth class; townships having a like population of two hundred and fifty and less than five hundred shall belong to and be known as townships of the fifth class; townships having a like population of two hundred and fifty and less shall belong to and be known as townships of the sixth class.

Classification of
townships.

14b. Justices of the peace and persons performing duties of justices of the peace shall receive the following monthly salaries to be paid each month as the county officers are paid, and the same shall be in full compensation for all services rendered in criminal cases, and shall include their office rent, to wit:

Justices of
the peace.

- In townships of the first class two hundred dollars.
- In townships of the second class one hundred dollars.
- In townships of the third class one hundred dollars.
- In townships of the fourth class seventy-five dollars.
- In townships of the fifth class sixty dollars.
- In townships of the sixth class twenty dollars.

In addition to the monthly salaries herein allowed each justice of the peace may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all

5th class
(Fresno),
continued.

services rendered by him in civil actions. Each justice of the peace must pay into the county treasury once a month all fines collected by him.

Constables

15. Constables shall receive the following monthly salaries. to be paid each month as the county officers are paid, and shall be in full compensation for all services by them in criminal cases, to wit:

In townships of the first class one hundred and twenty-five dollars.

In townships of the second class one hundred dollars.

In townships of the third class one hundred dollars.

In townships of the fourth class seventy-five dollars.

In townships of the fifth class sixty dollars.

In townships of the sixth class twenty dollars.

In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all services rendered by him in civil cases; and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or prison, which expenses shall be audited by the board of supervisors and paid out of the county treasury; *provided, further*, that where any constable is required to go out of his own county to serve a warrant of arrest or any other paper in a criminal case, he shall be allowed mileage in going and returning outside of his own county at the rate of five cents per mile.

Super-
visors.

16. The supervisors shall receive each the sum of eighteen hundred dollars per annum, payable monthly in installments of one hundred and fifty dollars per month, in full compensation for all services rendered, either as supervisors or road overseers.

Salaries,
how
payable.

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

SEC. 9. Section four thousand two hundred thirty-five of the Political Code is hereby amended to read as follows:

6th class
(Sacramento),
salaries.

4235. In counties of the sixth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

County
clerk.

1. The county clerk, three thousand dollars per annum. He shall appoint one chief deputy, at a salary of eighteen hundred dollars per annum; two additional deputies at a salary of fifteen hundred dollars each per annum, two deputies to act as index clerks at a salary of twelve hundred dollars each per annum, one deputy to act as stenographer at a salary of twelve hundred dollars per annum, three deputies to act as copyists at a salary of twelve hundred dollars each per annum, and three court room clerks at a salary of one thousand five hundred dollars each per annum; one deputy who shall be the registrar of voters, which office is hereby created, who shall receive a salary of two thousand four hundred dollars per annum, and a deputy or deputies not to exceed five for the

purpose of registering electors, to be paid not to exceed four dollars per diem each; *provided*, that said deputies so employed for registering electors shall not be employed except during a year when a general election is to be held throughout the state and then only between the first day of June and the fifteenth day of November of said year; and such deputies as may be needed for the purpose of registering electors in precincts outside of the corporate limits of municipalities containing twenty-five thousand or more inhabitants, who shall be paid fifteen cents per name for each person legally registered by them. The salaries and compensation of each of said deputies and clerks to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid.

2. The sheriff shall receive three thousand six hundred dollars per annum salary. The sheriff shall also receive for his own use the fees for mileage which are now, or which may hereafter, be allowed by law, and the fees and commissions for the service of all papers whatsoever issued by any court of the state outside of this county, and shall also receive his necessary expenses in all criminal cases. The sheriff shall also be paid twelve and one half cents per meal each for all meals furnished prisoners confined in the county jail. The sheriff shall have one under-sheriff at a salary of one thousand eight hundred dollars per annum, two jailers at a salary of twelve hundred dollars per annum each; one criminal deputy, which office is hereby created, at a salary of twelve hundred dollars per annum, and three court bailiffs, or deputies, at a salary of twelve hundred dollars per annum each. All deputies herein mentioned shall be appointed by the sheriff, and paid at the same time and manner that their principal is paid.

3. The recorder, three thousand dollars per annum. The recorder may appoint one assistant recorder, which office is hereby created at a salary of eighteen hundred dollars per annum; one mortgage clerk, at a salary of twelve hundred dollars per annum; one index clerk, at a salary of twelve hundred dollars per annum. Said recorder may also appoint such copyists, not to exceed three, as may be required for the recording of all papers, notices or documents in his office, who shall receive as compensation for their services, the sum of twelve hundred dollars each per annum; said recorder may also appoint two filing clerks, which office is hereby created, at a salary of twelve hundred dollars per annum each. The salaries and compensation of all deputies, clerks and copyists herein provided for, each of whom shall be a deputy county recorder, shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid.

4. The auditor, three thousand dollars per annum; *provided*, that in counties in this class there shall be, and there is hereby allowed to the auditor an assistant county auditor which office is hereby created whose salary is hereby fixed at eighteen hundred dollars per annum and one index clerk

6th class
(Sacramento),
continued.

Sheriff.

Recorder.

Auditor.

6th class
(Sacramento),
continued.

which office is hereby created whose salary is hereby fixed at twelve hundred dollars per annum, both of whom shall be appointed by the auditor, and such additional assistance as the auditor may require and whose compensation shall not exceed one thousand dollars per annum in the aggregate for all assistance so performed; and *provided*, that the auditor shall file with the county clerk a verified statement, showing in detail the amounts paid and the persons to whom such compensation has been paid for such additional assistance as aforesaid. The salaries herein provided for shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the auditor.

Treasurer.

5. The county treasurer, thirty-four hundred dollars per annum, and said treasurer may appoint one deputy treasurer, which office is hereby created, who shall receive a salary of eighteen hundred dollars per annum. The deputy herein provided for shall be paid at the same time and in the same manner and out of the funds as is the county treasurer.

Tax
collector.

6. The tax collector, three thousand dollars per annum; he shall be allowed one chief deputy, which office is hereby created, at a salary of eighteen hundred dollars per annum and one office deputy, which office is hereby created, at a salary of fifteen hundred dollars per annum; *provided*, that he shall have such assistants as he may require, whose compensation, which shall be paid by the county, shall not exceed the sum of twelve hundred dollars per annum in the aggregate. All deputies and assistants herein mentioned shall be appointed by the tax collector and the salaries herein provided for shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector.

License
collector.

7. The license collector, one thousand eight hundred dollars per annum, said license collector shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

Assessor.

8. The assessor, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be, and there is, hereby allowed to the assessor the following deputies, who shall be appointed by the assessor, and shall be paid salaries as follows: One chief deputy assessor, at eighteen hundred dollars per annum; one office deputy assessor, at fifteen hundred dollars per annum; one mortgage and transfer assistant assessor, which office is hereby created, at twelve hundred dollars per annum; one field deputy assessor, which office is hereby created, for not exceeding six months in any one year at a salary of one hundred and twenty-five dollars per month; four field deputy assessors, for not exceeding four months in any one year, at a salary of one hundred and twenty-five dollars each per month; nine field deputy assessors for not

exceeding four months in any one year, at a salary of one hundred dollars per month each; and such additional assistance as the assessor may require, and whose compensation shall not in the aggregate exceed the sum of six hundred dollars per annum; and *provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts paid and the persons to whom such compensation is paid for such extra assistance, as aforesaid. The salaries of the chief deputy assessor, office deputy assessor, mortgage and transfer assistant assessor and field deputy assessors herein provided for shall be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid. It is hereby further provided that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes.

6th class
(Sacramento),
continued.

9. The district attorney, three thousand six hundred dollars per annum. In counties of this class, the district attorney may appoint an assistant district attorney, which office is hereby created, who shall receive as compensation for his services the sum of two thousand four hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time other county officials are paid. In counties of this class the district attorney may appoint a deputy district attorney, which office is hereby created, who shall receive as compensation for his services the sum of one thousand eight hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time other county officials are paid. In counties of this class the district attorney may appoint a clerk for service in his office, which office of clerk to the district attorney is hereby created, and said clerk shall receive as compensation for his services the sum of one thousand two hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time other county officials are paid.

District
attorney.

10. The coroner, such fees as are now or may be hereafter allowed by law; *provided*, the coroner, or other officer holding an inquest upon the body of a deceased person, may subpoena a chemist, to make an analysis of the contents of the stomach or the tissues of the body, or a physician or surgeon to inspect the body, or hold a post-mortem examination of the deceased, and give a professional opinion as to the cause of death; and shall cause the testimony of all the witnesses at such inquest to be reduced to writing under his direction. The coroner in counties of this class shall be and he hereby is allowed the following assistants, namely, one deputy and one stenographer, which office is hereby created; said deputy shall have the power and it shall be his duty when directed by the coroner, to hold inquests, and all such power conferred by law upon the coroner

Coroner.

eth class
(Sacra-
mento).
continued.

may be exercised by said deputy; the said stenographer at a salary of one hundred and twenty-five dollars per month. Said stenographer shall take down in shorthand the testimony of witnesses at inquests, and shall transcribe the same into long-hand and file a verified copy thereof with the county clerk. The salary of said stenographer shall be paid by the county in the same manner, at the same time and out of the same fund as other county officers are paid.

Public
admini-
trator.

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

Superin-
tendent of
schools.

12. The superintendent of schools, two thousand seven hundred dollars per annum, and actual traveling expenses when visiting schools of his county, not exceeding five hundred dollars per annum; and the said superintendent of schools may appoint one deputy superintendent of schools, which office of deputy superintendent of schools is hereby created, who shall receive as compensation the sum of one thousand eight hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers are paid. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of the said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools. Claims of such service and mileage shall be presented to the board of supervisors and shall be allowed, at the rate above named, and in the same manner as other claims against the county are allowed. The compensation of members of the county board of education hereby provided is not in addition to that provided in section seventeen hundred and seventy of this code.

Surveyor.

13. The surveyor, two thousand four hundred dollars per annum, and in addition thereto all necessary expenses for work performed in the office and all necessary expenses and transportation for work performed on the field; *provided*, that in counties of this class, whenever the board of supervisors shall order, or the assessor may require, assessor's map or block books, then the surveyor shall receive, in addition to the salary hereinabove noted, the sum of nine hundred dollars for the preparation and completion of the said map or block books.

Justices of
the peace.

14. Justices of the peace, in townships having a population of between seven and eight hundred inhabitants, as found and determined by the last preceding federal census, shall be allowed a salary of seventy-five dollars per month each, in lieu of all fees in criminal cases. In all other townships, justices of the peace, such fees as are or may be hereafter allowed by law, except that the justices of the peace in town-

ships containing twenty thousand or more inhabitants shall be allowed a salary of one hundred dollars per month each in lieu of all fees in criminal cases; *provided, however*, that justices of the peace in townships contiguous to municipalities containing twenty-five thousand or more inhabitants, or in which a state penal institution is located, shall be allowed a salary of one hundred dollars per month each in lieu of all fees in criminal cases; the salary of the justices of the peace as above provided, to be paid at the same time, and in the same manner as county officers are paid.

6th class
(Sacramento),
continued.

15. Constables, in townships having a population of between seven and eight hundred inhabitants, as found and determined by the last preceding federal census, shall be allowed a salary of seventy-five dollars per month each and fifteen cents per mile for every mile actually traveled in taking prisoners to the county jail, in lieu of all fees in criminal cases. In all other townships, constables, such fees as are now or may be hereafter allowed by law, except that the constables in townships containing twenty thousand or more inhabitants shall be allowed a salary of one hundred and twenty-five dollars per month each, in lieu of all fees in criminal cases; *provided*, that the board of supervisors shall furnish the justice of the peace in said townships and the constables an office to be occupied by said justice and constables jointly; *provided, however*, that constables in townships contiguous to municipalities containing twenty-five thousand or more inhabitants, or in which a state penal institution is located, shall be allowed a salary of one hundred dollars per month each, and fifteen cents per mile for every mile actually traveled in taking prisoners to the county jail, in lieu of all fees in criminal cases; *provided, however*, that constables in townships not contiguous to municipalities containing twenty-five thousand or more inhabitants and constables in township in which a state penal institution is not located shall receive in addition to the fees now provided by law three dollars per diem for each day in actual attendance on the court in criminal cases, and fifteen cents per mile for each mile actually traveled in taking prisoners to the county jail. The salary of the constable as above provided to be paid at the same time and in the same manner as county officers are paid.

Constables.

16. Each supervisor, one hundred and twenty-five dollars per month, and ten cents per mile for traveling to and from the county seat; *provided*, mileage shall not be allowed oftener than once in each month.

Super-
visors.

17. The offices of recorder and auditor shall be separate and shall not be consolidated by the board of supervisors.

Recorder
and
auditor.

18. For attending as a juror in the superior court, for each day's attendance, per diem, three dollars. For each mile actually traveled in attending court as a juror, in going only, per mile, twenty-five cents.

Juror.

19. In counties of this class there shall be a county detective to be appointed by the district attorney, who shall receive

Detective.

6th class
(Sacramento),
continued.

a salary of one hundred and twenty-five dollars per month, to be paid at the same time and manner as other county officers are paid. He shall perform such duties as may be required of him by the district attorney or by ordinances of the board of supervisors.

Analyst.

20. In counties of this class there may be a county analyst, to be appointed by the board of supervisors who shall receive a salary of not less than fifty dollars per month, to be paid at the same time and in the same manner as other county officers are paid. He shall furnish his own laboratory. He shall perform such services as may be required by the district attorney, coroner, or by ordinances of the board of supervisors. He shall have been a resident of the county for at least two years and shall be a graduate of a recognized university or technical school and shall have had at least three years' experience in forensic and analytical chemistry.

SEC. 10. Section four thousand two hundred thirty-six of the Political Code is hereby amended to read as follows:

7th class
(San Diego).
salaries.

4236. In counties of the seventh class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

County
clerk.

1. The county clerk, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one chief deputy, who shall receive a salary of one thousand eight hundred dollars per annum; one registration clerk, who shall receive a salary of one thousand two hundred dollars per annum; two court clerks, who shall receive salaries of one thousand five hundred dollars each per annum; one deputy who shall receive a salary of one thousand two hundred dollars per annum; and one judgment clerk who shall receive a salary of nine hundred dollars per annum.

Sheriff.

2. The sheriff, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff one under-sheriff, whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum, and the following deputies and employees: One deputy, who shall be head jailer, and who shall receive the salary of one thousand five hundred dollars per annum; three deputies, one of whom shall be assistant jailer, and who shall receive salaries of one thousand two hundred dollars per annum each; one deputy, who shall be assistant jailer, and who shall receive the salary of nine hundred dollars per annum; one stenographer, who shall receive the salary of nine hundred dollars per annum.

In counties of this class there shall be a matron of the county jail, to be appointed by the sheriff, and who, under the direction of the sheriff, shall have charge of all female prisoners in the county jail, and who shall receive the salary of nine hundred dollars per annum, to be paid by the county

in monthly installments at the same time, in the same manner, and out of the same fund as is the salary of the sheriff.

7th class
(San
Diego),
continued.

In counties of this class the sheriff shall be allowed by the board of supervisors his actual necessary expenses for pursuing criminals or for transacting all criminal business, and his actual necessary expenses for service of all process and notices, and each and all such expenses shall be a charge against the county and allowed by the board of supervisors, and paid as other county charges are paid.

3. The recorder, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder the following deputies and copyists, who shall be appointed by the recorder of said county, and shall be paid as follows: One chief deputy, at a salary of one hundred and fifty dollars per month; one index deputy, at a salary of one hundred dollars per month, and one deputy at a salary of seventy-five dollars per month, and as many copyists as may be required, who shall receive as compensation the sum of five cents per folio for recording any instrument or notice except maps or plats, and for copies of any records or papers, five cents per folio. The salaries of all deputies and copyists herein provided for shall be paid by the county in monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the county recorder is paid.

Recorder.

4. The auditor, three thousand six hundred dollars per annum; *provided*, that there is hereby allowed to the auditor the following deputies: One chief deputy, who shall receive a salary of one thousand eight hundred dollars per annum; one deputy, who shall receive a salary of one thousand two hundred dollars per annum, and one deputy, who shall receive a salary of nine hundred dollars per annum.

Auditor.

5. The treasurer, three thousand six hundred dollars per annum, and one deputy who shall receive a salary of one thousand five hundred dollars per annum.

Treasurer.

6. The tax collector, three thousand six hundred dollars per annum and such fees as are allowed by law; one chief deputy, who shall receive a salary of one thousand eight hundred dollars per annum; two deputies who shall receive salaries of one thousand two hundred dollars each per annum; one deputy, who shall receive a salary of one thousand dollars per annum, and one stenographer, who shall receive a salary of nine hundred dollars per annum.

Tax
collector.

The tax collector may also employ six clerks for a period not to exceed six months in any one year, at a salary of four dollars per day for each day employed.

7. The license tax collector, eighteen hundred dollars per annum.

License tax
collector.

8. The assessor, three thousand six hundred dollars per annum; one chief deputy, who shall receive the salary of one thousand eight hundred dollars per annum; one deputy who,

Assessor.

7th class
(San
Diego).
continued.

shall receive a salary of one thousand two hundred dollars per annum; two deputies during six months of each year, who shall receive one hundred dollars each per month; one deputy during five months of each year, who shall receive one hundred dollars per month; four deputies during four months of each year, who shall receive one hundred dollars each per month; and the assessor in counties of this class may, during the year 1911 and every fourth year thereafter, appoint six clerks, who shall serve for a period of not to exceed four months in any of said years, and said clerks shall receive as compensation the sum of eighty dollars each per month. The assessor may also appoint such number of field deputies as he shall deem necessary, whose salaries shall be paid by the assessor out of the fees and commissions allowed him by law. The assessor may also appoint such number of field and office deputies as he shall deem necessary, whose salaries shall be payable by the assessor out of the fees and commissions allowed him by law.

District
attorney.

9. The district attorney, four thousand dollars per annum; also one assistant district attorney, who shall receive a salary of two thousand five hundred dollars per annum; one deputy district attorney, who shall receive a salary of one thousand five hundred dollars per annum, and a second deputy district attorney who shall receive a salary of one thousand two hundred dollars per annum, and one stenographer, who shall receive a salary of nine hundred dollars per annum.

Superin-
tendent of
schools.

10. The superintendent of public schools, two thousand five hundred dollars per annum; also one deputy, at a salary of one thousand two hundred dollars per annum and one book-keeper at the salary of seventy-five dollars per month.

Public
adminis-
trator.
Coroner.

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

12. The coroner, seventy-five dollars per month, and in addition thereto the board of supervisors shall allow the coroner his actual traveling expenses in the performance of his official duties within the county when called away from the county seat.

Surveyor.

13. The surveyor, three thousand dollars per annum; also one deputy, who shall receive a salary of one thousand five hundred dollars per annum; two draughtsmen, who shall receive salaries of ninety dollars each per month; and such number of chainmen as may be necessary for field work, who shall receive a compensation of three dollars per day when at work in the field.

Con-stables.

14. Constables, in civil cases such fees as are now or may hereafter be allowed by law; and in criminal cases in townships having a population of sixteen thousand or more, in lieu of fees now allowed by law, the sum of one hundred dollars per month; and in all townships having a population of less than sixteen thousand, such fees as are now or may hereafter be allowed by law; *provided, however,* that no constable in such township shall be allowed in any one month out of

the county treasury more than one hundred dollars as fees in misdemeanor cases; *provided, further*, that in such townships they shall receive for each day's attendance in criminal cases when required by the justice to be present two dollars per day; *provided, further*, that in all townships the constables thereof shall be allowed actual traveling expenses only, in lieu of mileage, for taking prisoners to the county jail.

7th class
(San
Diego).
continued.

15. Justices of the peace, in all townships having a population of sixteen thousand or more, one hundred and fifty dollars per month in full of all compensation in both civil and criminal cases; in townships having a population of less than sixteen thousand such fees as are now or may hereafter be allowed by law; *provided, however*, that no justices of the peace in such townships shall be allowed in any one month out of the county treasury more than one hundred dollars in misdemeanor cases.

Justices of
the peace.

The board of supervisors of such county shall furnish the township justice of the peace and the constables in townships having a population of sixteen thousand or more with suitable court room and furniture for said justice of the peace, and an office with necessary and proper furniture therefor, for each of said constables.

16. Each member of the board of supervisors, one thousand dollars per annum, and fifteen cents per mile in going from his residence to the county seat at each meeting of the board; also five hundred dollars per annum each, and mileage now allowed by law, for serving as road commissioner.

Super-
visors.

17. In any office in counties of the ninth class, when the work of said office has not been brought down to date, and was in such condition when the present incumbent was inducted into office, the board of supervisors may authorize said incumbent to perform the labors that should have been performed by his predecessors in office, and for that purpose may authorize said incumbent to employ special clerical help, at a compensation to be fixed by the board of supervisors, at so much per diem; *provided*, that the provisions herein shall apply only to work that should have been done by the incumbent's predecessor in office.

Special
clerical
help.

18. The deputies mentioned in this section are hereby allowed to the respective county officers named, who shall appoint the same, and said deputies shall be paid by the counties of this class in monthly installments, at the same time, in the same manner, and out of the same fund as the salaries of the county officers are paid.

Deputies.

SEC. 11. Section four thousand two hundred thirty-seven of the Political Code is hereby amended to read as follows:

4237. In counties of the eighth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, and shall have as deputies or assistants the respective employees hereinafter named, to wit:

8th class.
(San Ber-
nardino).
salaries.

5th class
(San Bern-
ardino),
continued.

County
clerk.

1. The county clerk, two thousand seven hundred dollars per annum, and the sum of five hundred dollars for making the great register, and ten cents for each person registered, and such fees as may be allowed by law for issuing hunting or fishing licenses, and there shall be, and there is hereby allowed to the county clerk in addition, one chief deputy, to be appointed by the county clerk, who shall be paid a salary of one thousand two hundred dollars per annum, and two additional deputies, who shall be paid the sum of one thousand dollars per annum each, the said salaries to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid.

Sheriff.

2. The sheriff, three thousand dollars per annum and all commissions, fees and mileage for the service of papers or process coming from courts other than those of his own county, and there shall be, and there is hereby created the office of jailer, to be appointed by the sheriff, who shall be paid a salary of one thousand two hundred dollars per annum, and also one chief deputy, to be appointed by the sheriff who shall be paid a salary of one thousand two hundred dollars per annum, and also one deputy to be appointed by the sheriff, who shall be paid a salary of nine hundred dollars per annum, said salaries to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid.

Recorder.

3. The recorder, two thousand seven hundred dollars per annum, and five cents per folio for recording, and in addition thereto there is hereby allowed to the county recorder, one deputy, to be appointed by the county recorder, who shall be paid a salary of one thousand two hundred dollars per annum, the said salaries to be paid by such county in monthly installments, at the time, and in the manner and out of the same fund as the salaries of county officers are paid.

Auditor.

4. The auditor, two thousand seven hundred dollars per annum, and there shall be, and there is allowed to the auditor in addition, one chief deputy to be appointed by the auditor, who shall be paid a salary of one thousand two hundred dollars per annum, and there shall be, and there is allowed to the auditor in addition, three clerks to be appointed by the auditor, who shall be paid a salary of seventy-five dollars per month each, not to exceed one month in any one year; said salaries to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid.

Treasurer.

5. The treasurer, two thousand seven hundred dollars per annum, and in addition thereto, there is hereby allowed to the county treasurer one deputy, to be appointed by the treasurer, who shall be paid one hundred dollars per month, not to exceed one month in any one year.

6. The tax collector, two thousand seven hundred dollars per annum, and there shall be, and there is allowed to the tax collector, one chief deputy, to be appointed by the tax collector, who shall be paid a salary of one thousand two hundred dollars per annum, and such additional assistants as the tax collector may require, the compensation of which assistants, however, shall not exceed in the aggregate the sum of nine hundred dollars per annum, said salaries to be paid by said county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid; *provided, however,* that in counties of this class the tax collector shall receive no fees or commissions for the collection of licenses.

8th class
(San Bernardino),
cont. invet.
Tax
collector.

7. The assessor, five thousand five hundred dollars per annum, and the percentage allowed by law for the collection of poll taxes; and there shall be, and there is allowed to the assessor in addition, one chief deputy, to be appointed by the assessor, who shall be paid a salary of one thousand two hundred dollars per annum, said salaries to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid; *provided, however,* that the percentage received by the assessor on personal property taxes, and also amounts allowed for returning names of persons subject to military duty, and which in other counties of other classes, is allowed to the assessor as compensation, shall be paid by him into the county treasury, and no part thereof shall be received by him as compensation.

Assessor.

8. The district attorney, three thousand dollars per annum, and there shall be, and there is allowed to the district attorney in addition, one chief deputy, to be appointed by the district attorney who shall be paid a salary of one thousand five hundred dollars per annum, and also one additional deputy, to be appointed by the district attorney who shall be paid a salary of one thousand two hundred dollars per annum, each of whom shall be an attorney at law regularly admitted to practice before the courts of the State of California, said salaries to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid.

Di-strict
attorney.

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

Coroner.

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

Public
adminis-
trator.

11. The superintendent of schools, for full services, including attendance on the county board of education, two thousand seven hundred dollars per annum, and his actual traveling expenses, necessarily incurred in the performance of his duties, and there shall be, and there is allowed to the superintendent of schools in addition, one deputy, to be appointed by the superintendent of schools, who shall be paid a salary of one thousand dollars per annum, said salary to be paid by such

Superin-
tendent of
schools.

8th class
(San Bern-
ardino),
continued.

county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid. The office of the superintendent of schools shall be kept open on all business days from nine o'clock A. M. to five o'clock P. M.

Board of
education.

12. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such services and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named and in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section one thousand seven hundred and seventy of this code.

Surveyor.

13. The surveyor, two thousand four hundred dollars per annum, and in addition thereto all necessary expenses, incurred in the field in performing county work, ordered by the board of supervisors; and there shall be and there is allowed to the surveyor in addition, one chief deputy, who shall be a competent draughtsman, to be appointed by the surveyor, who shall be paid a salary of one thousand two hundred dollars per annum, and also one draughtsman, to be appointed by the surveyor, which office is hereby created, who shall be paid a salary of one thousand two hundred dollars per annum, and also one clerk, who shall be appointed by the surveyor, which office of clerk is hereby created, who shall be paid a salary of nine hundred dollars per annum, said salaries to be paid in monthly installments at the same time and in the same manner and out of the same fund as the salaries of county officers are paid.

Judges of
the peace.

14. The justices of the peace, the following monthly salaries, to be paid each month as salaries of other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of six thousand and over, ninety dollars per month; in townships having a population of two thousand four hundred and less than six thousand, seventy-five dollars per month; in townships having a population of one thousand five hundred and less than two thousand four hundred, sixty dollars per month; in townships having a population of eight hundred and less than one thousand five hundred, fifty dollars per month; in townships having a population of five hundred and less than eight hundred, twenty dollars per month; in townships having a population of less than five hundred, ten dollars per month. In addition to the above salaries, each justice of the peace shall

collect for his own use in civil cases such fees as are now or may hereafter be allowed by law.

8th class
(San Bernardino),
continued.
Constables.

15. Constables, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of five thousand and more, eighty-five dollars per month; in townships having a population of two thousand five hundred and less than five thousand, sixty-five dollars per month; in townships having a population of fifteen hundred and less than two thousand five hundred, sixty dollars per month; in townships having a population of eight hundred and less than fifteen hundred, fifty dollars per month; in townships having a population of five hundred and less than eight hundred, twenty dollars per month; in townships having a population of less than five hundred, ten dollars per month. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

16. The supervisors, the sum of one hundred and twenty-five dollars per month, each, as supervisors and road commissioners, and actual traveling expenses not to exceed five hundred dollars for each supervisor in any one year.

Super-
visors.

17. The population of townships shall, for the purpose of this section, be determined by the last preceding United States census, and in case townships are formed after the taking of the census, then the population shall be determined by multiplying the vote for governor cast in such township, at the last preceding election, by four.

Popu-
lation of
townships.

SEC. 12. Section four thousand two hundred thirty-eight of the Political Code is hereby amended to read as follows:

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

9th class
(San
Joaquin),
salaries.

1. The county clerk, three thousand dollars per annum and eight cents a name for each person registered, and also such fees as are now or may hereafter be allowed by law.

County
clerk.

2. The sheriff, three thousand three hundred dollars per annum; the sheriff shall also receive for his own use and benefit the fees for mileage which are now or which may hereafter be allowed by law, and the fees or commissions for the service of all papers whatsoever issued by any court of the state outside of his county; and shall also receive his necessary expenses in all criminal cases.

Sheriff.

3. The recorder, two thousand one hundred dollars per annum.

Recorder.

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

Auditor.

5. The treasurer, two thousand three hundred dollars per annum, and such commissions as are now or may hereafter be allowed by law.

Treasurer.

Tax collector.

6. The tax collector, one thousand dollars per annum, and twenty-five per cent on all licenses collected, which shall be in full for all services as tax collector and license collector.

Assessor.

7. The assessor, eleven thousand five hundred dollars per annum; the assessor shall turn over to the county all fees and commissions for the collection of poll tax, personal property tax and for making up the military roll. The assessor shall make all maps and plats and shall bind in book form, alphabetically arranged, all assessment lists: *provided*, there shall be no charge against the county for the making of said maps, plats, and said binding, except for the material furnished in the making of said maps and plats and binding of said assessment lists.

District attorney.

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

Coroner.

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

Public administrator.

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

Superintendent of schools.

11. The superintendent of schools, twenty-four hundred dollars per annum, and actual traveling expenses when visiting the schools of his county, said expenses not to exceed six hundred dollars in one year.

Surveyor.

12. The surveyor, twenty-four hundred dollars per annum, and actual expenses for himself when engaged in the field or in the discharge of his official duties in the county; the surveyor shall pay into the county treasury all fees and commissions received by him for all work done by him other than for the county.

Justices of the peace.

13. Justices of the peace shall receive the following salaries for all services rendered by them in criminal cases, payable in the same manner as county officers are paid, viz:

In townships having a population of fourteen thousand or more, one hundred and fifty dollars per month; in townships having a population of not less than five thousand nor more than fourteen thousand, seventy-five dollars per month; in townships having a population of not less than three thousand nor more than five thousand, fifty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty-five dollars per month; in townships having a population of not less than one thousand four hundred nor more than two thousand, thirty-five dollars per month; in all townships having a population of less than one thousand four hundred, fifteen dollars per month: justices of the peace in counties of this class shall also receive for their own use and benefit such fees as are now or may be hereafter allowed by law in civil cases.

Constables.

14. Constables shall receive the following salaries for all services rendered by them in criminal cases, payable monthly in the same manner as county officers are paid, viz: In townships having a population of fourteen thousand or more, one hundred dollars per month; in townships having a population

of not less than five thousand nor more than fourteen thousand, seventy-five dollars per month; in townships having a population of not less than three thousand nor more than five thousand, fifty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty-five dollars per month; in townships having a population of not less than one thousand four hundred nor more than two thousand, thirty-five dollars per month; in all townships having a population of less than one thousand four hundred, fifteen dollars per month.

9th class
(San
Joaquin),
(continued).

Constables in counties of this class shall also receive for their own use and benefit such fees as are now or may be hereafter allowed by law for mileage in criminal cases and shall also receive such fees as are now or may hereafter be allowed by law in civil cases.

15. Each member of the board of supervisors, twelve hundred dollars per annum, and their necessary expenses when attending to the business of the county, other than the meetings of the board; and fifteen cents a mile in traveling to and from his residence to the county seat: *provided*, that not more than one mileage at any one term of the board shall be allowed.

Super-
visors.

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

Bonds of
officers.

17. The county clerk shall have one chief deputy, at a salary of eighteen hundred dollars per annum; three court room deputies, at a salary of fifteen hundred dollars per annum each; two office deputies at a salary of twelve hundred dollars per annum each; one deputy to the board of supervisors at a salary of twelve hundred dollars per annum; and a deputy or deputies not to exceed ten, for the purpose of registering electors, who shall be paid not to exceed three dollars per diem each.

Deputies.

The county recorder, one chief deputy at a salary of eighteen hundred dollars per annum, one deputy at a salary of fifteen hundred dollars per annum, three deputies at a salary of twelve hundred dollars per annum each; the recorder shall hire necessary assistance in preparing abstracts of mortgages for the assessor, in extending taxes, and purposes of emergency, but the aggregate salaries for such work shall not exceed twelve hundred dollars in any one year.

The treasurer, one chief deputy at a salary of two thousand one hundred dollars per annum, and one deputy at a salary of fifteen hundred dollars per annum.

The district attorney, an assistant district attorney, at a salary of two thousand one hundred dollars per annum, and a deputy district attorney, at a salary of fifteen hundred dollars per annum.

The superintendent of schools, one deputy, at a salary of nine hundred dollars per annum.

9th class
(San
Joaquina),
continued.

The sheriff, an under-sheriff, who shall receive a salary of eighteen hundred dollars per annum; a clerk, who shall receive a salary of fifteen hundred dollars per annum; two deputy sheriffs, who shall receive a salary of twelve hundred dollars per annum each; three bailiffs or court room deputies, who shall receive a salary of twelve hundred dollars per annum each; two jailers, who shall receive a salary of twelve hundred dollars per annum each; and a deputy or deputies not to exceed two, for the purpose of serving papers and for other emergencies to be paid not to exceed three and a half dollars per diem each.

All the deputies, assistants, and clerks herein mentioned shall be paid at the time and in the manner that the principals are paid.

Juror.

18. For attending as a grand juror or as a juror in the superior court, for each day's attendance per day, three dollars. For each mile actually traveled in attending court as a juror, in going only, per mile, twenty-five cents.

SEC. 13. Section four thousand two hundred thirty-nine of the Political Code is hereby amended to read as follows:

10th class
(Sonoma),
salaries.

4239. In counties of the tenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

County
clerk.

1. The county clerk, five thousand nine hundred dollars per annum; *provided*, that he shall appoint one chief deputy, at a salary of twelve hundred dollars per annum, two court room deputies, at a salary of nine hundred dollars per annum each, and one deputy at a salary of nine hundred dollars per annum.

The salaries of said four deputies shall be paid by said county clerk out of said five thousand nine hundred dollars compensation above named.

Sheriff.

2. The sheriff, sixty-two hundred dollars per annum; *provided*, that he shall appoint one under-sheriff, at a salary of fifteen hundred dollars per annum, and three deputy sheriffs, at a salary of nine hundred dollars per annum each.

The salary of said under-sheriff and deputies shall be paid by said sheriff out of said sixty-two hundred dollars compensation above named.

The sheriff shall also receive, as compensation for traveling, to be computed in all cases from the court house, to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property, to levy an execution, post notice of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, in executing writ of habeas corpus, or collecting taxes, twenty cents for each mile, one way only, to be computed over the nearest and most practicable route, between the court house and the place of service; *provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be

charged to the most distant points to complete such service, which distance shall, in all cases, be estimated by the nearest practical route.

3. The recorder, five thousand six hundred dollars per annum; *provided*, that the recorder shall appoint four copyists at a salary of nine hundred dollars per annum each; which salary of said four copyists shall be paid by said recorder out of said sum of five thousand six hundred dollars compensation above named; *and provided, further*, that said copyists being eligible, may be appointed deputies of said recorder without further compensation.

10th class
(Sonoma).
continued.

Recorder.

4. The auditor, two thousand four hundred dollars per annum; *provided*, that the expenses incurred in making extensions of assessments and tax rolls shall be paid out of said sum of two thousand four hundred dollars compensation above mentioned.

Auditor.

5. The treasurer, two thousand dollars per annum, and such fees as are now or may hereafter be allowed by law.

Treasurer.

6. The tax collector, three thousand dollars per annum, and such fees as are now or may be hereafter allowed him by law for the collection of all county licenses; *provided*, that the tax collector shall appoint as many deputies as may be necessary, all of which deputies' salaries shall be paid out of the compensation above named.

Tax collector.

7. The assessor, four thousand two hundred dollars per annum; *provided*, that the assessor shall appoint one chief deputy, at a salary of twelve hundred dollars per annum, and as many deputy assessors as may be necessary, all of which deputies' salaries shall be paid by the said assessor out of said four thousand two hundred dollars compensation above mentioned.

Assessor.

8. The district attorney, two thousand four hundred dollars per annum, and one assistant district attorney, at a salary of fifteen hundred dollars per annum, to be paid at the same time and in the same manner as county officers are paid.

District attorney.

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

Coroner.

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

Public administrator.

11. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting the schools of his county; *provided*, said superintendent of schools may appoint a deputy at a salary of nine hundred dollars per annum, payable at same time and in same manner as salaries of other county officers are paid.

Superintendent of schools.

12. The surveyor shall receive one thousand eight hundred dollars per annum for all work performed for the county, and in addition thereto all necessary and actual traveling expenses incurred in connection with field work, and all fees allowed by law; *provided*, that out of the compensation hereinabove provided he shall pay the cost of platting, tracing or otherwise preparing maps, plats or block books for use of the county

Surveyor.

10th class
(Sonoma),
continued.

assessor; *provided, further*, that all property ownership books, data, and transcript records required for making such maps, plats, or block books shall be procured at the expense of the county in such manner and by such persons as the board of supervisors may direct and furnished to the surveyor: *and provided, further*, that the fees for land surveys, except when done for the county, shall be ten dollars per day, or fraction thereof, and in addition thereto all necessary and actual traveling expenses. He shall appoint a deputy at a salary of nine hundred dollars per annum, payable at the same time and in the same manner as county officers are paid.

Justices of
the peace.

13. Justices of the peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases.

In townships having a population of sixteen thousand or more, one hundred and twenty-five dollars per month;

In townships having a population of over nine thousand and less than sixteen thousand, sixty dollars per month;

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

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

In townships having a population of fifteen hundred and less than two thousand, ten dollars per month;

In townships having a population of less than fifteen hundred, five dollars per month.

In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions.

Each justice of the peace must pay into the county treasury once a month all fines collected by him;

And provided, further, that for the purposes of this subdivision the population of the several townships shall be ascertained by multiplying by five the number of registered voters as shown upon the great register of the county for the general election of nineteen hundred and six.

Constables.

14. In townships having a population of sixteen thousand or over, constables shall receive as compensation, in lieu of all fees in criminal cases, the sum of one hundred dollars per month;

In townships having a population of nine thousand and less than sixteen thousand, the sum of sixty dollars per month;

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

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

In townships having a population of fifteen hundred and less than two thousand, ten dollars per month;

In townships having a population of less than fifteen hundred, five dollars per month;

Provided, that in addition to the fees and salaries herein allowed, each constable shall receive for traveling expenses outside of his own township, for the service of a warrant of arrest or other process in a criminal case, the sum of five cents per mile for each mile actually and necessarily traveled; *and provided, further*, that such salaries for services in criminal cases shall be paid at the same time and in the same manner as the salaries of county officers; *and provided, further*, that in addition to the salaries provided for herein, constables in all townships shall receive for their own use the fees which are now or may hereafter be allowed by law in civil cases;

10th class
(Sonoma),
continued.

And provided, further, that for the purpose of this subdivision the calculation of the population of the several townships shall be ascertained by multiplying by five the number of registered voters as shown upon the great register of the county for the general election of nineteen hundred and six.

15. Each member of the board of supervisors, for all services required of them by law, or by virtue of their office, except as road commissioners, shall be allowed six dollars per day, and thirty cents per mile in traveling from their place of residence to the courthouse; *provided*, that only one mileage must be allowed at each term; *and provided, further*, that no supervisor must be allowed more than one day's pay for any one day, by reason of his being on the committees appointed by the board of supervisors, or for any other cause; *provided*, that in no case shall the per diem of the supervisors, as supervisors, exceed eight hundred dollars each in one year. Each supervisor shall receive for his services as road commissioner, thirty cents per mile, one way, for all distances actually traveled by him in the performance of his duties; *provided*, that he shall not in any one year, receive more than four hundred dollars as such road commissioner.

Super-
visors.

SEC. 14. Section four thousand two hundred forty of the Political Code is hereby amended to read as follows:

4240. In counties of the eleventh class, the officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

11th class
(Kern),
salaries.

1. The county clerk, five thousand dollars per annum, and twelve and a half cents for each elector registered.

County
clerk.

2. The sheriff, seven thousand dollars per annum. He may retain for his own use the mileage and fees for the service of papers or process issued by any court of this state outside of his county.

Sheriff

3. The recorder, sixteen hundred dollars per annum, seven cents for each folio recorded, and five cents for each name indexed.

Recorder.

4. The auditor, four thousand dollars per annum.

Auditor.

5. The treasurer, four thousand dollars per annum.

Treasurer.

6. The collector, four thousand dollars per annum.

Tax
collector.

7. The assessor, five thousand dollars per annum.

Assessor.

8. The district attorney, four thousand dollars per annum. In counties of this class the district attorney may appoint a

District
attorney.

11th class
(Kern).
continued

deputy district attorney, which office of deputy district attorney is hereby created, at a salary of twelve hundred dollars per annum, the deputy district attorney to hold office at the pleasure of the district attorney.

Coroner.

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

Public
adminis-
trator.

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

Superin-
tendent of
schools

11. The superintendent of schools, three thousand dollars per annum (which shall include his services as a member of the board of education) and his actual traveling expenses when visiting schools, not to exceed ten dollars per district.

Surveyor.

12. The surveyor shall receive one thousand eight hundred dollars per annum, and traveling and official expenses in the county.

Supervisor.

13. Each supervisor, six dollars per day while in the service of the county, and thirty cents per mile for traveling from his residence to the county seat.

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

Justices of
the peace,
and
constables.

In townships having a population of ten thousand, or more, justices of the peace shall receive a monthly salary of one hundred and twenty-five dollars per month, and constables a monthly salary of one hundred and twenty-five dollars per month;

In townships having a population of six thousand, or more, and less than ten thousand, justices of the peace shall receive a monthly salary of one hundred dollars per month, and constables a monthly salary of one hundred dollars per month;

In townships having a population of twenty-one hundred and eighty-five, or more, and less than six thousand, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of sixty dollars per month;

In townships having a population of seventeen hundred and seventy, or more, and less than twenty-one hundred and ninety, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of seventy-five dollars;

In townships having a population of sixteen hundred, or more, and less than seventeen hundred and seventy, justices of the peace shall receive a monthly salary of ten dollars per month, and constables a monthly salary of twenty dollars per month;

In townships having a population of fourteen hundred and twenty, or more, and less than sixteen hundred, justices of the peace shall receive a monthly salary of forty dollars per month, and constables a monthly salary of sixty dollars per month;

In townships having a population of thirteen hundred and fifteen, or more, and less than fourteen hundred and forty, justices of the peace shall receive a monthly salary of forty dollars per month, and constables a monthly salary of sixty dollars per month;

In townships having a population of twelve hundred and ninety, or more, and less than thirteen hundred and fifteen, justices of the peace shall receive a monthly salary of eighty dollars per month, and constables a monthly salary of ninety dollars per month;

11th class
(Kern).
continued.

In townships having a population of twelve hundred and eighty, or more, and less than thirteen hundred, justices of the peace shall receive a monthly salary of ninety-five dollars per month, and constables a monthly salary of one hundred dollars per month;

In townships having a population of ten hundred and forty-five, or more, and less than twelve hundred and eighty, justices of the peace shall receive a monthly salary of forty dollars per month, and constables a monthly salary of sixty dollars per month;

In townships having a population of nine hundred and ten, or more, and less than ten hundred and forty-five, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of sixty dollars per month;

In townships having a population of six hundred and seventy-five, or more, and less than nine hundred and twenty-five, justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars per month;

In townships having a population of five hundred and forty-five, or more, and less than six hundred and seventy-five, justices of the peace shall receive a monthly salary of twenty dollars per month, and constables a monthly salary of thirty dollars per month;

In townships having a population of two hundred, or more, and less than five hundred and forty-five, justices of the peace shall receive a monthly salary of ten dollars per month, and constables a monthly salary of ten dollars per month;

In townships having a population of one hundred and fifty-five, or more, and less than two hundred, justices of the peace shall receive a monthly salary of ten dollars per month, and constables a monthly salary of fifteen dollars per month.

The above salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; *provided*, that each constable shall be allowed and paid out of the county treasury for transporting prisoners to the county jail, the actual expenses of such transportation; *and provided, further*, that the board of supervisors shall allow to each constable his necessary expenses for traveling, when in pursuit of criminals, or transacting any criminal business; said justices of the peace and constables may retain for their own use, the fees allowed by law in civil cases:

And provided, further, that for the purpose of this section, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last preceding presidential election by five.

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

SEC. 15. Section four thousand two hundred forty-one of the Political Code is hereby amended to read as follows:

12th class
(Tulare).
salaries.

4241. In counties of the twelfth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their office the following salaries, to wit:

County
clerk.

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

Sheriff.

2. The sheriff, six thousand five hundred dollars per annum, and mileage for the services of any and all processes required by law to be served by him at the rate of ten cents per mile for every mile necessarily traveled in the performance of such duty.

Recorder.

3. The recorder, two thousand dollars per annum, and six cents per folio for every instrument of any character transcribed by him or his deputies, which said amount shall be paid by the county treasurer out of the county treasury.

Auditor.

4. The auditor, eighteen hundred dollars per annum, and one deputy at a salary of twelve hundred dollars per annum.

Treasurer.

5. The treasurer, two thousand dollars per annum.

Tax
collector.

6. The tax collector, three thousand six hundred dollars per annum: *provided*, that as such tax collector or as ex officio license collector he shall not have or receive any compensation for or percentage upon the collection of any license.

Assessor.

7. The assessor, five thousand dollars per annum.

District
attorney.

8. The district attorney, four thousand dollars per annum.

Coroner.

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

Public
adminis-
trator.

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

Superin-
tendent of
schools.

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

Surveyor.

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

Justices of
the peace.

13. Justices of the peace shall receive the following monthly salaries to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered as hereinafter provided:

In townships having a population of three thousand or more, eighty-five dollars per month, which said salary shall be in full compensation for all services rendered by said justices of the peace in both civil and criminal cases, and all such fees as are allowed by law in civil cases shall be paid by said justices of the peace into the county treasury, as the fees of county officers are paid in.

In townships having a population of not less than two thousand and under three thousand, thirty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each jus-

tice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.

12th class
(Future),
continued.

In townships having a population of not less than one thousand and under two thousand, twenty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.

In townships having a population of less than one thousand, fifteen dollars per month, which shall be in full compensation for all services rendered in criminal cases.

In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.

14. Constables shall receive the following monthly salaries, to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases:

Constables.

In townships having a population of more than three thousand, fifty dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions.

In townships having a population of not less than two thousand and under three thousand, forty dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed in civil cases.

In townships having a population of not less than one thousand and under two thousand, twenty-five dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil cases.

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

In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed in civil cases.

In addition to the monthly salary allowed herein, each constable shall also be allowed ten cents per mile for each mile necessarily traveled in the execution of all criminal process, and all expenses necessarily and actually incurred by him in transporting prisoners to court and to prison.

15. It shall be the duty of each and every constable and justice of the peace to file on or before the first Monday of each and every month, a full and complete statement, showing all busi-

Monthly
state-
ments.

12th class
(Tulare),
continued.

ness, both civil and criminal, done during the preceding month, with the board of supervisors, and shall file the same on or before said date above mentioned with the clerk of said board. The statement of the constable shall contain a full and correct account of all process served in both civil and criminal actions, also in criminal cases places where defendants were arrested, together with the mileage. And justices of the peace shall file a full and correct statement of all civil and criminal actions and fees received therefrom. Said statements to be sworn to either before the county clerk or some officer allowed by law to administer oaths.

Super-
visors.

16. The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers aforesaid.

17. Each supervisor, one thousand dollars per annum for personal services performed by him as supervisor, member of the board of equalization and road commissioner. Each supervisor shall also receive his actual and necessary traveling expenses incurred in performing any of the duties of his office, to be allowed by the board of supervisors and paid out of the county general fund; *provided*, that the amount so allowed him for such expenses shall not exceed forty dollars for any one month.

No fees for
collecting
licenses.

18. No fees shall be allowed the sheriff or tax collector for collecting licenses in counties of this class.

SEC. 16. Section four thousand two hundred forty-two of the Political Code is hereby amended to read as follows:

13th class
(Riverside),
salaries.

4242. In counties of the thirteenth class, county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

County
clerk.

The county clerk, twenty-five hundred dollars per annum; *provided*, that in years when a great register is ordered, the county clerk shall receive in addition to his regular salary, the sum of five hundred dollars for such services and ten cents for each person registered, and there shall be and there is hereby allowed to the county clerk in addition thereto, one deputy to be appointed by the said county clerk who shall be paid a salary of twelve hundred dollars per annum, and one deputy to be appointed by the county clerk at a salary of nine hundred dollars per annum. The salaries of such deputies to be paid by said county in monthly installments, at the time and in the manner and out of the same fund as the salaries of the county officers are paid.

Sheriff.

2. The sheriff, three thousand three hundred dollars per annum, and all commissions, fees and mileage for the service of papers or process coming from courts other than those of his own county; *provided*, that in counties of this class there shall be and is hereby allowed to the sheriff one under-sheriff, whose salary is hereby fixed at the sum of twelve hundred dollars per annum, and one deputy, who shall be jailer whose salary is hereby fixed at the sum of one thousand dollars per

annum, said deputies to be appointed by the sheriff and their salaries shall be paid by the county in equal monthly installments as other salaries are paid. 12th class
(Silver-side),
continued.

3. The recorder, twelve hundred dollars per annum, and six cents per folio for every instrument of any character transcribed by him or his deputies, and five cents for each name indexed, which said amount shall be paid out of the county treasury, and which payment shall be in full for all services, including the recording of mining claims. Recorder.

4. The auditor, two thousand seven hundred dollars per annum, and there shall be, and there is allowed to the auditor, in addition, one deputy to be appointed by the auditor, who shall be paid a salary of seven hundred eighty dollars per annum; said salary to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid. The county auditor shall charge and collect for the clerical labor of making estimates of tax sales, provided for in section thirty-eight hundred and seventeen of this code, the sum of twenty-five cents for each tax sale, if the property is delinquent for more than two years. If said estimates are returned to the auditor and redemption made within twenty days from the date of issue and prior to the change of penalties as provided in section thirty-eight hundred and seventeen of this code, the amounts charged for making said estimates shall be refunded to the redemptioner; if redemption is not made as herein provided, then the sums charged for making the estimates shall be retained by the auditor for his services of making said estimates. Auditor.

5. The treasurer, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer one deputy, to be appointed by him, who shall receive from the county a salary of seventy-five dollars per month, to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the treasurer. Treasurer.

6. The tax collector, twenty-five dollars per annum.

7. The assessor, forty-eight hundred dollars per annum, which shall be in full for all work in his office and for his field deputies. Other
officers.

8. The district attorney, twenty-five hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney, as an employee of the county, a stenographer to be appointed by the district attorney, at a salary of sixty dollars per month, to be paid monthly out of the county treasury in monthly payments in the same manner as the county officers are paid. This provision as to stenographer shall go into effect on the approval of this act.

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

13th class
(Riverside),
continued.

Superin-
tendent of
schools.

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

11. The superintendent of schools, two thousand dollars per annum. His office shall be kept open on all business days from nine A. M. to five P. M. He shall be allowed his actual traveling expenses when visiting the schools of his county: *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools one deputy, to be appointed by him, who shall receive from the county a salary of eighty-five dollars per month, to be paid by said county in monthly installments in the same manner and out of the same fund as the salary of the superintendent of schools.

Surveyor.

12. The surveyor, fifteen hundred dollars per annum, and in addition thereto all necessary assistants and traveling expenses on work performed in the field; *provided*, that in counties of this class, there shall be and there hereby is allowed to the surveyor a deputy, who shall be appointed by the surveyor of said county, and shall be paid a salary of seven hundred and twenty dollars per annum. The salary of said deputy herein provided for, shall be paid in monthly installments at the same time and in the same manner and out of the same fund as the salary of the surveyor is paid.

Justices of
the peace.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of eight thousand or more, seventy-five dollars per month; in townships having a population of six thousand and less than eight thousand, fifty dollars per month; in townships having a population of four thousand and less than six thousand, twenty-five dollars per month; in townships having a population of two thousand and less than four thousand, fifteen dollars per month; in townships having a population of one thousand and less than two thousand, ten dollars per month; in townships having a population of less than one thousand, five dollars per month; *provided*, that in all townships having an area equal to or exceeding one thousand square miles, such salary shall not be less than fifty dollars per month. Each justice must pay into the county treasury once a month, all fines collected by him in criminal cases, and the auditor shall withhold warrant for salary until a sworn statement has been filed with him of all criminal cases tried and fines collected and paid into the county treasury. In addition to the monthly salary allowed herein, each justice may receive for his own use in civil cases the fees allowed by law. For all services appertaining to the coroner's office which the coroner is unable to attend to, the justice of the peace shall receive the same fees as are allowed the coroner in similar cases.

Constables.

14. Constables shall receive the following monthly salaries to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them

in criminal cases: In townships having a population of eight thousand or more, seventy-five dollars per month; in townships having a population of six thousand and less than eight thousand, fifty dollars a month; in townships having a population of four thousand and less than six thousand, twenty-five dollars a month; in townships having a population of two thousand and less than four thousand, fifteen dollars a month; in townships having a population of one thousand and less than two thousand, ten dollars a month; in townships having a population of less than one thousand, five dollars a month; *provided*, that in all townships having an area equal to or exceeding one thousand square miles, such salary shall not be less than fifty dollars per month; *provided, further*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for service of a warrant of arrest or any other paper in a criminal case, both going and returning, ten cents per mile; for each mile traveled out of his county, both going and returning from the place of arrest or other service, five cents per mile. For transporting prisoners to the county jail, the actual cost of such transportation. In addition to the monthly salary allowed him, each constable shall receive for his own use in civil cases the fees allowed by law.

18th class
(Riverside),
continued.

15. The population of the several judicial townships, for the purpose of fixing the compensation of township officers, shall be ascertained and declared by the board of supervisors, on the first Monday after the first day of January, 1910, and on the first Monday after the first day of January every succeeding two years thereafter.

16. Each supervisor, one thousand dollars per annum, and fifteen cents per mile one way for traveling from his residence to the county seat; *provided*, that no more than four mileages shall be allowed in any one month. When serving as road commissioner he shall receive the sum of five dollars per day.

Super-
visors.

SEC. 17. Section four thousand two hundred forty-three of the Political Code is hereby amended to read as follows:

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

14th class
(Orange),
salaries.

1. The county clerk, three thousand two hundred and fifty dollars per annum; *provided*, that in counties of this class, there shall be and there hereby is allowed to the county clerk one deputy, which office is hereby created, who shall be court room clerk, at a salary of one hundred dollars per month, and who shall be appointed by the county clerk.

County
clerk.

The salary of said deputy herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid.

14th class
(Orange).
continued.
Sheriff.

2. The sheriff, four thousand dollars per annum, and such mileage as is now allowed by law and also all fees for service of papers in actions arising outside of his county; *provided*, that in counties of this class there shall be and hereby is allowed to the sheriff one deputy, which office is hereby created, who shall be jailer, at a salary of one thousand dollars per year, and who shall be appointed by the sheriff. The salary of said deputy herein provided for shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

Recorder.

3. The recorder, fifteen hundred dollars per annum, and four and one half cents per folio for every instrument of any character transcribed by him or his deputies, which said amount shall be paid out of the county treasury, and which payment shall be in full for all services, including indexing.

Auditor.

4. The auditor, two thousand dollars per annum. In counties of this class the auditor may appoint assistant auditors, which office is hereby created, and whose compensation shall not exceed the sum of nine hundred dollars per annum, in the aggregate, for all assistants so employed; *and provided*, that the auditor shall file with the county clerk a verified statement, showing in detail the amounts paid and the persons to whom such compensation has been paid for such assistants as aforesaid. The salaries herein provided for shall be paid by the said county, at the same time, and in the same manner, and out of the same funds as the salary of the auditor.

Treasurer.

5. The treasurer, fifteen hundred dollars per annum; *provided*, that in counties of this class there shall be, and there hereby is allowed to the treasurer one office deputy, which office is hereby created, at a salary of seventy-five dollars per month, and who shall be appointed by the treasurer. The salary of said deputy herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid.

Tax
collector.

6. The tax collector, two thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed to the tax collector the following deputies, whose office is hereby created, and who shall be appointed by the tax collector; one chief deputy, for a period not to exceed nine months in any one year, at a salary of seventy-five dollars per month, and such assistants as the tax collector may appoint; *provided*, that the compensation of such assistants shall not in the aggregate exceed the sum of twelve hundred dollars in any one year; *and provided*, that the tax collector shall file with the county auditor a verified statement, showing in detail the amounts and the persons to whom said compensation is paid. The salaries of the said deputy and assistants herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid.

7. The assessor, thirty-five hundred dollars per annum; *provided*, that in counties of this class there shall be eight field deputy assessors, who shall be appointed by the assessor of said county. One of said deputy assessors shall hold office for twelve months of each year, at a salary of one hundred dollars per month, whose duty shall be to keep an account of all transfers of property in said county during the year, and to assist in the assessment of property; and seven of said field deputy assessors shall hold office from twelve o'clock meridian of the first Monday of March of each year up to twelve o'clock meridian of the first Monday of July of each year. The salaries of each of said seven field deputy assessors herein provided for is fixed at the sum of one hundred and thirty dollars per month, to include horse hire and traveling expenses for each month during which they hold office, as herein provided. All of which said field deputy assessors' salaries shall be paid by said county at the same time, and in the same manner, and out of the same fund, as the salary of the assessor; *provided*, that all commissions shall be paid into the county treasury.

14th class
(Orange),
continued.

Assessor.

8. The district attorney, twenty-five hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney one deputy, which office is hereby created, at a salary of seventy-five dollars per month, and who shall be appointed by the district attorney. The salary of said deputy herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid.

District
attorney.

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

Coroner.

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

Public
adminis-
trator.

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

Superin-
tendent of
schools.

12. The surveyor, eight dollars per day while actually employed by the county.

Surveyor.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than eight thousand, seventy-five dollars per month; in townships having a population of less than eight thousand and more than five

Justices of
the peace.

14th class
(Orange),
continued

thousand, fifty dollars per month; in townships having a population of less than five thousand and more than two thousand, twenty-five dollars per month; in townships having a population of less than two thousand, ten dollars per month.

In addition to the compensation received in criminal cases, each justice of the peace shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

Constables

14. Constables shall receive the following monthly salaries to be paid each month and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than eight thousand, seventy-five dollars per month; in townships having a population of less than eight thousand and more than five thousand, fifty dollars per month; in townships having a population of less than five thousand and more than two thousand, twenty-five dollars per month; in townships having a population of less than two thousand, ten dollars per month; *provided*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail.

In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions.

Super-
visors.

15. Supervisors, five hundred dollars each per annum, and mileage at the rate of ten cents per mile in going to and coming from the place of meeting of the board, not more than four board meetings per month; and as road commissioner, four dollars per day, not to exceed six hundred dollars per year in the aggregate.

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

SEC. 18. Section four thousand two hundred forty-four of the Political Code is hereby amended to read as follows:

15th class
(Humboldt),
salaries

4244. In counties of the fifteenth class, the county and township officers shall receive, as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

County
clerk.

1. The county clerk, three thousand six hundred dollars per annum; and there shall be, and there hereby is allowed to the county clerk, two deputies who shall be appointed by the county clerk and shall each be paid a salary of twelve hundred dollars per annum, and during any year when an official primary election is held in the county, there shall be, and there hereby is, allowed to the county clerk one additional deputy who shall be appointed by the county clerk and shall be paid a salary of seventy-five dollars per month for a period of not exceeding four months in said year.

2. The sheriff shall receive five thousand dollars per annum; and there shall be and there hereby is allowed to the sheriff, one deputy, who shall be appointed by the sheriff and shall be paid a salary of one thousand five hundred dollars per annum. 15th class (Ifam-boldt). continued. Sheriff.
3. The recorder, two thousand five hundred dollars per annum, and there shall be and there is hereby allowed to the county recorder two deputies who shall be appointed by the recorder and shall be paid a salary of seven hundred and fifty dollars per annum each. The recorder shall collect and pay into the county treasury the fees required by law; *provided*, that whenever the amount of the fees so collected in any one month shall exceed the sum of four hundred dollars, the recorder may in addition to his salary, retain for his own use, one half of all such excess. Recorder.
4. The auditor shall receive two thousand seven hundred dollars per annum. Auditor.
5. The treasurer shall receive two thousand four hundred dollars per annum. Treasurer.
6. The tax collector shall receive two thousand eight hundred dollars per annum. Tax collector.
7. The license collector shall receive ten per cent of all licenses collected by him. License collector.
8. The assessor shall receive four thousand five hundred dollars per annum. He may employ such assistance as may be necessary in making maps, plats and drawings essential for use in the assessor's office in the performance of his duty and the expense thereof shall be a charge against the county. Assessor.
9. The district attorney shall receive two thousand four hundred dollars per annum; and there is hereby allowed to the district attorney one deputy, to be appointed by him, who shall receive a salary of one thousand dollars per annum. District attorney.
10. The coroner shall receive such fees as are now, or may hereafter be allowed by law. Coroner.
11. The public administrator shall receive such fees as are now or may hereafter be allowed by law. Public administrator.
12. The superintendent of schools, two thousand dollars per annum; and there shall be and there is hereby allowed to the superintendent of schools, one deputy, who shall be appointed by the superintendent of schools, and shall be paid a salary of seven hundred and fifty dollars per annum. Superintendent of schools.
13. The surveyor shall receive two thousand dollars per annum; and necessary traveling expenses while in the performance of the duties of his office. Surveyor.
14. Each supervisor, nine hundred dollars per annum, and mileage at twenty cents per mile for all distances traveled by him as supervisor or as road commissioner; such mileage not to exceed, in any one year, the sum of seven hundred and fifty dollars. Supervisor.
15. The official shorthand reporter shall receive two thousand dollars per annum for the department of the superior court to which he has been appointed. Whenever one reporter Reporter.

15th class
(Humboldt),
continued.

shall be appointed to, and shall perform the duties required of the official shorthand reporter, for more than one department of said superior court, he shall receive a salary therefor of two thousand five hundred dollars per annum. In addition thereto, he shall receive for transcribing notes, the sum of ten cents per folio, for the original, and five cents per folio for all copies thereof.

Justices of
the peace.

16. In townships having a population of seven thousand or over, two justices of the peace shall be elected, and each shall receive a salary of fifty dollars per month. In townships having a population less than seven thousand and over four thousand there shall be but one justice of the peace elected and he shall receive a salary of thirty dollars per month. In all other townships there shall be but one justice of the peace, who shall receive a salary of twenty dollars per month. All justices in counties of this class shall, in addition to the salaries above provided for, receive and collect for their own use and benefit, in civil cases only, the following fees, to wit:

(1) Each justice of the peace shall be allowed, in civil actions for all services before trial or entry of judgment, by default or confession, two dollars, and for all additional services in such action, including execution and satisfaction of judgment, two dollars.

(2) For the trial of civil actions and all proceedings subsequent thereto, three dollars.

(3) For certificate and transmitting papers and transcript on appeal, one dollar.

(4) For copies of papers on docket per folio, ten cents.

(5) For issuing a search warrant, the fee to be paid by the party demanding the same, one dollar.

(6) For celebrating a marriage, and returning a certificate thereof to the county recorder, five dollars.

(7) For taking an acknowledgment of an instrument, for the first name fifty cents, and for each additional name twenty-five cents.

(8) For administering an oath, and certifying the same, fifty cents.

(9) For issuing a commission to take testimony, one dollar.

(10) For all services connected with the posting of estrays, one dollar.

(11) For issuing each affidavit, certificate, process, writ, order, or paper required by law to be issued, not otherwise herein provided for, twenty-five cents.

(12) For taking bail in all proceedings, pending before another magistrate, fifty cents.

Constables.

17. In townships having a population of seven thousand, or over, two constables shall be elected and each shall receive a salary of forty dollars per month. In townships having a population less than seven and over four thousand, there shall be but one constable elected, and he shall receive a salary of twenty-five dollars per month. In all other townships there shall be but one constable who shall receive twenty dollars per

month. All constables, in addition to the salaries above provided for, shall receive and collect, for their own use and benefit, in civil cases only, the following fees, to wit:

15th class
(Humboldt).
continued.

(1) For serving summons and complaint, for each defendant served, fifty cents.

(2) For each copy of summons made by him, twenty-five cents.

(3) For levying writ of attachment or execution, or executing an order of arrest, in a civil case or for delivery of personal property, two dollars.

(4) For serving a writ of attachment or execution on any ship, boat, or vessel, three dollars.

(5) For keeping personal property, such sum as the court may order, but no more than two dollars fifty cents per day, for a keeper, when necessarily employed.

(6) For taking a bond or undertaking, one dollar.

(7) For copies of writs or other papers, except summons, complaints, and subpoenas, per folio, fifteen cents; *provided*, that when correct copies are furnished him for use, no charges shall be made for such copies.

(8) For serving any writ, notice or order, except summons, complaint, or subpoena, for each person served, fifty cents.

(9) For writing and posting each notice of sale of property, fifty cents.

(10) For furnishing notice of publication, twenty-five cents.

(11) For serving subpoenas, each witness including copy, fifty cents.

(12) For collecting money on execution two and one half per cent.

(13) For executing and delivering certificate of sale, fifty cents.

(14) For executing and delivering constable's deed, two dollars and fifty cents.

(15) For each mile actually traveled within his county in the service of any civil writ, order, or paper, in going only, per mile, twenty-five cents. No constructive mileage shall be allowed.

(16) For each mile necessarily traveled within his county, in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents; and the actual cost of the transportation of the prisoner or prisoners from the place of arrest to the justice court, and the necessary expense of assistance; *provided*, that for traveling in performance of two or more official services at the same time, including the service of criminal process, but one mileage shall be charged.

(17) For each mile necessarily traveled outside his county in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents.

(18) For transporting prisoners to the county jail, from the justice's court or from the county jail to the justice's court, the actual cost of transportation and assistance, and mileage

16th class
(Humboldt).
continued.

at twenty-five cents per mile, one way. In conveying two or more prisoners, but one mileage shall be charged.

(19) For each day in which the constable is charged with the custody of a prisoner or prisoners, two dollars fifty cents, and for necessary expense of maintenance and assistance in keeping said prisoners.

(20) For summoning a jury in a civil case, twenty-five cents for each of the persons so summoned, and mileage at the rate of twenty-five cents per mile, going only.

(21) For attending court during the trial of a civil cause, per day, three dollars.

(22) For making sales of estrays in civil cases, the same fees as for sales on execution.

(23) For serving writ of possession or restitution, putting a person in possession of the premises, and removing the occupants therefrom, three dollars per day, and mileage at twenty-five cents per mile, going only.

(24) The mileage provided for herein shall be computed for the shortest practicable traveled route between the two points for which mileage is claimed.

Jurors.

18. The fees of grand jurors and trial jurors in the superior courts of said counties of this class, in civil and criminal cases, shall be three dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

19. The fees of jurors in justices' courts shall be two dollars per day in civil cases only for each juror sworn to try the cause and mileage to be computed at the rate of fifteen cents per mile in civil cases only, for each mile necessarily traveled in attending court, in going only.

20. All salaries provided for in this article shall be paid out of the treasury of the county in monthly installments, and all fees shall be paid from the county treasury as other bills against the county are paid.

SEC. 19. Section four thousand two hundred forty-five of the Political Code is hereby amended to read as follows:

4245. In counties of the sixteenth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries to wit:

16th class
(County
Costa),
salaries.

County
clerk.

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

there shall be one deputy county clerk, who shall be appointed by the county clerk, and paid a salary of one hundred and fifteen dollars per month, said salary to be paid by the said county in monthly installments at the same time, and in the same manner, and out of the same fund as the salary of the county clerk is paid; one registration clerk, who shall be appointed by the county clerk and paid a salary of eighty-five dollars per month, said salary to be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid; a stenographer to the county clerk, who shall be appointed by the county clerk and paid a salary of sixty dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid; *provided*, that in any year that the compilation of a new great register is required by law to be made, the county clerk shall receive expenses in a sum of not to exceed five cents per name for each registered elector for compiling and making up such new great register; *and provided, further*, that in any year when a new registration of voters is required by law, that said county clerk may appoint such number of deputies as may be necessary for the convenient registration of voters in their respective precincts, each of said deputies to receive the sum of ten cents per name for each elector registered by him. Said sum to be paid out of the general fund of said county on the presentation and filing with the board of supervisors of said county, of a duly verified claim therefor, approved by said county clerk.

18th class
(Contra
Costa),
continued.

2. The sheriff, five thousand dollars per annum, and such mileage as is now allowed by law; all expenses incurred in criminal cases and also all fees for service of papers in actions arising outside of his county, and the sum of thirty-seven and one half cents per day for feeding each prisoner committed to his custody; and one deputy sheriff to act as jailer, who shall be appointed by the sheriff, and paid a salary of one hundred twenty-five dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

Sheriff.

3. The recorder, three thousand two hundred and fifty dollars per annum, and ten cents per name for inserting each name (as grantor or grantee) in the general index and ten cents for each and every mortgage, trust deed and tax sale abstracted in preparing abstract of mortgage and tax sales for the assessor; the cost thereof shall be a charge against the county and payable out of the general fund; *provided*, that in counties of this class there shall be one deputy recorder, who shall be appointed by the recorder and paid a salary of one hundred dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the recorder is paid.

Recorder.

16th class
(Contra
Costa),
continued.
Auditor.

4. The auditor, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be one redemption clerk who shall be appointed by the auditor and paid a salary of eighty-five dollars per month, the said salary to be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the auditor is paid.

Treasurer.

5. The treasurer, three thousand dollars per annum; *provided*, that the bond of the treasurer shall be executed with a reliable bonding and surety company and that the cost of said bond, when duly approved, shall be a charge against the county and payable out of the general fund.

Tax
collector.

6. The tax collector, eighteen hundred dollars per annum and as license collector ten per cent of all licenses collected; *provided*, that in counties of this class there shall be one deputy tax collector, who shall be appointed by the tax collector and paid a salary of one hundred and twenty-five dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; in counties of this class there shall be allowed to the tax collector for the months in each year hereinafter designated, the copyists hereinafter specified, which said copyists shall be appointed by the tax collector and which said copyists shall receive as compensation during the months they are employed the sum of forty dollars per month each to be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid, to wit: Two copyists for the months of April, May, August, September, October and November in each year; one additional copyist for the months of September, October and November in each year.

District
attorney.

7. The district attorney, two thousand five hundred dollars per annum; *provided*, that in counties of this class, there shall be one deputy district attorney, who shall be appointed by the district attorney and paid a salary of one hundred twenty-five dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid; *provided*, that in counties of this class, the district attorney may appoint a stenographer, and such stenographer shall receive as compensation for his or her services the sum of forty dollars per month, to be paid in equal monthly installments in the same manner and at the same time and out of the same fund as the salary of the district attorney is paid.

Superin-
tendent of
schools.

8. The superintendent of schools, two thousand four hundred dollars per annum; and actual traveling expenses when visiting the schools of his county; *provided*, that in counties of this class there shall be one deputy superintendent of schools, who shall be appointed by the superintendent of schools and paid a salary of seventy-five dollars per month, said salary to be paid by the said county in monthly installments at the same

time and in the same manner and out of the same fund as the salary of superintendent of schools is paid.

9. The assessor, three thousand two hundred and fifty dollars per annum; *provided*, that in counties of this class there shall be one deputy assessor, to be appointed by the assessor and paid a salary of one hundred twenty-five dollars per month, said salary to be paid by the said county in monthly installments and out of the same fund as the salary of the county assessor is paid;

16th class
(Contra
Costa),
continued.
Assessor.

And provided, further, that there shall be and is hereby allowed to the assessor in counties of this class five field deputies, to be appointed by the assessor and each to hold office during the months of March, April, May, June and July in each year and to be paid a salary of one hundred dollars per month each during said months. Said salaries to be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the assessor is paid.

10. The coroner, such fees as are now, or may hereafter be allowed by law; *provided*, that in counties of this class the coroner may appoint a stenographer, which said stenographer shall receive as compensation for his or her services a salary of seventy-five dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of county officers is paid.

Coroner.

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

Public
adminis-
trator.
Surveyor.

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

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases. In townships having a population of three thousand or more, one hundred dollars a month; in townships having a population of twenty-five hundred and less than three thousand, fifty dollars a month; in townships having a population of two thousand and less than twenty-five hundred, forty-five dollars a month; in townships having a population of twelve hundred and less than two thousand, forty dollars a month; in townships having a population of one thousand and less than twelve hundred, twenty dollars a month; in townships having a population of four hundred and fifty and less than one thousand, fifteen dollars a month; in townships having a population of less than four hundred and fifty, five dollars a month.

Justices of
the peace.

Each justice must pay into the county [treasury], once a month, all fines collected by him in criminal cases, and the auditor must withhold warrants for salary until a sworn statement has been filed with him of all criminal cases tried and fines collected and paid into the county treasury.

16th class
(Contra
Costa),
continued.

In addition to the monthly salary allowed herein, each justice may receive for his own use in civil cases the fees allowed by law. For all services appertaining to the coroner's office which the coroner is unable to attend to, the justices of the peace shall receive the same fees as are allowed the coroner in similar cases.

Constables.

14. Constables shall receive the following salaries, to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases. In townships having a population of three thousand or more, one hundred dollars a month; in townships having a population of twenty-five hundred and less than three thousand, eighty dollars a month; in townships having a population of two thousand and less than twenty-five hundred, seventy-seven and one half dollars a month; in townships having a population of twelve hundred and less than two thousand, seventy-five dollars a month; in townships having a population of one thousand and less than twelve hundred, thirty-five dollars a month; in townships having a population of four hundred and fifty and less than one thousand, twenty-five dollars a month; in townships having a population of less than four hundred and fifty, five dollars a month:

Provided, further, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his township, for service of a warrant of arrest or any other paper in a criminal case, such fees as are now or may be hereafter allowed by law. For transporting prisoners to the county jail, the actual expenses of such transportation. In addition to the monthly salaries allowed him herein, each constable may receive for his own use in civil cases the fees allowed by law.

15. The population of the several judicial townships, for the purpose of fixing the compensation of township officers, shall be ascertained and declared by the board of supervisors on the first Monday after the first day of January, nineteen hundred and eleven, and on the first Monday after the first day of January every succeeding two years thereafter.

Super-
visors.

16. Each member of the board of supervisors, nine hundred dollars per annum, and as road commissioner, three hundred dollars per annum, and expenses, as supervisor and road commissioner not to exceed twenty cents per mile one way for traveling from his residence while engaged in the performance of the duties of supervision of public roads as road commissioner, or other business of the county, said expenses not to exceed fifty dollars in any one month.

SEC. 20. Section four thousand two hundred forty-six of the Political Code is hereby amended to read as follows:

17th class
(Santa
Barbara),
salaries.

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

1. The county clerk, twenty-five hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk the following deputies who shall be appointed by the county clerk and shall be paid salaries as follows: One chief deputy clerk, at a salary of one hundred dollars per month; one court room clerk, at a salary of one hundred dollars per month. In each year in which a new and complete registration of voters is required by law, said county clerk shall receive such additional amount as shall be deemed necessary by the board of supervisors for extra help in the office during such work, and also receive an additional sum of seven and one half cents per name for taking the affidavits of registration outside of the office by deputy registration clerks, the claims for which shall be presented to and allowed by the board of supervisors as other claims are presented and allowed. The salaries of the chief deputy and court room clerk, herein provided for, shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid.

17th class
(Santa
Barbara),
continued.
County
clerk.

2. The sheriff, six thousand dollars per annum.

Sheriff.

3. The recorder, twenty-eight hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a deputy, who shall be appointed by the said recorder, and who shall be paid the following salary, to wit: Ninety dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the recorder is paid.

Recorder.

4. The auditor, twenty-two hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the county auditor one deputy, who shall be appointed by the county auditor and paid a salary of ninety dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county auditor is paid.

Auditor.

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

Treasurer.

6. The tax collector, two thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the tax collector one deputy, for a period of six months during each fiscal year, who shall be appointed by said tax collector and be paid a salary of seventy-five dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid.

Tax
collector.

7. The assessor, twenty-five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor two deputies, one for a period of six months during each fiscal year and one for a period of four months during each fiscal year, who shall be appointed

Assessor.

17th class (Santa Barbara), continued. by said assessor, and be paid a salary of seventy-five dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid.

District attorney. 8. The district attorney, two thousand five hundred dollars per annum: *provided*, that in counties of this class there shall be and is hereby allowed to the district attorney a deputy, who shall be appointed by said district attorney, and who shall be paid the following salary, to wit: fifty dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid.

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

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

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

Surveyor. 12. The county surveyor shall receive fifteen hundred dollars per annum and necessary costs of transportation to and from, and necessary expenses in the field while engaged on public work; *provided*, that whenever said surveyor is directed by the assessor to plat, trace, or otherwise prepare maps, plats, or block books for the use of the county assessor, he shall be allowed only the actual cost of preparing the same.

Justices of the peace. 13. Justices of peace, such fees as are now or may be hereafter allowed by law; *provided*, that in townships having a population of over six thousand, as shown by the United States census of nineteen hundred, in lieu of fees in criminal cases, and in full compensation for all services rendered in criminal cases, justices of the peace shall receive a salary of ninety dollars per month, payable at the same time and in the same manner as the salary of other county officers.

Constables. 14. Constables, such fees as are now or may be hereafter allowed by law; *provided*, that in townships having a population of over six thousand, as shown by the United States census of nineteen hundred, in lieu of fees in criminal cases and in full compensation of all services rendered in criminal cases, constables shall receive a salary of seventy-five dollars per month, payable at the same time and in the same manner as salaries of other county officers; *provided*, further, that in addition to the monthly salary herein allowed, constables of townships of over six thousand inhabitants shall also be allowed all necessary expense actually incurred outside of their townships in pursuing and conveying prisoners to court or to prison, and said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury.

Supervisor. 15. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat; and as road commissioner, four dollars per day, not to exceed two hundred dollars per annum in the aggregate.

SEC. 21. Section four thousand two hundred forty-seven of the Political Code is hereby amended to read as follows:

4247. In counties of the eighteenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

18th class
(Solano),
salaries.

1. The county clerk, three thousand three hundred dollars per annum, and five hundred dollars additional per annum when a registration of voters is required by law. He shall also be allowed one copyist, which office of copyist is hereby created, who shall receive as compensation the sum of nine hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

County
clerk.

2. The sheriff, four thousand five hundred dollars per annum, and the fees or commissions for the service of all papers whatsoever issued by any court outside of his county. He shall appoint a jailer to take charge of the branch county jail, at a salary of six hundred dollars per annum, to be paid by the county.

Sheriff.

3. The recorder, twenty-four hundred dollars per annum. He shall also be allowed one deputy, which office of deputy is hereby created, who shall receive as compensation the sum of nine hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

Recorder.

4. The auditor, twenty-four hundred dollars per annum.

Auditor.

5. The treasurer, eighteen hundred dollars per annum. He shall also be allowed one deputy, which office of deputy is hereby created, who shall receive as compensation the sum of nine hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

Treasurer.

6. The tax collector, three thousand dollars per annum.

Tax
collector.

7. The assessor, three thousand dollars per annum. He shall also be allowed one deputy, which office of deputy is hereby created, who shall receive as compensation nine hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

Assessor.

8. The district attorney, two thousand seven hundred dollars per annum.

District
attorney.

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

Coroner.

10. The public administrator, five hundred dollars per annum.

Public
admin-
istrator.

11. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting the schools of his county; *provided*, said superintendent of schools may appoint one assistant superintendent of schools, which office of assistant superintendent of schools is hereby created, who shall receive as compensation the sum of nine hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers are paid.

Superin-
tendent of
schools.

18th class
(Solano),
continued.

Surveyor.

12. The surveyor shall receive seven dollars per diem for each day actually employed in the performance of his duties as a county officer, and in addition thereto all necessary expenses, such as transportation and pay of help which may be necessary for the performance of county duties.

Justices
of the
peace.

13. Justices of the peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of six thousand or more, one hundred dollars per month; in townships having a population of two thousand four hundred and less than six thousand, seventy-five dollars; in townships having a population of two thousand and less than two thousand four hundred, sixty-five dollars; in townships having a population of one thousand five hundred and less than two thousand, fifty-five dollars; in townships having a population of one thousand and less than one thousand five hundred, thirty dollars; in townships having a population of eight hundred and less than one thousand, twenty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population of less than five hundred, ten dollars. Each justice must pay into the county treasury once a month, all fines collected by him.

In addition to the monthly salary allowed herein, each justice may receive for his own use, such fees as now or hereafter may be allowed by law for all services performed by him in civil actions.

Constables.

14. Constables, the following salaries which shall be paid monthly as salaries of county officers are paid, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of two thousand one hundred and more, one hundred dollars; in townships having a population of one thousand five hundred and less than two thousand one hundred, eighty dollars; in townships having a population of one thousand and less than one thousand five hundred, fifty dollars; in townships having a population of eight hundred and less than one thousand, thirty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population of less than five hundred, ten dollars.

In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such fees as are now or hereafter may be allowed by law for all services performed by him in civil actions. For the purposes of this section the basis of calculation for fixing the compensation of justices and constables above mentioned, the population of the different townships of the county shall always be based upon the figures as shown by the last United States census; *provided, however*, that whenever the census of any township or townships shall have been taken under the provisions of this title, said census may become the basis of calculation.

15. Each member of the board of supervisors, twelve hundred dollars per annum for all services rendered and including mileage and service as railroad commissioner; *provided*, that when required to go on business to any point outside of said county, they shall be allowed actual necessary expenses. 18th class (Solano); continued. Supervisors.

16. The official court reporter for all services required of him in the superior court, excepting for transcribing his notes, a salary of one thousand five hundred dollars per annum, to be paid by the county monthly as the salaries of county officers are paid. For transcribing his notes of testimony in the superior court when required, seven cents per folio for original and four cents per folio for copies to be paid for when completed by the party in a civil action who directs the work to be done, but the same shall ultimately be taxed as costs in the case. In criminal proceedings in the superior court when the judge orders the notes transcribed the same shall be paid from the county treasury on the order of the court. When the services of the reporter are demanded in any civil matter the clerk shall collect each day in advance two dollars and fifty cents from each side to the controversy, and pay the same into the county treasury. At the conclusion of the trial or proceedings in civil matters, such reporter's fees shall be taxed as costs in the same manner that other costs are taxed in the case. Reporter.

17. Members of the county board of education shall receive ten cents per mile for traveling from his or her residence to the county seat; *provided*, that mileage be not allowed for more than two meetings in any one month.

SEC. 22. Section four thousand two hundred forty-eight of the Political Code is hereby amended to read as follows:

4248. In counties of the nineteenth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit: 19th class (Butte), salaries.

1. The county clerk, four thousand five hundred dollars per annum; *provided*, that in years when a great register of voters is required by law to be made, the county clerk shall receive in addition to his regular salary the sum of six hundred dollars for such service. The said clerk may appoint one chief deputy clerk, which said office of chief deputy clerk is hereby created. The salary of such chief deputy clerk is hereby fixed at twelve hundred dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers is paid. County clerk.

2. The sheriff, six thousand dollars per annum. Sheriff.

3. The recorder, three thousand two hundred dollars per annum. The recorder shall also be allowed one copyist to be appointed by himself at a salary of seventy-five dollars per month, to be paid at the same time and in the same manner as the salary of county officers is paid. Recorder.

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

5. The treasurer, two thousand dollars per annum.

19th ed--
(Title).
continued.

Assessor.

6. The tax collector, three thousand dollars per annum.

7. The assessor, three thousand five hundred dollars per annum, and the fees and commissions now or hereafter allowed by law. The assessor shall also be allowed the following deputies, to be appointed by him, viz: One deputy for each bona fide increase of two hundred real estate statements made for assessment purposes over and above three thousand of such statements, and not to exceed in all five deputies. Each of such deputies shall receive a monthly compensation of one hundred dollars, for the months of March, April, May and June of each year. The salary of said deputies to be paid in the same manner, and out of the same fund as the assessor, upon the presentation of a certificate that services have been performed, and signed by the assessor.

8. The district attorney, twenty-four hundred dollars per annum; assistant district attorney, nine hundred dollars per annum.

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

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

11. The superintendent of schools, two thousand dollars per annum and his actual traveling expenses when visiting schools, not to exceed ten dollars per district.

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

Township
officers.

13. In counties of this class the township officers shall receive the following compensation, to wit:

In townships having a population of twenty-five hundred, or more, each justice of the peace shall receive a salary of one hundred and twenty-five dollars per month, and each constable a salary of ninety dollars per month;

In townships having a population of two thousand, or more, and less than two thousand five hundred, each justice of the peace shall receive a salary of thirty-five dollars per month, and each constable a salary of twenty dollars per month;

In townships having a population of twelve hundred and thirty, or more, and less than two thousand, each justice of the peace shall receive a salary of fifty dollars per month, and each constable a salary of seventy dollars per month;

In townships having a population of one thousand, or more, and less than twelve hundred and thirty, each justice of the peace shall receive a salary of thirty-five dollars per month, and each constable a salary of fifty dollars per month;

In townships having a population of five hundred or more, and less than one thousand, each justice of the peace shall receive a salary of five dollars per month, and each constable a salary of five dollars per month;

In townships having a population of four hundred, or more, and less than five hundred, each justice of the peace shall receive a salary of seven dollars and fifty cents per month, and each constable a salary of ten dollars per month;

In townships having a population of less than four hundred, each justice of the peace shall receive a salary of five dollars per month, and each constable a salary of five dollars per month; 19th class
(Butte).
continued.

The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases: *provided*, that each constable shall be allowed and paid the actual expense of transporting prisoners, after conviction, to the county jail, which said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury.

Said justices of the peace and constables may receive and retain for their own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions.

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

15. Each member of the board of supervisors twelve hundred dollars per annum, and mileage when acting as road commissioner, twenty-five cents per mile one way; *provided*, the amount of mileage shall not exceed the sum of three hundred dollars in any one year. Supervisor.

16. Members of the board of education, each the sum of five dollars per day for actual service, together with mileage at ten cents per mile.

Sec. 23. Section four thousand two hundred forty-nine of the Political Code is hereby amended to read as follows:

4249. In counties of the twentieth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: 20th class
(San Mateo),
salaries.

1. The county clerk, three thousand dollars per annum, and such fees as are now, or may be hereafter, allowed by law, and in any year when a new great register of voters is required by law, he shall receive in addition thereto ten cents per name for each person registered; *and provided*, that in counties of this class the county clerk may appoint one deputy, which office is hereby created, who shall receive a salary of fifteen hundred dollars per annum. The deputy herein provided for shall be paid at the same time and in the same manner and out of the same fund as the county clerk is paid. County clerk.

2. The sheriff, four thousand and five hundred dollars per annum, and mileage at the rate of twenty-five cents per mile necessarily traveled in going only. Sheriff.

3. The recorder, three thousand and five hundred dollars per annum, and said recorder may appoint two deputy recorders, which offices are hereby created, who shall receive a salary of eight hundred dollars each per annum. The deputies herein provided for shall be paid at the same time and in the same manner and out of the same fund as the recorder is paid. Recorder.

4. The auditor, one thousand eight hundred dollars per annum, and said auditor may appoint one deputy, which office Auditor.

30th class
(San
Mateo),
continued.

is hereby created, who shall receive a salary of six hundred dollars per annum. The deputy herein provided for shall be paid at the same time and in the same manner out of the same fund as the auditor.

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

6. The tax collector, two thousand dollars per annum.

7. The assessor, four thousand dollars per annum.

8. The district attorney, two thousand four hundred dollars per annum.

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

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

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

Surveyor.

12. The surveyor shall receive one thousand six hundred dollars per annum for all work performed for the county, and in addition thereto, actual traveling and other necessary expenses incurred in connection with field work; *provided*, that whenever the surveyor is directed by the assessor to plat, trace or otherwise prepare maps, plats or block books for the use of the county assessor, he shall be allowed only the actual cost of preparing the same.

Justices
of the
peace.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand five hundred or more, seventy-five dollars per month. In townships having a population of not less than two thousand nor more than three thousand five hundred, seventy dollars per month. In townships having a population of not less than twelve hundred nor more than two thousand, fifteen dollars per month. In all townships having a population of less than twelve hundred, ten dollars per month. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law, and shall also collect and retain for his own use such fees as are now or may be hereafter allowed by law for services rendered by him as coroner, when acting as such.

Constables.

14. Constables shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand five hundred or more, seventy-five dollars per month. In townships having a population of not less than two thousand nor more than three thousand five hundred, seventy dollars per month. In townships having a population of not less than twelve hundred nor more than two thousand, fifteen dollars per month. In all townships having a population of

less than twelve hundred, ten dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions; and he shall also be allowed his actual and necessary expenses incurred in executing any warrant outside of his county issued by a magistrate or justice of his county.

20th class
(San Mateo).
continued.

Constables shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to the county jail, which said expenses shall be audited and allowed by the board of supervisors, and paid out of the county treasury.

15. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty-five cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board, and of said secretary, shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such services and mileage shall be presented to the board of supervisors, and shall be allowed at the rate above named, in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section one thousand seven hundred and seventy of this code.

Board of
education.

16. Each supervisor, nine hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat; *provided*, that when a supervisor is also road commissioner he shall receive in addition to the twenty cents per mile allowed to him by law as such road commissioner his actual traveling expenses, the total mileage and expenses not in any one year to exceed the sum of three hundred dollars.

Supervisor.

Sec. 24. Section four thousand two hundred fifty of the Political Code is hereby amended to read as follows:

4250. In counties of the twenty-first class the county and township officers shall receive, as full compensation for the services required of them by law or by virtue of their offices, the following fees and salaries:

21st class
(Santa Cruz).
salaries.

1. The county clerk, thirty-three hundred dollars per annum; *provided*, that in any year that the compilation of a great register is required by law to be made, he shall receive six hundred dollars additional for said year, which shall be in full for all services required in registering voters and making such new great register.

County
clerk.

2. The sheriff, thirty-five hundred dollars per annum, and mileage for the service of any and all processes required by law to be served by him, at the rate of five cents per mile for every mile necessarily traveled in the performance of his duty or in the serving of papers of any kind.

Sheriff.

21st class
(Santa
Cruz),
continued.

Recorder.

3. The recorder, twenty-one hundred dollars; *provided, however*, that in counties of this class the recorder shall be entitled to the actual cost incurred by him for the recording of all papers and documents in his office not exceeding seven cents per folio for each paper or document so recorded; *provided, further*, that said recorder shall file monthly, with the county auditor, a verified statement showing in detail the persons and the amounts paid to each for such recording.

Auditor.

4. The auditor, two thousand dollars per annum.

Treasurer.

5. The treasurer, eighteen hundred dollars per annum.

Tax
collector.

6. The tax collector, twenty-four hundred dollars per annum; *provided*, that said tax collector shall be allowed one clerk for the period of six months during each fiscal year who shall be appointed by said tax collector and be paid a salary of seventy-five dollars per month, the said salary to be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid.

Assessor.

7. The assessor, eighteen hundred dollars per annum.

District
attorney.

8. The district attorney, two thousand dollars per annum.

Coroner.

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

Public
adminis-
trator.

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

Superin-
tendent of
schools.

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

Surveyor.

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

Super-
visors.

13. Each member of the board of supervisors, six hundred dollars per annum and actual mileage to and from the county seat while in the discharge of his official duties, and mileage as road commissioner, fifteen cents per mile, one way; *provided*, the amount of mileage for each supervisor shall not exceed the sum of three hundred dollars in any one year.

Classifica-
tion of
townships.

14. For the purpose of regulating the compensation of justices of the peace and constables, judicial townships in this class of counties are hereby classified according to their population as follows: Townships containing a population of ten thousand or more shall belong to and be known as townships of the first class; townships containing a population of less than ten thousand and more than six thousand shall belong to and be known as townships of the second class; townships containing a population of less than six thousand and more than four thousand shall belong to and be known as townships of the third class; townships containing a population of less than four thousand and more than two thousand shall belong to and be known as townships of the fourth class; townships containing a population of less than two thousand shall belong to and be known as townships of the fifth class; the population of the several judicial townships shall be determined, for the purpose of this and the succeeding subdivision, by multiplying by five the total

number of names registered as voters in such townships as shown by the complete index to the great register as compiled and certified by the county clerk of said class of counties in October, A. D. 1906. 21st class (South Cruz), continued.

15. Justices of the peace shall receive the following salaries which shall be paid monthly in the same manner as the salaries of county officers are paid, out of the salary fund of the county, which shall be in full for all services rendered by them in criminal cases; *provided, however*, that if two justices of the peace shall be elected and qualify in one township, then the said justices shall each receive one half of the salary herein provided for, to wit: Justices of the peace.

In townships of the first class, one hundred dollars per month; in townships of the second class, sixty-five dollars per month; in townships of the third class, twenty-five dollars per month; in townships of the fourth class, fifteen dollars per month; in townships of the fifth class, five dollars per month.

In addition to the monthly salaries herein allowed, each justice may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for services rendered by him in civil cases. Justices of the peace in the first and second classes shall be allowed their actual office rent, not to exceed the sum of fifteen dollars each, for any one month.

Constables shall receive the following fees and salaries, which shall be paid monthly in the same manner as the salaries of the county officers are paid, out of the salary fund of the county, which shall be in full for all services rendered by them in criminal cases, to wit: Constables.

In townships of the first class, forty dollars per month; in townships of the second class, forty dollars per month; in townships of the third class, twenty-five dollars per month; in townships of the fourth class, fifteen dollars per month; in townships of the fifth class, five dollars per month; *provided*, that in addition to the salaries herein allowed, each constable shall be paid out of the general fund of the county, for traveling expenses outside of his own township, for the service of a warrant of arrest, or any other process in a criminal case (where such service is in fact made), both going and returning, ten cents per mile; for each mile traveled outside of his county, both going to and returning from the place of arrest, or other service of process, five cents per mile; for transporting prisoners to the county jail, a constable shall be allowed his actual expenses each way. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for services rendered by him in civil cases.

16. The official reporter of the superior court shall receive the fees allowed by law. Reporter.

17. The compensation allowed each officer above enumerated shall be in full for all services, and shall include the pay of all deputies (except in the case of the district attorney wherein one deputy is provided for within the discretion of

the board of supervisors) except as provided in section four thousand two hundred and ninety, which provides certain fees and commissions for the assessor and license collector. *

SEC. 25. Section four thousand two hundred fifty-one of the Political Code is hereby amended to read as follows:

22d class
(Marin),
salaries.

4251. In counties of the twenty-second class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

County
clerk.

1. The county clerk, twenty-five hundred dollars per annum, and when a new register of voters is required by law to be made, he shall receive in addition, fifteen cents per name for each voter registered, which shall be in full for all services required in registering voters and making the great register; *provided*, that in counties of this class there shall be and is hereby allowed to the county clerk, a deputy who shall be appointed by said county clerk, who shall be paid a salary of one hundred dollars per month, and a copyist who shall be appointed by said county clerk, who shall be paid a salary of fifty dollars per month, said salaries of said deputy and of said copyist to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid.

Sheriff.

2. The sheriff, four thousand five hundred dollars per annum; and also all fees for service of papers in actions arising outside of his county; *provided*, that in counties of this class there shall be and is hereby allowed to the sheriff, a deputy, who shall be appointed by said sheriff, who shall be paid a salary of seventy-five dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

Recorder.

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

Auditor.

4. The auditor, two thousand four hundred dollars per annum.

Treasurer.

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

Tax
collector.

6. The tax collector, two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the tax collector, a deputy, who shall be appointed by said tax collector, who shall be paid a salary of seventy-five dollars per month, said salary to be paid by said county in monthly installments at the same time and in

the same manner and out of the same fund as the salary of the tax collector is paid.

23d class
(Marin),
continued.
Assessor.

7. The assessor, two thousand five hundred dollars per annum, and also such fees and commissions as are allowed by law; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor a deputy, who shall be appointed by said assessor, who shall be paid a salary of seventy-five dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the assessor is paid; *and provided, further*, that in counties of this class there shall be and is hereby allowed to the assessor a copyist for the period of time embraced between the first day of January and the first day of July in each fiscal year, who shall be appointed by said assessor, who shall be paid a salary of fifty dollars per month. said salary to be paid by said county in monthly installments during the period of time said copyist shall be employed at the same time and in the same manner and out of the same fund as the salary of the assessor is paid.

8. The district attorney, two thousand four hundred dollars per annum.

District
attorney.

9. The superintendent of schools, two thousand four hundred dollars per annum and actual traveling expenses, when visiting the schools of his county.

Superin-
tendent of
schools.

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

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

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

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law, and in addition thereto three dollars per day for each day's actual attendance in court during a jury trial therein or preliminary examination for felony; *provided*, that no constable shall receive more than three dollars for any one day's attendance on any court.

Constables.

15. Each member of the board of supervisors fifty dollars per month and mileage at the rate of ten cents per mile for traveling to and from his residence to the county seat; and also mileage for his services as road commissioner at the rate of twenty cents per mile one way, for all distances actually traveled in the discharge of his duties as such road commissioner; *provided*, that such mileage as road commissioner shall not in any one year exceed the sum of three hundred dollars.

Supervisor.

16. Each member of the board of education including the secretary, five dollars per day when the board is in session, and ten cents per mile for traveling to and from his or her residence to the county seat at each session, unless otherwise provided for by law.

SEC. 26. Section four thousand two hundred fifty-two of the Political Code is hereby amended to read as follows:

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

23d class
(Mon-
terey),
salaries.

County
clerk.

1. The county clerk, three thousand dollars per annum; *provided*, that he shall have power to appoint one deputy who shall receive twelve hundred dollars per annum, payable at the same time and in the same manner as that of other county officers.

Sheriff.

2. The sheriff, thirty-five hundred dollars per annum; *provided*, that he shall have power to appoint one deputy, which office is hereby created, at a salary of twelve hundred dollars per annum, payable at the same time and in the same manner as that of other county officers. The sheriff shall also receive, in all civil cases, for his own use and benefit, the fees, commissions and mileage, which now are or may hereafter be allowed by law; and the fees or commissions for the service of all papers whatsoever, issued by any court of the state outside of his own county.

3. The recorder, thirty-six hundred dollars per annum.

4. The auditor, twenty-four hundred dollars per annum.

5. The treasurer, eighteen hundred dollars per annum.

6. The tax collector, twenty-four hundred dollars per annum, and five per cent of all moneys collected for licenses imposed by ordinances of the board of supervisors.

7. The assessor, four thousand two hundred dollars per annum.

District
attorney.

8. The district attorney, twenty-four hundred dollars per annum; *provided*, that he shall have power to appoint an assistant district attorney, which office is hereby created, at a salary of twelve hundred dollars per annum, payable at the same time and in the same manner as that of other county officers.

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

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

Superin-
tendent of
schools.

11. The superintendent of schools, eighteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county; *provided*, that he shall have power to appoint one deputy which office is hereby created at a salary of six hundred dollars per annum, payable at the same time and in the same manner as that of other county officers; but he shall receive no extra compensation for his services on the board of education.

Surveyor.

12. The surveyor, thirteen hundred dollars per annum for all work performed for the county, and in addition thereto, actual necessary traveling expenses incurred in connection with field work; *provided*, that whenever the surveyor is directed by the assessor to plat, trace or otherwise prepare

maps or plats, he be allowed only the actual cost of preparing the same.

13. The justices of the peace shall receive the following monthly salaries, to be paid each month as the salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases and all other criminal matters. In townships having a population of six thousand or more, seventy-five dollars per month; in townships having a population of twenty-five hundred and less than six thousand, fifty dollars per month; in townships having a population of fifteen hundred and less than twenty-five hundred, forty dollars per month; in townships having a population of one thousand and less than fifteen hundred, thirty dollars per month; in townships having a population of seven hundred and less than one thousand, twenty dollars per month; and in townships having a population of less than seven hundred, fifteen dollars per month. Each justice must pay into the county treasury once a month, all fines collected by him.

3rd class
(Mon-
terey),
continued.
Justices
of the
peace.

In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions. There shall be two justices of the peace in each such township containing a population of six thousand or more and in each such township containing a population of less than six thousand, there shall be one justice of the peace.

14. Constables shall receive the following salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases and in all other criminal matters. In townships having a population of five thousand or more, fifty dollars per month; in townships having a population of twenty-five hundred and less than five thousand, forty dollars per month; in townships having a population of fifteen hundred and less than twenty-five hundred, thirty dollars per month; in townships having a population of one thousand and less than fifteen hundred, twenty-five dollars per month; in townships having a population of seven hundred and less than one thousand, twenty dollars per month; in townships having a population of less than seven hundred, fifteen dollars per month:

Constables.

Provided, that, in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for the service of a warrant of arrest or any other process in a criminal case or other criminal matters (when such service is, in fact, made) both going and returning, ten cents per mile; for each mile traveled out of his county, both going to and returning from the place of arrest or the services of process five cents per mile, and for transporting prisoners to the county jail, ten cents per mile each way.

In addition to the monthly salary allowed him herein, each constable may receive for his own use in civil cases the fees which are now or may hereafter be allowed by law.

23d class
(Mon-
terey),
continued.

Super-
visors.

15. The supervisors, each the sum of five dollars per day for actual service (but not to exceed six hundred dollars per annum), and twenty cents per mile for all distances actually traveled, not to exceed two hundred dollars per annum in the performance of their duties as road commissioners, together with mileage at the rate of twenty cents per mile, in going only, from place of residence to the county seat at each session of the board.

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

SEC. 27. Section four thousand two hundred fifty-three of the Political Code is hereby amended to read as follows:

24th class
(Mendo-
cino),
salaries.

4253. In counties of the twenty-fourth class the county and township officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries and fees, to wit:

County
clerk.

1. The county clerk, three thousand dollars per annum. In counties of this class there shall be and there is hereby allowed to the county clerk for his own use and to be paid out of the county treasury monthly in the same manner as salaries of other county officers are paid, the sum of five cents for the name of each defendant entered in the index labeled "General Index—Defendants" as provided in subdivision four of section four thousand one hundred and seventy-eight; and the further sum of five cents for each document recorded by said county clerk under the provisions of section one thousand three hundred eighty-seven of the Code of Civil Procedure; and the further sum of five cents for each name contained in the index of registration books, to be prepared by said clerk, under the provisions of section one thousand one hundred fifteen of this code; and the further sum of ten cents each for the filing and indexing of proceedings in coroner's inquests.

Sheriff.

2. The sheriff, four thousand dollars per annum. The board of supervisors shall allow to the sheriff his necessary expenses for pursuing criminals, or transacting any criminal business, and for boarding prisoners in the county jail; *provided*, that the board of supervisors shall fix a reasonable price at which such prisoners shall be boarded, if not otherwise provided for in this title; *provided, further*, that the sheriff shall be entitled to receive and retain for his own use, five dollars per diem for conveying prisoners to and from the state prisons, and for conveying persons to and from the insane asylums, or other state institutions, not otherwise provided for by law; also all expenses necessarily incurred in conveying insane persons to and from the insane asylum, and in conveying persons to and from the state prisons, or other state institutions, which per diem and expenses shall be allowed by the board of examiners and collected from the state. The court shall also allow the sheriff his necessary expenses in keeping and preserving prop-

erty seized on attachment or executions, to be paid out of the fees collected in the action. The sheriff may also retain for his own use the mileage allowed by law for the service of all papers or process; *provided*, that in no case shall the sheriff be allowed to retain for his own use for the service of any paper or process, the mileage for more than ten miles, and when more than one paper or process is served at the same time or on the same trip, he shall be allowed to retain only one mileage. Except in this section provided, the sheriff shall receive no other or further compensation whatsoever.

24th class
(Mendo-
cino),
continued.

3. The recorder, two thousand one hundred dollars per annum.

4. The auditor, two thousand four hundred dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector and license collector, two thousand two hundred dollars per annum.

7. The assessor, three thousand dollars per annum.

8. The district attorney, two thousand seven hundred dollars per annum, and his traveling, office and other expenses in criminal matters and cases, and in civil actions, proceedings and all other matters in which the county is interested, incurred by him in the performance of his duties; and all the expenses incurred by him in the detection of crime and prosecution of criminal cases and in civil actions and proceedings and all other matters in which the county is interested.

District
attorney.

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

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

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

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

13. Justices of the peace, the following monthly salaries, to be paid each month, as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships where the population is two thousand or more, forty dollars per month; in townships where the population is one thousand and less than two thousand, thirty dollars per month; in townships where the population is less than one thousand, twenty dollars per month. In addition to the above salaries, each justice of the peace may collect, for his own use, in civil cases, such fees as are now or may hereafter be allowed by law.

Justices
of the
peace.

14. Each member of the board of supervisors, six hundred dollars per annum, and twenty cents per mile mileage in traveling to and from his residence to the county seat; and for his services as road commissioner, he shall receive twenty cents per mile for all distances actually traveled by him in the performance of his duties within the county; *provided*, he shall

Super-
visors.

24th class
(Mendo-
cino),
continued.

not in any one year receive more than six hundred dollars as such road commissioner.

Constable.

15. Constables, the following monthly salaries to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases, except as in this subdivision provided: In townships where the population is two thousand or more, forty dollars per month; in townships where the population is one thousand and less than two thousand, thirty dollars per month; in townships where the population is less than one thousand, twenty dollars per month. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law, for all services performed by him in civil actions. The constable shall, also, in addition, receive three dollars per day for attending court when required to do so during the actual trial of the issues of fact of a case, or during the examination of a criminal charge before a magistrate, while the evidence is being taken, and not otherwise: *provided*, that no more than three dollars shall be charged or received for any one day: *and provided, further*, that when the constable is required to attend upon the trial of more than one civil case on the same day, his fees for attendance shall be equally apportioned to the several cases. Constables may also, by first obtaining an order of the district attorney of the county, or of a judge of the superior court of this state, employ a temporary guard for the safe-keeping or protection of prisoners when necessary, and shall be entitled to collect the actual reasonable cost thereof as a county charge.

Constables shall also be entitled to receive in addition to the fees and salary in this subdivision provided for, the moneys actually disbursed by them in conveying prisoners or insane persons to the county seat, and all expenses actually incurred in the pursuit within the county of insane persons or criminals charged with felony and the same shall be a county charge.

The population of townships shall, for the purpose of subdivisions thirteen and fifteen of this section, be determined by multiplying the vote for governor cast in each township at the next preceding general state election by five.

Jurors.

16. In counties of this class, grand jurors and trial jurors in all the courts, including justices' courts, recorders' courts and coroners' inquests, shall receive for each day's attendance per day, the sum of two dollars and for each mile actually and necessarily traveled from their residence to the place of service, in going only, the sum of twenty cents per mile, such mileage to be allowed but once during any one session of such court, grand jury or inquest; *provided*, that the fees of trial jurors in civil cases shall be paid by the litigants as other costs are paid, and jurors in criminal cases in recorders' courts shall be paid by the municipality in which such court is or may be established.

SEC. 28. Section four thousand two hundred fifty-four of the Political Code is hereby amended to read as follows:

4254. In counties of the twenty-fifth class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

25th class
(Standard),
salaries.

1. The county clerk, two thousand two hundred dollars per annum; *provided*, that in counties of this class there shall be one deputy clerk, who shall be appointed by the county clerk and paid a salary of one thousand two hundred dollars per annum, in equal monthly installments, at the same time, in the same manner and out of the same fund as the salary of the county clerk is paid.

County
clerk.

2. The sheriff, five thousand dollars per annum, and fees, commissions, and mileage for the service of papers or process coming from courts other than those of his own county.

Sheriff.

3. The recorder, one thousand six hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be collected; *and provided*, that when the amount of said fees collected shall exceed two hundred and fifty dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, one half of all fees in excess of two hundred and fifty dollars in any month so collected.

Recorder.

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

5. The treasurer, one thousand eight hundred dollars per annum, and the fees and commissions now or hereafter allowed by law.

6. The tax collector, one thousand two hundred dollars per annum, and the fees and commissions now or hereafter allowed by law.

7. The assessor, two thousand six hundred dollars per annum, and the fees and commissions now or hereafter allowed by law; *provided*, that in counties of this class there shall be allowed one deputy, who shall be appointed by the assessor, and paid a salary of one thousand two hundred dollars per annum, in equal monthly installments, at the same time, in the same manner and out of the same fund as the salary of the assessor is paid. It shall be the duty of said deputy, among other things, to make and correct all necessary plats, maps, and block books for the assessor's office. There shall also be allowed one copyist, to be appointed by the assessor, who shall be paid a salary of nine hundred dollars a year, at the same time, in the same manner and out of the same fund as the salary of the assessor is paid; *provided also*, that for each name upon the assessment roll, representing one or more statements, in excess of four thousand five hundred, the assessor shall receive fifty cents.

Assessor.

8. The district attorney, two thousand two hundred dollars per annum.

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

25th class
(Stan-
islaus),
continued.

Superin-
tendent of
schools.

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

11. The superintendent of schools, two thousand dollars per annum. He shall also be allowed his actual traveling expenses when visiting the schools of the county, which expenses shall not exceed the sum of five hundred dollars in any one year. He shall receive nothing for his services as a member of the board of education. The superintendent of schools shall be allowed one deputy, to be appointed by the principal, which said deputy shall be allowed a salary of nine hundred dollars per annum, to be paid at the same time, in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

Surveyor.

12. The surveyor shall receive one thousand eight hundred dollars per annum, and in addition thereto, actual traveling and other necessary expenses incurred in connection with field work. He shall have one deputy at a salary of one thousand dollars per annum; said deputy to be appointed by the principal and paid at the same time and in the same manner as other county officers. It shall be the duty of the surveyor among other things, to make all necessary county and road maps, and all necessary plans and specifications for bridge work and county buildings; *provided, however*, that when in the judgment of the board of supervisors of the county it is necessary to employ additional assistance for the performance of said work, other than with regard to roads, the board of supervisors may allow the necessary and actual expense therefor; *provided*, he shall receive nothing for preparing any map or plat necessary to accompany reports made by him on road work, nor for preparing and keeping up the necessary and proper records of his office. He shall at all times be subject to the orders of the board of supervisors. The office of the surveyor shall be kept open for the accommodation of the public, with the surveyor or his deputy in charge, from nine o'clock A. M. until five o'clock P. M. the same as other county offices.

Classifica-
tion of
townships.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population as shown by the last preceding federal census. Townships having a population of two thousand eight hundred and more shall belong to and be known as townships of the first class; townships having a population of two thousand four hundred and less than two thousand eight hundred shall belong to and be known as townships of the second class; townships having a population of one thousand six hundred and less than two thousand four hundred shall belong to and be known as townships of the third class; townships having a population of eight hundred and less than one thousand six hundred shall belong to and be known as townships of the fourth class; townships having a population of six hundred and fifty and less than eight hundred shall belong to and be known as townships of

the fifth class; townships having a population of less than six hundred and fifty shall belong to and be known as townships of the sixth class, providing that the board of supervisors of the county may, prior to any general election, consolidate two or more of such townships into one.

25th class
(Strat-
j-lause).
continued.

13a. Justices of the peace shall receive the following monthly salaries, to be paid each month as the county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases, to wit: In townships of the first class, ninety dollars; in townships of the second class, fifty dollars; in townships of the third class, fifty dollars; in townships of the fourth class, forty dollars; in townships of the fifth and sixth class, twenty dollars. In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions; and justices of the first, second and third class shall be allowed their office rent, not to exceed the sum of five dollars each, for any one month. Each justice must pay into the county treasury, once a month, all fines collected by him; *provided, also*, that in townships of the first class the justice may appoint a clerk who may issue and sign all attachments, summons or other process and receive and file all pleadings, and either the justice or his clerk shall be in the office for the time other county offices are required to be open.

Justices
of the
peace.

14. Constables shall receive the following monthly salaries, to be paid each month as the county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases, to wit: In townships of the first class, ninety dollars; in townships of the second and third class, eighty dollars; in townships of the fourth class, fifty dollars; in townships of the fifth and sixth class, thirty dollars. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions; and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which expense shall be audited and allowed by the board of supervisors and paid out of the county treasury; *provided, further*, that when any constable is required to go out of his own county to serve a warrant of arrest or any other paper in a criminal case, he shall be allowed mileage, outside of his own county, at the rate of ten cents per mile for one way only.

Constables.

15. Supervisors, each, the sum of six hundred dollars per annum, and mileage at the rate of ten cents per mile for each mile traveled in going to and from the meetings of the board; *provided*, that only one mileage at any one session of the board shall be allowed. They shall act as road commissioners in their respective districts, and shall thereafter receive for their services as such road commissioners mileage at the rate of twenty cents per mile each, one way, for all distances actually traveled

Super-
visors.

25th class
(Stan-
islaus),
continued.

by them in the discharge of their duties as such road commis-
sioners; *provided*, that such mileage as road commissioner shall
not, in any one year, exceed the sum of three hundred dollars
for any one of the commissioners.

Witnesses.

16. Witnesses in criminal cases shall receive one dollar and
fifty cents per day, and ten cents per mile for each mile actu-
ally traveled, one way only. The court shall make an order
directing the auditor to draw his warrant on the county
treasurer for the amount due, and the treasurer shall pay the
same. The court may disallow any fee to a witness unneces-
sarily subpoenaed.

SEC. 29. Section four thousand two hundred fifty-five of
the Political Code is hereby amended to read as follows:

-26th class
(Supa).
salaries.

4255. In counties of the twenty-sixth class the county officers
shall receive, as compensation for the services required of them
by law, or by virtue of their offices, the following salaries,
to wit:

County
clerk.

1. The county clerk, three thousand dollars per annum, and
five hundred dollars additional per annum for compiling great
register of the county. In counties of this class the county
clerk may appoint a copyist, which office of deputy county
clerk is hereby created, and said copyist shall receive as com-
pensation for his services the sum of nine hundred dollars per
annum, to be paid out of the county treasury in equal monthly
installments in the same manner and at the same time other
county officials are paid.

Sheriff.

2. The sheriff, five thousand dollars per annum, and the
fees, mileage or commissions for the service of all papers what-
ever issued by any court outside of his county, and all mileage
for service of papers issued out of any civil case of his own
county.

Recorder.

3. The recorder, two thousand dollars per annum; *provided*,
that such recorder shall collect and pay into the county
treasury, for the use and benefit of the county, the fees
required by law to be so collected; *and provided*, that when
the amount of said fees so collected shall amount to more
than one hundred and fifty dollars in any month, the said
recorder may receive and retain for his own use, in addition
to his salary, all fees in excess of one hundred and fifty dollars
in any month so collected.

4. The auditor, seven hundred and fifty dollars per annum.

5. The treasurer, two thousand dollars per annum, and fees
as now provided.

Tax
collector.

6. The tax collector, two thousand dollars per annum, and
fees on delinquent poll taxes. In counties of this class the tax
collector may appoint a stenographer for service in his office,
which office of stenographer to the tax collector is hereby
created, and said stenographer to the tax collector shall receive
as compensation for his services the sum of seven hundred
fifty dollars per annum, to be paid out of the county treasury
in equal monthly installments in the same manner and at the
same time as other county officers are paid.

7. The assessor, three thousand two hundred dollars per annum. Assessor.

8. The district attorney, two thousand dollars per annum; in counties of this class the district attorney may appoint a stenographer for service in his office, which office of stenographer to the district attorney is hereby created, and said stenographer shall receive as compensation for his services the sum of six hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time other county officials are paid. District attorney.

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

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

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

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

13. For the purpose of regulating the compensation of justices of the peace, and constables, townships in this class of counties are hereby classified according to their population, as shown by the federal census of nineteen hundred as follows: Classification of townships.

Townships having a population of five thousand or more shall belong to and be known as townships of the first class; townships having a population of three thousand and less than five thousand, shall belong to and be known as townships of the second class; townships having a population of one thousand and less than three thousand shall belong to and be known as townships of the third class; and townships having a population less than one thousand, shall belong to and be known as townships of the fourth class. Justices of the peace and constables shall receive the following salaries, which shall be paid monthly, in the same manner as salaries of county officers are paid, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships of the first class, seventy-five dollars; in townships of the second class, fifty-five dollars; in townships of the third class, thirty dollars, and in townships of the fourth class, twenty dollars. In addition to the monthly salaries herein allowed, each justice of the peace and constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law, for all services rendered by him in civil actions. Justices of the peace. Constables.

Justices of the peace in townships of the first class shall be allowed their actual office rent, and necessary incidental expenses, not to exceed the sum of twenty-five dollars, for any one month. Constables shall be allowed all necessary expenses actually incurred in arresting and conveying a prisoner to court or to prison, which said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury.

14. Each member of the board of supervisors shall receive one thousand dollars per annum, payable monthly, which shall be in full for all services as supervisor.

SEC. 30. Section four thousand two hundred fifty-six of the Political Code is hereby amended to read as follows:

27th class
(San Luis
Obispo),
salaries

4256. In counties of the twenty-seventh class, the officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Officers.

1. The county clerk, four thousand dollars per annum.
 2. The sheriff, five thousand five hundred dollars per annum.
 3. The recorder, two thousand dollars per annum, and six cents for each folio recorded.
 4. The auditor, twenty-four hundred dollars per annum.
 5. The treasurer, twenty-seven hundred dollars per annum.
 6. The tax collector, two thousand dollars per annum, and one deputy at nine hundred dollars per annum.
 7. The assessor, four thousand dollars per annum, and one deputy, at a salary of nine hundred dollars per annum.
 8. The district attorney, twenty-five hundred dollars per annum.
 9. The coroner, such fees as are now or may be hereafter allowed by law.
 10. The public administrator, such fees as are now or may be hereafter allowed by law.
 11. The superintendent of schools, one thousand five hundred dollars per annum, and actual traveling expenses when visiting the schools of his county, and one deputy, at nine hundred dollars per annum.
 12. The surveyor shall receive one thousand five hundred dollars per annum for all work performed for the county, and in addition thereto, actual traveling and other necessary expense incurred in connection with field work; *provided*, that whenever the surveyor is directed by the assessor to plat, trace, or otherwise prepare maps, plats, or block book for the use of the county assessor, he shall be allowed only the actual cost of preparing the same.
 13. Justices of the peace, such fees as are now or may be hereafter allowed by law.
 14. Constables, such fees as are now or may be hereafter allowed by law.
 15. Each member of the board of supervisors, eight hundred dollars per annum, and his necessary expenses when attending to the business of the county, and ten cents per mile in going from his residence to the county seat in attending upon all regular meetings of the board of supervisors. For serving as road commissioner, two hundred dollars per annum. Each supervisor shall be allowed his actual traveling expenses while supervising the roads of his district, not to exceed fifteen dollars in any one month.
- SEC. 31. Section four thousand two hundred fifty-seven of the Political Code is hereby amended to read as follows:

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

1. The county clerk, three thousand dollars per annum, and when a new great register of voters is required by law to be made, he shall receive three hundred dollars additional, which shall be in full for all services required in registering voters and making the great register. 28th class
(Shasta),
salaries.

County
clerk.

2. The sheriff, fifty-one hundred dollars per annum, which includes the fifteen hundred dollars heretofore allowed the under-sheriff. He shall also have for his own use all fees for service of all papers served by him and issued without his county. The said fifty-one hundred dollars to be in full of all fees or percentages as license collector. Sheriff.

3. The recorder, thirty-two hundred dollars per annum, in full of all services, including filing and recording mining and other location notices. Recorder.

4. The auditor, two thousand dollars per annum. The county auditor shall charge and collect for the clerical service of making estimates of tax sales provided for in section three thousand eight hundred and seventeen of this code the sum of twenty-five cents for each tax sale if the property is delinquent for two years or less; the sum of fifty cents for each sale if the property is delinquent for more than two years. Auditor.

If said estimates are returned to the auditor and redemption made within thirty days from date of issue and prior to the change of penalty, as provided for in section number three thousand eight hundred and seventeen of this code, the amount charged for making said estimates shall be refunded to the redemptioner. If the redemption is not made as herein provided then the sum charged for making the estimate shall be retained by said auditor for his services of making said estimates.

5. The treasurer, eighteen hundred dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, twenty-four hundred dollars per annum, and he is hereby allowed in addition thereto ten deputies, to be appointed by him, who shall each receive four dollars per day for not exceeding three months in any calendar year, while engaged in the performance of their duties; *provided*, that the amount paid for services of deputy assessors shall not exceed twenty-four hundred dollars in any one year; *provided*, that two thirds of all commissions received by the assessor on the collection of road poll taxes and hospital poll taxes shall be paid into the county treasury. Assessor.

8. The district attorney, twenty-one hundred dollars per annum, and he is hereby allowed in addition thereto one deputy appointed by him, who shall receive nine hundred dollars per annum.

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

28th class
(Shasta),
continued.

Superintend-
ent of
schools.

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

11. The superintendent of schools, eighteen hundred dollars per annum, and necessary expenses for traveling in visiting schools in the county, to be allowed by the supervisors of the county; and there shall be, and there is allowed to the superintendent in addition, a clerk or bookkeeper, who shall be appointed by the superintendent of schools, who shall be paid a salary of six hundred dollars per annum, said salary to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid.

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

Classification
of
townships.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships in this class of counties are hereby classified according to their population, as shown by the federal census of nineteen hundred, as follows: Townships having a population of three thousand and more shall belong to and be known as townships of the first class; townships having a population of two thousand and less than three thousand, shall belong to and be known as townships of the second class; townships having a population of one thousand six hundred and less than two thousand shall belong to and be known as townships of the third class; and townships having a population of less than one thousand six hundred shall belong to and be known as townships of the fourth class.

Justices
of the
peace.

Justices of the peace shall receive the following salaries, which shall be paid monthly, in the same manner as the salaries of county officers are paid, out of the general fund of the county, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships of the first class, eighty-five dollars per month; in townships of the second class, seventy-five dollars per month; in townships of the third class, twenty dollars per month; and in townships of the fourth class, ten dollars per month. In addition to the monthly salaries herein allowed for services in criminal actions, cases and examinations, each justice of the peace may, for his own use, collect the following fees, and no other, in civil actions:

Each justice of the peace shall be allowed, in civil actions before him, for all services to be performed by him before trial, three dollars; and for the trial, and all proceedings subsequent thereto, including all affidavits, swearing of witnesses and jury, and the entry of judgment and issue of execution thereon, four dollars; and fifteen cents for each hour actually engaged in such trial after the expiration of eight hours; and in all cases where judgment is rendered by default or confession, for all services, including execution and satisfaction of judgment, three dollars.

For certificate and transmitting transcript and papers on appeal, one dollar.

For copies of papers on docket, per folio, ten cents.

For issuing a search warrant, to be paid by the party demanding the same, fifty cents.

28th class
(Shas-ta),
continued.

For celebrating a marriage and returning a certificate thereof to the county recorder, three dollars.

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

For taking depositions, per folio, fifteen cents.

For all services connected with the posting of estrays, one dollar.

In cases before the justice of the peace, when the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive three dollars; and the justice of the peace before whom the trial shall take place shall receive the same fees as if the action had been commenced before him.

For performing the duties of coroner, when the coroner fails to act, the same fees and mileage as are allowed the coroner in like cases.

For issuing each process, writ, order, or paper required by law to be issued, not otherwise provided for, twenty-five cents.

For each certificate or affidavit not otherwise herein provided for, twenty-five cents.

For administering oath or affirmation not otherwise herein provided for, twenty-five cents.

For taking and approving bond or undertaking, including the justification of sureties, fifty cents.

14. Constables shall receive the following salaries, which shall be paid monthly, in the same manner as the salaries of county officers are paid, out of the general fund of the county, and which shall be in full of all services rendered by them in criminal cases, to wit:

In townships of the first class, one hundred dollars per month; in townships of the second class, seventy-five dollars per month; in townships of the third class, twenty dollars per month, and in townships of the fourth class, ten dollars per month. In addition to the monthly salaries herein allowed for services in criminal actions, cases and proceedings, each constable shall also be allowed all necessary expenses actually and properly incurred, in arresting and conveying prisoners to court or to prison, and also all necessary expenses actually incurred in the transportation of prisoners from prison to court, and the return of said prisoners to prison; and shall be allowed, also, for each mile actually traveled, both in going and coming, in the service of subpoenas, in criminal actions, per mile, ten cents; which said expenses and mileage shall be audited and allowed by the board of supervisors as other claims against the county are audited and allowed, and shall be paid out of the county treasury.

In addition to the monthly salaries herein allowed for services

28th class
(Shasta),
continued.

in criminal actions and cases, each constable may, for his own use, collect the following fees, and no other, in civil actions:

For serving summons and complaint, for each defendant served, fifty cents.

For each copy of summons for service, when actually made by him, twenty-five cents.

For levying writ of attachment or execution, or executing order of arrest, or for the delivery of personal property, one dollar.

For serving writ of attachment or execution on any ship, boat, or vessel, three dollars.

For keeping personal property, such sum as the court may order; but no more than one dollar and fifty cents per day shall be allowed for a keeper when necessarily employed.

For taking bond or undertaking, fifty cents.

For copies of writs and other papers, except summons, complaint, and subpoenas, per folio, ten cents; *provided*, that when correct copies are furnished to him for use, no charge shall be made for such copies.

For serving any writ, notice, or order, except summons, complaint, and subpoenas, for each person served, fifty cents.

For writing and posting each notice of sale of property, fifty cents.

For furnishing notice for publication, twenty-five cents.

For serving subpoenas, each witness, including copy, twenty-five cents.

For collecting money on execution, one and one half per cent.

For executing and delivering certificate of sale, fifty cents.

For executing and delivering constable's deed, one dollar and fifty cents.

For each mile actually traveled within his township in the service of any writ, order, or paper, in civil actions, in going only, per mile, twenty-five cents.

For traveling outside of his township to serve such writ, order, or paper, in civil actions, in going only, twenty-five cents per mile; *provided*, that a constable shall not be required to travel outside of his township to serve any civil process, order, or paper. No constructive mileage shall be charged, allowed, or paid, in criminal or civil cases.

For each day's attendance in court, in civil cases, three dollars per day.

For executing a search warrant, two dollars; and for each mile necessarily traveled within his county in executing a search warrant, both in going and returning from place of search, fifteen cents; said fee and mileage to be paid by the party demanding the search.

For summoning a jury in civil cases, two dollars, including mileage.

For commissions for receiving and paying over money on execution without levy, or when the goods or land levied on shall not be sold, one per cent. The fees herein allowed for the levy of an execution, and for making or collecting the

money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum herein directed to be paid. 28th class (Shasta), continued.

County officers must, and township officers may, demand the payment of all fees in advance.

Justices of the peace shall, on or before the first Monday of each month, pay into the county treasury all moneys collected by them on fines imposed and collected and all moneys belonging to the county coming from any source.

15. Each member of the board of supervisors, fifteen hundred dollars per annum and ten cents per mile, one way, between residence and county seat, in attending upon all regular, special or adjourned meetings of the board of supervisors; *provided*, that the chairman of the board of supervisors may receive twenty-five cents per mile, one way, between residence and the county seat, when attending at the county seat for the single purpose of counting the money in the county treasury, as required by law. super- visors.

SEC. 32. Section four thousand two hundred fifty-eight of the Political Code is hereby amended to read as follows:

4258. In counties of the twenty-ninth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: 29th class (Siskiyou), salaries.

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

2. The sheriff, six thousand dollars per annum.

3. The recorder, thirty-five hundred dollars per annum.

4. The auditor, two thousand dollars per annum.

5. The treasurer, eighteen hundred dollars per annum.

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

7. The assessor, four thousand dollars per annum.

8. The district attorney, two thousand dollars per annum.

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

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

11. The superintendent of schools, two thousand dollars per annum, and his reasonable traveling expenses incurred in visiting schools of the county; to be fixed and allowed by the board of supervisors, not to exceed the sum of five hundred dollars per annum; *provided*, he shall devote his entire time to the duties of said office. Superintendent of schools.

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

13. Justices of the peace in townships having a population of fifteen hundred, or more, shall receive a monthly salary of forty dollars per month; in townships having a population Justices of the peace.

29th class
(Siskiyou).
continued. of one thousand or less than fifteen hundred shall receive a salary of thirty dollars per month, and in townships having a population of less than one thousand, shall receive a salary of ten dollars per month, and all justices shall make monthly reports and pay all fines to county every month.

Constables. 14. Constables in townships having a population of two thousand, or more, shall receive a monthly salary of fifty dollars per month; in townships having a population of one thousand or less than two thousand, shall receive a salary of forty dollars per month; and in townships having a population of less than one thousand, shall receive a salary of twenty dollars per month. The salaries of township officers, herein provided for, shall be paid monthly, in the same manner as the salaries of the county officers are paid, and shall be in full compensation for all services rendered by them in criminal cases. In civil cases they may retain the fees that are now or may hereafter be allowed by law.

Super-
visors. 15. The meetings of the board of supervisors shall be monthly and be held on the first Monday of each and every month. Each member of the board of supervisors is to receive a salary of one thousand dollars per annum and mileage at the rate of twenty cents per mile from his home to and from county seat.

Reporter. 16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and when requested by the district attorney, for preliminary examinations in justice's court, a monthly salary of one hundred dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Jurors. 17. Grand jurors or trial jurors in criminal cases in the superior court shall receive, as compensation for each day's attendance, per day two dollars and fifty cents, and for each mile actually traveled in attending court as a grand juror or juror at a criminal case, in the superior court in going only per mile fifteen cents. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each juror, and the auditor shall draw his warrant for the amount to which each juror is entitled, and the treasurer shall pay the same.

SEC. 33. Section four thousand two hundred fifty-nine of the Political Code is hereby amended to read as follows:

30th class
(Ventura).
salaries. 4259. In counties of the thirtieth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, to wit:

1. The county clerk, three thousand dollars per annum; *provided*, that in counties of this class the county clerk is hereby allowed in addition to his salary, each year when a new registration is required, the sum of ten cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election, and be paid from the general fund of the county.

30th class
(Ventura).
continued.

County

clerk.

2. The sheriff, five thousand seven hundred dollars per annum. Also, the following, to be audited and paid as other county charges: For every mile necessarily traveled in executing any warrant of arrest, twenty-five cents per mile; for taking prisoners to magistrate or jail, the actual cost of such transportation.

Sheriff.

3. The recorder, three thousand dollars per annum.

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

5. The tax collector, two thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector, a deputy, to be appointed by the tax collector, who shall receive a salary of sixty-five dollars per month for four months in the year, payable out of the same funds and in the same manner as is the tax collector.

Tax
collector.

6. Assessor, three thousand six hundred dollars per annum.

7. The treasurer, two thousand dollars per annum.

8. The district attorney, twenty-one hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney a deputy, who shall be appointed by the district attorney of said county, and whose salary is hereby fixed at the sum of seven hundred and eighty dollars per annum, which shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the district attorney; *provided, further*, that nothing herein contained shall be construed to prevent the board of supervisors of said counties of this class from employing special counsel when, in the judgment of said board, the interest of said counties requires it.

District
attorney.

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

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

11. The superintendent of schools, twenty-one hundred dollars per annum. His office shall be kept open on all business days from nine A. M. to twelve M. and from one P. M. to four P. M. He shall be allowed his actual traveling expenses when visiting the schools of his county and such per diem as is now or may hereafter be allowed by law for services as a member of the county board of education; *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools a deputy, to be appointed by the superintendent of schools, who shall receive from the county a salary of sixty-five dollars per month, to be paid by the county in monthly

Superin-
tendent of
schools.

30th class (Ventura), continued. installments at the same time and in the same manner and out of the same funds as is the salary of the superintendent of schools.

Surveyor. 12. The county surveyor shall devote his entire time to the duties of his office and shall receive for said services, the sum of twenty-one hundred dollars per annum, and the necessary cost of transportation to and from, and necessary expenses while in the field when engaged on public work; *provided*, that in counties of this class the board of supervisors may allow the surveyor additional help when in its judgment the work of the office demands it; the expense for such additional help to be paid out of the county treasury.

Board of education. 13. In counties of this class, each member of the county board of education shall receive five dollars for each day the board of education is in session, not to exceed a total of three hundred and fifty dollars per annum. In addition each member shall receive the same mileage as is allowed the members of the board of supervisors of said county.

Compensation of the members of the county board of education shall be payable out of the same funds and in the same manner as is the salary of the county superintendent of schools.

Classification of townships. 14. For the purpose of regulating the compensation of justices of the peace, townships in this class of counties are hereby classified according to their population as shown by the federal census of one thousand nine hundred, as follows:

Townships having a population of four thousand or more, shall belong to and be known as townships of the first class; townships having a population of two thousand and less than four thousand shall belong to and be known as townships of the second class; townships having a population of one thousand and less than two thousand shall belong to and be known as townships of the third class; townships having a population of over five hundred and less than one thousand shall belong to and be known as townships of the fourth class; and townships having a population of less than five hundred shall belong to and be known as townships of the fifth class.

Justices of the peace. Justices of the peace shall receive the following salaries, which shall be paid monthly, in the same manner as such salaries of county officers are paid, and shall be in full of all services rendered by them in criminal cases; *provided*, however, that if two justices of the peace shall be elected and qualify in any township, then the said justices shall each receive one half ($\frac{1}{2}$) of the salary herein provided for.

In townships of the first class, eighty dollars, and shall be furnished with offices and necessary supplies by the board of supervisors of the county;

In townships of the second class, sixty dollars;

In townships of the third class, forty dollars;

In townships of the fourth class, twenty dollars;

In townships of the fifth class, ten dollars: *provided*, that each justice of the peace shall, before receiving his monthly salary, file with the auditor a statement of all fines received,

together with the treasurer's receipt for the same. In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law, for all services rendered by him in civil actions. 30th class.
(Venth 4).
continued.

15. For the purpose of regulating the salaries of constables, townships in this class of counties are hereby classified according to their population as shown by the federal census of one thousand nine hundred, as follows: Townships having a population of four thousand or more shall belong to and be known as townships of the first class; townships having a population of two thousand and less than four thousand shall belong to and be known as townships of the second class; townships having a population of one thousand and less than two thousand shall belong to and be known as townships of the third class; townships having a population of over five hundred and less than one thousand shall belong to and be known as townships of the fourth class; and townships having a population of less than five hundred shall belong to and be known as townships of the fifth class. Constables shall receive the following salaries, which shall be paid monthly, in the same manner as such salaries of county officers are paid, and shall be in full of all services rendered by them in criminal cases; *provided, however,* that if two constables shall be elected and qualify in any township, then each of said constables shall receive one half ($\frac{1}{2}$) of the salary herein provided for. Constables

In townships of the first class, eighty dollars;

In townships of the second class, seventy dollars;

In townships of the third class, fifty dollars;

In townships of the fourth class, twenty-five dollars;

In townships of the fifth class, ten dollars;

In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which said expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury.

16. Each supervisor, six dollars per day when the board is in session and twenty cents per mile for traveling from his residence to the county seat. For his services as road commissioner, three hundred dollars per annum, payable in monthly installments. Super-
visors.

17. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in all civil and criminal causes and proceedings in said court, and for taking notes of the proceedings and testimony at all coroner's inquests in the county, and for taking notes of the testimony and proceedings in all examinations before committing magistrates, and for taking notes of the testimony and proceedings of cases and commissions for the examina- Reporter.

34th class
(Ventura),
continued.
Reporter.

tion of persons charged with being of unsound mind, a monthly salary of one hundred dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for the transcription of said notes, when the transcription thereof is required by law, or by order of the court, or by demand of any party to the suit or proceeding, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in all criminal cases and coroner's inquests and examinations of persons charged with being of unsound mind, to be audited and allowed by the board of supervisors, as other claims against the county, and in civil cases and proceedings to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, when and in such proportions as the court may direct. When necessary for such reporter to travel away from the county seat, he shall receive his actual and necessary traveling expenses, to be allowed and paid by the board of supervisors as are other county charges.

SEC. 34. Section four thousand two hundred sixty of the Political Code is hereby amended to read as follows:

31st class
(Shiner)
salaries.

4260. In counties of the thirty-first class the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their offices the following salaries and fees, to wit:

County
clerk.

1. The county clerk, three thousand two hundred fifty dollars per annum; and in each year in which a new and complete registration of voters is required by law, he shall receive such additional amount as shall be necessary to pay deputy registration clerks for taking affidavits of registration outside of the office at the rate of ten cents each, the claims for which shall be presented to and allowed by the board of supervisors as other claims are presented and allowed.

2. The sheriff, six thousand dollars per annum.

Recorder.

3. The recorder, two thousand two hundred fifty dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury for the use and benefit of the county the fees required by law to be so collected; *and provided*, that when the amount of said fees so collected shall amount to more than two hundred dollars in any one month, the said recorder may receive and retain for his own use, in addition to his salary, one half of all fees in excess of two hundred dollars in any month so collected; *and provided*, that in counties of this class the recorder may appoint two copyists for service in his office, which office of copyist for the county recorder is hereby created, and said copyists shall receive as compensation for their services the sum of five hundred forty dollars each per annum, to be paid out of the county treasury in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the recorder is paid.

4. The auditor, two thousand dollars per annum.

5. The treasurer, two thousand dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The assessor, four thousand two hundred fifty dollars per annum.
8. The district attorney, two thousand four hundred dollars per annum; he may also appoint a clerk, which office of clerk to the district attorney is hereby created, whose salary shall be six hundred dollars per annum, payable as the salaries of other county officers are paid.
9. The coroner, such fees as are now or may hereafter be allowed by law.
10. The public administrator, such fees as are now or may hereafter be allowed by law.
11. The superintendent of schools, eighteen hundred dollars per annum, including services on board of education. He shall be allowed his actual traveling expenses not to exceed three hundred dollars per annum; he shall also be allowed one deputy whose salary shall be fifty dollars per month, payable the same as the salaries of county officers; *provided*, that he shall keep his office open from nine o'clock A. M. to five o'clock P. M. of each business day.
12. The surveyor shall receive a per diem of ten dollars for all work performed for the county, and in addition thereto all necessary expenses and transportation on work performed in the field.
13. The justice of the peace, such fees as are now or may hereafter be allowed by law; *provided*, that the amount allowed by the board of supervisors for services in prosecutions under section six hundred and forty-seven of the Penal Code, and prosecutions for fraudulently evading or attempting to evade the payment of fare for traveling on any railroad, shall not exceed twenty dollars for any one month; *provided, further*, that the amount allowed by the board of supervisors for services in prosecutions of misdemeanor cases other than those hereinbefore specified in this subdivision, shall not exceed the sum of thirty dollars for any one month.
14. The constable shall receive the following fees, to wit: For serving summons and complaint, for each defendant served, one dollar; for each copy of summons for service when made by him, twenty-five cents; for levying writ of attachment or execution or executing order of arrest or for the delivery of personal property, one dollar; for keeping personal property, such sum as the court may order, but no more than two dollars per day shall be allowed for a keeper when necessarily employed; for taking bond or undertaking, fifty cents; for copies of writs and other papers, except summons, complaints and subpoenas, per folio, ten cents; *provided*, that when correct copies are furnished him for use, no charge shall be made for copies; for serving any writ, notice or order, except summons, complaints or subpoenas, for each person served, fifty cents; for writing and posting each notice of sale of property, twenty-five cents; for serving sub-

31st class
(Placer).
continued.

District
attorney.

Superin-
tendent of
schools.

Surveyor.

Justices
of the
peace.

Constable.

31st class
(Placer),
continued.
Constable.

ponas, each witness, including copy, twenty-five cents; for collecting money on execution, two and one-half per cent, to be charged against the defendant named in the execution; for executing and delivering certificate of sale, one dollar; for executing and delivering constable's deed, two dollars; for every mile necessarily traveled in his township, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to prison, twenty-five cents; outside of his township, but within his county, twenty cents; but when two or more persons are served or summoned in the same suit and at the same time, mileage shall be charged only for the more distant if they live in the same direction: for each mile necessarily traveled outside of his county in making criminal arrests, both going and returning from place of arrest, ten cents; in transporting prisoners to the county jail, or before a magistrate, either upon arrest or for trial or examination, or after conviction, he shall receive in addition to the above mileage his actual and necessary expenses for himself and prisoners; *provided*, that where two or more prisoners are transported at the same time, no more than one mileage shall be allowed; for making each arrest in criminal cases, one dollar and fifty cents; for sales of estrays, the same fees as for sales on executions; for summoning a jury, two dollars, including mileage; for all other services, the same fees as are allowed sheriffs for like services; *provided, further*, that no more than sixty dollars shall be allowed to any constable in counties of this class in any one month for fees and mileage in criminal matters.

Supervisor.

15. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to and from the county seat; *provided*, such mileage shall not be allowed more than once a month; and for his services as road commissioner he shall receive twenty cents per mile one way for all distances actually and necessarily traveled by him in the performance of his duties; *provided*, he shall not in any one year receive more than three hundred dollars as such road commissioner.

Jurors.

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

SEC. 35. Section four thousand two hundred sixty-one of the Political Code is hereby amended to read as follows:

32d class
(Kings),
salaries.

4261. In counties of the thirty-second class, the county officers shall receive as compensation for their services required of them by law, or by virtue of their office, the following salaries, to wit:

Others.

1. The county clerk, twenty-five hundred dollars per annum, and one deputy at a salary of one thousand dollars per annum, payable monthly in the same manner as the salaries of the

county officers are paid, which office of deputy clerk is hereby created.

31st class
(Pincer),
continued.
Officers.

2. The sheriff, four thousand dollars per annum, and one jailer at a salary of nine hundred dollars per annum.

3. The recorder, eighteen hundred dollars per annum, and one copyist at six hundred dollars per annum, payable monthly in the same manner as the salaries of county officers are paid, which office of copyist is hereby created.

4. The auditor, eighteen hundred dollars per annum.

5. The treasurer, eighteen hundred dollars per annum.

6. The tax collector, twenty-five hundred dollars per annum, which shall be in full for all services as tax collector and as license collector.

7. The assessor, fifteen hundred dollars per annum, and the said assessor in addition to said salary may retain for his own use such fees as are now provided by law, and said assessor shall be allowed one draughtsman at a salary of four hundred dollars per annum, payable monthly in the same manner as the salaries of the county officers are paid, which office of draughtsman is hereby created.

8. The district attorney, two thousand dollars per annum.

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

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

11. The superintendent of schools, eighteen hundred dollars per annum.

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

13. Supervisors, each the sum of eight hundred dollars per annum for all services performed by them as supervisors and as members of the board of equalization and road commissioners.

14. In counties of this class, the township officers shall receive the following compensation, to wit: In townships having a population of four thousand, justices of the peace shall receive a monthly salary of seventy-five dollars; and constables a monthly salary of one hundred dollars. The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; they may also retain for their own use all other fees, except those in criminal cases, as are now or may hereafter be provided by law. In townships having a population of less than four thousand, each justice of the peace and each constable shall receive as compensation for his services such fees as are now or may hereafter be provided by law.

Township
officers.

15. Grand jurors and jurors in the superior court in criminal cases shall be paid three dollars per day for each day's attendance, and for each mile actually traveled in going only, while acting as such juror ten cents, and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

Jurors.

Sec. 36. Section four thousand two hundred sixty-two of the Political Code is hereby amended to read as follows:

3rd class
(Merced),
salaries.

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

County
clerk.

1. The county clerk, two thousand dollars per annum; *and provided*, that in each year in which a new and complete registration of voters is required by law, he shall receive the sum of ten cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election, and paid from the general fund of the county; *provided, further*, that in counties of this class there shall be and is hereby allowed to the county clerk a deputy, who shall be appointed by the county clerk, who shall be paid a salary of seventy-five dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid.

Sheriff.

2. The sheriff, five thousand dollars per annum and fees, commission and mileage for the service of papers or processes served from any court, also his necessary expenses for pursuing criminals, or transacting any criminal business.

Recorder.

3. The recorder, one thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a copyist, who shall be appointed by the recorder, and paid a salary of fifty dollars per month; said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the recorder is paid; *provided, further*, that said recorder shall collect and pay into the county treasury for the use and benefit of the county the fees required to be paid by law so collected; *and provided*, that when the amount of said fees so collected shall exceed the sum of two hundred dollars in any one month, the recorder may receive and retain for his own use in addition to his own salary, one half of all fees in excess of two hundred dollars in any month so collected. But the amount of fees thus received by the recorder for his own use, plus his salary, shall not exceed the sum of two thousand three hundred dollars in any one year.

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

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

Tax
collector.

6. The tax collector, one thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the tax collector a deputy to be appointed by said tax collector and to hold office during the months of October, November, March and April, who shall be paid a salary of fifty dollars per month, said salary to be paid in monthly installments during said months in the same manner and out of the same fund as the salary of the tax collector is paid.

7. The assessor, three thousand dollars per annum, and such fees as are now or may hereafter be allowed by law. The assessor shall also be allowed the following deputies, viz., one deputy for each bona fide increase of one hundred real estate statements made for assessment purposes, over and above twenty-eight hundred of such statements, not to exceed in all eight deputies. Each of such deputies shall receive a monthly compensation of one hundred dollars, for a period of not to exceed two months in any one year, said compensation to be paid in monthly installments in the same manner and out of the same fund as the salary of the assessor is paid; *provided, further*, that in counties of this class there shall be and is hereby allowed to the assessor an office deputy, who shall be appointed by the assessor, who shall be paid a salary of one hundred dollars per month, said salary to be paid by said county out of the same fund and at the same time and in the same manner as the salary of the assessor is paid. He shall prepare the military roll for which he shall receive five cents for each name thereon.

33d class
(Merced),
continued.

Assessor.

8. The district attorney, the sum of two thousand four hundred dollars per annum.

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

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

11. The superintendent of schools, one thousand four hundred dollars per annum, and shall also be allowed the compensation provided by law for services upon the board of education. He shall be allowed his actual traveling expenses when visiting schools of his county, which expense shall not exceed the sum of three hundred dollars in any one year; *provided*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools a deputy, who shall be appointed by the superintendent of schools and paid a salary of fifty dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

Superin-
tendent of
schools.

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

Surveyor.

13. For the purpose of regulating the compensation of justices of the peace and constables [in] townships in counties of this class are hereby classified according to population, said population to be determined by the board of supervisors at the enactment of this act and at the time of the formation of any new judicial township or townships in the following manner: By appointing a suitable person in each township to take said census and said census shall be taken by said persons so appointed, of all the inhabitants of said township; the full name of each person shall be fully written, the names

Classifica-
tion of
township.

33d class
(Merged),
continued

alphabetically arranged and regularly numbered in one complete series and when completed shall be verified before any officer authorized to administer oaths and be filed with the county clerk, and thereupon the same shall be the official census of the said townships. The expenses of taking said census shall be a county charge. Townships having a population of three thousand five hundred or more shall belong to and be known as townships of the first class. Townships having a population of less than three thousand five hundred and more than two thousand shall belong to and be known as townships of the second class. Townships having a population of less than two thousand shall belong to and be known as townships of the third class.

Justices
of the
peace.

Justices of the peace shall receive the following salaries for all services rendered by them in criminal cases payable monthly and in the same manner as county officers are paid. In townships of the first class one hundred and fifty dollars per month, in townships of the second class one hundred dollars per month, in townships of the third class forty dollars per month. They shall retain for their own use and benefit such fees as are now or may hereafter be allowed by law in civil cases.

Provided, that in townships of the first class no person shall be eligible to the office of justice of the peace unless he has been admitted to practice law in a court of record.

Constables.

14. Constables in counties of this class shall receive the following salaries for all services rendered by them in criminal cases, payable monthly and in the same manner as county officers are paid; in townships of the first class one hundred dollars per month, in townships of the second class seventy-five dollars per month, in townships of the third class forty dollars per month.

Constables shall also receive for their own use and benefit such fees as are now or may hereafter be allowed by law in civil cases. They shall also be allowed their actual expenses in conveying prisoners from the place of arrest to court and in case of conviction from the court to the county jail.

Super
visors.

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

Jurors.

16. Jurors' fees in criminal cases shall be as follows: For attending as a grand juror or as a trial juror in the superior court in criminal cases only for each day's attendance per day

three dollars, for each mile actually traveled in attending court as such jurors fifteen cents per mile in going only. The county clerk shall certify to the auditor the number of days attended and the number of miles traveled by each juror, and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

33d class
(Nevada),
continued.

Sec. 37. Section four thousand two hundred sixty-three of the Political Code is hereby amended to read as follows:

4263. In counties of the thirty-fourth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

34th class
(Nevada),
salaries.

1. The county clerk, three thousand dollars per annum, and when a great register of voters is required by law to be made, he shall receive six hundred and fifty dollars additional, which shall be in full for all services rendered in registering voters and making the great register.

Officers.

2. The sheriff, six thousand dollars per annum. The sheriff shall also receive for his own use, for serving all papers issued from justices' courts, the same fees as are now or may be hereafter allowed by law to constables for like service.

3. The recorder, three thousand two hundred dollars per annum.

4. The auditor, eight hundred dollars per annum.

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

6. The tax collector, six hundred and fifty dollars per annum.

7. The assessor, five thousand five hundred dollars per annum.

8. The district attorney, two thousand five hundred dollars per annum; and the district attorney may appoint one deputy, which office is hereby created, at a salary of six hundred dollars per annum. The deputy district attorney to hold office at the pleasure of the district attorney. The salary of such deputy to be paid monthly and in the same manner as salaries of county officers are now paid.

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

10. The public administrator, four hundred dollars per annum.

11. The superintendent of schools, two thousand dollars per annum; and he shall receive and retain for his own use the sum of five dollars per diem for each and every day he attends the meetings of the county board of education, and shall also be allowed his actual and necessary traveling expenses in visiting the schools of the county.

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

13. Each member of the board of supervisors shall receive for his services the sum of nine hundred dollars per annum, and twenty cents per mile in traveling to and from his residence to the county seat; *provided*, that no more than one

Super-
visors.

4th class
(Nevada).
continued.

mileage at any regular session of the board shall be allowed, and that one fourth of the annual salary shall be paid at the close of each quarterly session of the board; *and provided, further*, they shall be reimbursed for necessary expenses actually incurred by attending any special session of the board.

The road commissioners shall be reimbursed for all traveling, personal and other necessary expenses; said expenses not to exceed five dollars per day while actually engaged in the performance of their duties upon the roads; *provided*, that the full amount of expenses incurred shall not exceed seventy-five dollars in any one quarter, to be allowed as other claims by the board of supervisors.

Justices
of the
peace.

14. Justices of the peace, such fees as are now or may be hereafter allowed by law; *provided*, that justices of the peace of townships containing four thousand five hundred inhabitants or more shall be allowed a salary of six hundred dollars per annum, payable monthly and in the same manner as salaries of county officers are paid, and shall be in full for all services rendered by them in criminal cases; *provided, further*, that justices of the peace shall, before receiving their monthly salary file with the auditor a statement of all fines received, together with the treasurer's receipt for the same. All fines collected by justices of the peace shall be turned over to the county treasurer of said county within ten days after receipt of same; *provided*, that all fines collected for city offenses shall be turned over to the city treasurer of the city where the offense shall have been committed. In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may be hereafter allowed by law, for all services rendered by him in civil actions.

Constables.

15. Constables, such fees as are now or may be hereafter allowed by law; *provided*, that constables of townships containing two thousand inhabitants or more shall be allowed a salary of four hundred and eighty dollars per annum, payable monthly and in the same manner as county officers are paid, and shall be in full for all services rendered by them in criminal cases; *provided, further*, that they shall be allowed all necessary expenses actually incurred in arresting and conveying prisoners to the county jail which said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury; in addition to the monthly salary herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law, for all services rendered by him in civil actions.

For the purpose of regulating salaries of justices and constables, townships in this class of counties are hereby classified according to their population as shown by the federal census of one thousand nine hundred.

Reporter.

16. In counties of this class the official reporter of the superior court shall receive such fees as are now or may be hereafter allowed by law, and when necessary for such reporter to

travel away from the county seat in the performance of his duty he shall receive his actual and necessary traveling and personal expenses, to be allowed and paid by the board of supervisors as are other county charges.

84th class
(Nevada).
continued.

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

Jurors.

SEC. 38. Section four thousand two hundred sixty-four of the Political Code is hereby amended to read as follows:

4264. In counties of the thirty-fifth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

85th class
(Yolo).
salaries.

1. The county clerk, three thousand dollars per annum, and when a new great register of voters is required by law to be made, he shall receive five hundred dollars additional, which shall be in full for all services required in registering voters and making the great register.

Officers.

2. The sheriff, four thousand five hundred dollars per annum.

3. The recorder, two thousand five hundred dollars per annum.

4. The auditor, two thousand dollars per annum.

5. The treasurer, two thousand dollars per annum.

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

7. The assessor, three thousand dollars per annum.

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

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

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

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

12. The county surveyor shall be allowed ten dollars per day for the time he is engaged in county work, for which per diem he shall also furnish all necessary instruments and his transportation expenses while engaged in field work for the county.

13. Justices of the peace, the following monthly salaries, to be paid each month as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of twenty-five hundred and more, sixty-five dollars; in townships having a population of fifteen hundred and less than twenty-five hundred, forty dollars; in townships having a population of one thousand and less than fifteen hundred, twenty-five dollars; in townships having a population of less than one thousand, ten dollars. Each justice must pay into the county treasury, once a month, all fines collected by him. In addition to the monthly salary

Justices
of the
peace.

35th class (Yolo), continued. allowed herein, each justice may receive for his own use such fees as are now or may hereafter be allowed by law, for all services performed by him in civil actions. In all townships having a population of less than twenty-five hundred if there be more than one justice, the compensation allowed herein shall be equally divided between them so that the sum total of their monthly compensation shall not exceed the salary allowed herein for a single justice in such township.

Constables. 14. Constables, the following salaries, which shall be paid monthly as salaries of county officers are paid, and shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of twenty-five hundred or more, seventy dollars; in townships having a population of fifteen hundred and less than twenty-five hundred, forty-five dollars; in townships having a population of one thousand and less than fifteen hundred, thirty dollars; in townships having a population of less than one thousand, fifteen dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all the services performed by him in civil actions. In all townships having a population of less than twenty-five hundred, if there be more than one constable, the compensation herein allowed shall be equally divided between them, so that the sum total of their monthly compensation shall not exceed the salary allowed herein for a single constable in such township.

Super-visor.

15. Each supervisor, twelve hundred dollars per annum for all services performed by him as supervisor, member of the board of equalization and road commissioner.

The board of supervisors shall, during each and every year, ascertain and determine the population of the several townships of the county for the purpose of ascertaining the compensation of township officers regulated by this section, in proportion to their duties.

SEC. 39. Section four thousand two hundred sixty-five *a* of the Political Code is hereby amended to read as follows:

36th class (Imperial), salaries.

4265a. In counties of the thirty-sixth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Officers.

1. The county clerk, two thousand four hundred dollars per annum; also one deputy, who shall receive a salary of nine hundred dollars per annum.

2. The sheriff, five thousand dollars per annum and all mileage now allowed by law.

3. The recorder, two thousand dollars per annum; *provided*, that in counties of this class the recorder may employ as many copyists as may be required, who shall receive as compensation the sum of five cents per folio for recording any instrument or notice except maps or plats, and for copies of any records or papers, five cents per folio. The salaries of copyists herein provided for shall be paid by the county in monthly install-

ments at the same time, in the same manner, and out of the same fund as the salary of the county recorder is paid. with class (Imperial), continued.

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

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

6. The tax collector, one thousand eight hundred dollars per annum, and five per cent on all licenses collected by him as license collector.

7. The assessor, three thousand dollars per annum.

8. The district attorney, two thousand five hundred dollars per annum; also one deputy, who shall receive a salary of one thousand two hundred dollars per annum.

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

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

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. The superintendent shall be allowed one deputy for a period of not exceeding ten months in any one year, which said deputy shall be allowed a salary of seventy-five dollars per month, to be paid at the same time and in the same manner as other county officers. Superintendent of schools.

12. The surveyor, one thousand five hundred dollars per annum, which shall be in full for all services required of him by the superior court or the board of supervisors; *provided*, that he shall be entitled to receive from the county his actual expenses incurred in the performance of any order of the court or the board of supervisors; *provided, further*, that whenever the surveyor is directed by the board of supervisors to plat, trace or otherwise prepare maps, plats or block books for the use of the county assessor, he shall be allowed only the actual cost of preparing the same. Surveyor.

13. Justices of the peace shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases; in townships having a population of more than four thousand, fifty dollars per month; in townships having a population of less than four thousand and more than twenty-five hundred, thirty dollars per month; in townships having a population of less than twenty-five hundred and more than six hundred, twenty dollars per month; and in all civil cases such fees as are now or may hereafter be allowed by law. Justices of the peace.

14. Constables shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases. Constables.

In townships having a population of more than four thousand, fifty dollars per month; in townships having a population of less than four thousand and more than twenty-five

36th class
(Imperial),
continued.

hundred, thirty dollars per month; in townships having a population of less than twenty-five hundred and more than six hundred, twenty dollars per month; and in all civil cases, such fees as are now or may hereafter be allowed by law.

Constables shall also be allowed by the board of supervisors, in criminal cases only, necessary traveling expenses, and necessary expenses of conveying criminals and persons charged with crime.

Super-
visors.

15. Each supervisor, twelve hundred dollars per annum, which shall be in full for all services as supervisor and road commissioner for each year. Said salary of twelve hundred dollars shall be payable monthly.

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

SEC. 40. Section four thousand two hundred sixty-six of the Political Code is hereby amended to read as follows:

37th class
(Tehama),
salaries.

4266. In counties of the thirty-seventh class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Officers.

1. The county clerk, twenty-two hundred dollars per annum.
2. The sheriff, forty-eight hundred dollars per annum and all mileage now allowed by law.

3. The recorder, three thousand dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, twenty-five hundred dollars per annum.

6. The tax collector, eleven hundred dollars per annum, and ten per cent on all licenses collected by him as license collector, and such other fees as are now or may hereafter be allowed by law.

Assessor.

7. The assessor, three thousand dollars per annum; and there is hereby allowed to the assessor two deputies who shall be employed not to exceed four months in each year, and shall receive a salary of one hundred dollars per month each during the time so employed.

8. The district attorney, twenty-four hundred dollars per annum.

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

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

Superin-
tendent of
schools.

11. The superintendent of schools, one thousand five hundred dollars per annum, and actual traveling expenses, when visiting the schools of his county. The superintendent shall be allowed one deputy for a period not exceeding five months in any one year, which said deputy shall be allowed a salary of seventy-five dollars per month, to be paid at the same time and in the same manner as other county officers.

12. The surveyor, one thousand five hundred dollars per annum, which shall be in full for all services required of him by the superior court or the board of supervisors; *provided*, that he shall be entitled to receive from the county his actual expenses incurred in the performance of any order of the court or the board of supervisors; *provided, further*, that whenever the surveyor is directed by the board of supervisors to plat, trace or otherwise prepare maps, plats or block books for the use of the county assessor, he shall be allowed only the actual cost of preparing the same.

37th class
(Tehama),
continued.
Surveyor.

13. Justices of the peace shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than four thousand, fifty dollars per month; in townships having a population of less than four thousand and more than twenty-five hundred, thirty dollars per month; in townships having a population of less than twenty-five hundred and more than six hundred, twenty dollars per month; and in all civil cases such fees as are now or may hereafter be allowed by law.

Justices
of the
peace.

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

Constables.

Constables shall also be allowed by the board of supervisors, in criminal cases only, necessary traveling expenses, and necessary expenses of conveying criminals and persons charged with crime.

15. Each supervisor, twelve hundred dollars per annum, which shall be in full for all services as supervisor and road commissioner for each year. Said salary of twelve hundred dollars shall be payable monthly.

Super-
visors.

16. For the purpose of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors by multiplying by five the vote cast for governor on the sixth day of November, 1906, in each township.

17. The fees of grand jurors and trial jurors in the superior court of said counties of the thirty-sixth class, in criminal cases, only shall be three dollars per day for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by

Jurors.

37th class
(Tehama).
continued.

the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor on the written order of the judge of the court in which juror was in attendance, and the treasurer of said county shall pay such warrants.

18. All salaries provided for in this article shall be paid out of the treasury of the county in monthly installments.

SEC. 41. Section four thousand two hundred sixty-seven of the Political Code is hereby amended to read as follows:

38th class
(Yuba).
salaries.

4267. In counties of the thirty-eighth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

County
clerk

1. The county clerk, three thousand dollars per annum; and the said county clerk may appoint one deputy county clerk, which said office of deputy county clerk is hereby created. The salary of such deputy county clerk is hereby fixed at twelve hundred dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers is paid.

Sheriff.

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

3. The recorder, one thousand five hundred dollars per annum; and the said recorder may appoint one deputy recorder, which said office of deputy recorder is hereby created. The salary of such deputy recorder is hereby fixed at one thousand dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers is paid.

4. The auditor, one thousand dollars per annum.

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

6. The tax collector, one thousand dollars per annum, which shall be in full for all services as tax collector and as license collector.

Assessor.

7. The assessor, two thousand five hundred dollars per annum. The said assessor may appoint one deputy assessor, which said office of deputy assessor is hereby created, who shall serve as such only during the months of March, April, May and June of each year. Said deputy assessor shall receive a salary of one hundred dollars per month, payable during the period of such service, at the same time and in the same manner as the salary of county officers is paid.

8. The district attorney, two thousand dollars per annum.

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

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

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

12. The surveyor, twelve hundred dollars per annum, and in addition thereto, he shall receive his actual traveling and other necessary expenses incurred by him while engaged in work for the county.

38th class
(Yuba).
continued
Surveyor.

13. In counties of this class the township officers shall receive the following compensation, to wit:

Township
officers.

In townships having a population of three thousand or more, justices of the peace and constables shall each receive a monthly salary of sixty dollars per month.

In townships having a population of fifteen hundred and less than three thousand, the justices of the peace and constables shall each receive a monthly salary of forty-five dollars per month.

In townships having a population of eight hundred and less than fifteen hundred, the justices of the peace and constables shall each receive a monthly salary of thirty-five dollars per month.

In townships having a population of five hundred and less than eight hundred, the justices of the peace and constables shall each receive a monthly salary of fifteen dollars per month.

In townships having a population of less than five hundred, the justices of the peace and constables shall each receive a monthly salary of five dollars per month.

The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; *provided*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his township, for service of a warrant of arrest or any other paper in a criminal case, such fees as they are now or may be hereafter allowed by law, for transporting prisoners to the county jail, the actual expenses of such transportation; *and provided, further*, that for the purpose of this subdivision, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election by five. But said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

14. Each member of the board of supervisors, twelve hundred dollars per annum, and mileage when acting as road commissioner, twenty-five cents per mile one way; *provided*, the amount of mileage shall not exceed the sum of three hundred dollars in any one year.

Super-
visors.

SEC. 42. Section four thousand two hundred sixty-eight of the Political Code is hereby amended to read as follows:

4268. In counties of the thirty-ninth class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

39th class
(Tul-
lame).
salaries.

1. The county clerk, two thousand four hundred dollars per annum, and during each year in which a general election is held throughout the state he shall in addition to said salary

County
clerk.

39th class
(Two-
volume),
continued.
Sheriff.

receive each month for the months of August, September, October and November, one hundred dollars, and the same shall be so paid from the same fund as other salaries are paid.

2. The sheriff, four thousand dollars per annum, and the fees, milcage and commissions for the service of all papers issued by any court of the state outside of this county. Also his actual traveling expenses in the execution of a warrant outside of his county issued by a magistrate or court of his county.

Recorder.

3. The recorder, one thousand five hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected; *and provided*, that when the amount of said fees collected shall amount to more than one hundred and twenty-five dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, all fees in excess of one hundred and twenty-five dollars, and not exceeding one hundred and seventy-five dollars, in any month so collected; so that the amount of fees thus received by the recorder for his own use, plus the salary, shall not exceed the sum of one hundred and seventy-five dollars in any one month.

4. The auditor, one thousand dollars per annum.

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

6. The tax collector, one thousand two hundred dollars per annum, and ten per cent of all licenses collected by him.

Assessor.

7. The assessor, twenty-six hundred dollars per annum: *provided*, that in counties of this class there shall be one deputy assessor, who shall be appointed by the assessor of said county and who shall hold office from twelve o'clock meridian of the first Monday of March of each year up to twelve o'clock meridian of the first Monday in July of each year. The salary of said deputy assessor herein provided for is hereby fixed at the sum of one hundred dollars per month during which months he shall hold office as herein provided, which said salary shall be paid by said county at the same time and in the same manner and out of the same fund as is the salary of the assessor.

8. The district attorney, fifteen hundred dollars per annum.

9. The coroner, six hundred dollars per annum.

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

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

Surveyor.

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

Super-
visors.

13. Supervisors, each the sum of nine hundred dollars per annum for all services performed by them, as supervisors, and

members of the board of equalization and road commissioners; *provided*, that each supervisor shall receive ten cents for each mile traveled by the ordinary route, in going from his residence to the county seat and returning, once during each month.

39th class
(Tuolumne),
continued.

14. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population as shown by the federal census of nineteen hundred; townships having a population of two thousand four hundred and not over four thousand shall be classified as townships of the first class, and townships having a population of less than two thousand four hundred shall belong to and be known as townships of the second class.

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

Justices
of the
peace.

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

16. Constables in counties of this class shall receive the following monthly salaries to be paid each month out of the same fund and at the same time as the county officers are paid, which sum shall be in full compensation for all services rendered by them in criminal cases, the same to include all costs of transportation of all prisoners within the county, to wit: Constables in townships of the first class shall receive a monthly salary of seventy-five dollars per month, and constables of townships of the second class shall receive a monthly salary of sixty dollars per month; *provided, further*, that when any constable is required to serve a warrant of arrest or any other paper in a criminal case he shall be allowed mileage both going and coming, at the rate of ten cents per mile, but shall not be allowed any sum for any other expenses.

Constables.

17. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, such fees as are now or may be hereafter provided by law; said compensation for per diem and transcription in criminal cases to be audited and allowed upon a written order of the court, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Reporter.

Jurors' and witness fees, in criminal cases, shall be as follows:

18. For attending as a grand juror or a trial juror in the superior court, in criminal cases only, for each day's attendance, per day, three dollars; for each mile actually traveled in

Jurors.

39th class
(Tuolumne),
continued.

attending court as such juror under summons or under order of court, in criminal cases, in going only, per mile, twenty-five cents and the county clerk shall certify to the auditor the number of days' attendance and number of miles traveled by each juror, and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

Witness fees shall be as follows:

19. For each day's actual attendance, when legally required to attend upon the superior court, per day, one dollar and fifty cents in criminal cases. Mileage actually traveled, one way only, per mile, ten cents; *provided, however*, that such per diem and mileage shall only be allowed on a showing to the court, by the witness, that he is in indigent circumstances and is unable to bear the expense incident to attending court, while required so to do, and that such per diem and mileage are necessary for the expenses of the witness in attending; and the court shall determine the necessity of the same, and shall then make an order directing the auditor to draw his warrant on the county treasurer for the amount allowed, and the treasurer shall pay the same. The court may disallow any fee to a witness unnecessarily subpoenaed.

SEC. 43. Section four thousand two hundred sixty-nine of the Political Code is hereby amended to read as follows:

40th class
(Calaveras),
salaries.

4269. In counties of the fortieth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

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

2. The sheriff, three thousand five hundred dollars per annum, and a jailer at fifty dollars per month, to be paid out of the county treasury; *provided*, the sheriff shall also receive for his own use and benefit his necessary expenses in all criminal cases, to be allowed as other county charges are allowed by law; *and provided, further*, that the sheriff shall also receive for his own use and benefit, the mileage, fees and commission for all services of all papers whatsoever issued by any court of the state outside of his own county.

3. The recorder, one thousand five hundred dollars per annum. In counties of this class the recorder may appoint a copyist for service in his office, which office of copyist for the county recorder is hereby created, and said copyist shall receive as compensation for his services the sum of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officers are paid.

4. The auditor, one thousand dollars per annum.

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

6. The tax collector, twelve hundred dollars per annum and ten per cent of all licenses collected by him; and a deputy, at four dollars per day for not more than one hundred days in any one year, to be paid out of the county treasury.

7. The assessor, two thousand five hundred dollars per annum and two deputies at a salary of five dollars each per day for not more than one hundred days in any one year, and two deputies additional, at a salary of five dollars each per day for not more than fifty days in any one year; such deputies to be paid out of the county treasury.

40th class
(Cal-
vers),
continued.

8. The district attorney, two thousand dollars per annum and necessary traveling expenses to be allowed by the board of supervisors.

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

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

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

12. The surveyor, such fees as are now or may be hereafter allowed by law; *provided*, he shall be given all work for the county in which the county employs a surveyor or civil engineer.

Surveyor.

13. In counties of this class, the township officers shall receive the following compensations, to wit: In townships having a population of over four thousand, justices of the peace shall receive a monthly salary of sixty dollars per month, and constables a monthly salary of sixty-five dollars per month. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

Township
officers.

In townships having a population of more than twenty-seven hundred and not exceeding four thousand, justices of the peace shall receive a monthly salary of thirty dollars per month and constables a monthly salary of forty dollars per month. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

In townships having a population of more than two thousand and less than twenty-seven hundred, justices of the peace shall receive a monthly salary of twenty-five dollars per month and constables a monthly salary of thirty-five dollars per month. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

In townships having a population of less than two thousand, justices of the peace shall receive a monthly salary of twenty dollars per month and constables a monthly salary of twenty-five dollars per month. The above-named salaries shall be in full compensation for all services of said justices of the

4th class
(Californians),
continued.

peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases; *provided*, that where a constable shall be required to travel outside of his own township, in serving or executing a warrant of arrest or any other paper in a criminal case, he shall be allowed, in addition to the salary hereinbefore provided, his actual expenses incurred in serving or executing the same, to be allowed by the board of supervisors; for transporting prisoners to the county jail, the actual expenses of such transportation; *and provided, further*, that for the purpose of this subdivision, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election of each township by five. In addition to the above salaries allowed said justices of the peace and constables, for their services in criminal cases, they may retain for their own use the fees allowed by law in civil cases.

Super-
visors.

14. Each supervisor, six hundred dollars per annum and twenty cents per mile, traveling to county seat, which shall be in full compensation for all services, both as supervisor and road commissioner; *provided*, that in case the said supervisors shall not serve as road commissioners, the salary for supervisor shall be four hundred dollars per annum.

Jurors.

15. For attending as a grand juror, or a trial juror in criminal cases only, in the superior court, for each day's attendance, three dollars; for each mile actually traveled one way as such grand juror, or trial juror in criminal cases, in the superior court, under summons or order of the court, twenty-five cents. The county clerk shall certify to the auditor the number of days' attendance, and the number of miles traveled by each juror and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

SEC. 44. Section four thousand two hundred seventy of the Political Code is hereby amended to read as follows:

41st class
(Amador),
salaries.

4270. In counties of the forty-first class, the county officers shall receive, as compensation for the service required of them by law or by virtue of their office, the following salaries, to wit:

Officers.

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

2. The sheriff, four thousand two hundred and fifty dollars per annum; *provided*, the sheriff shall also receive for his own use and benefit his necessary expenses in all criminal cases, to be allowed as other county charges are allowed by law; *and provided, further*, that the sheriff shall also receive for his own use and benefit, the mileage, fees, and commissions for all services of all papers whatsoever issued by any court of the state outside of his county.

3. The recorder, one thousand eight hundred dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, one thousand eight hundred dollars per annum. 1st class (Amador), continued.

6. The tax collector, five hundred dollars per annum: *provided*, as license collector, he shall, in addition, be entitled to receive, and retain for his own use and benefit, ten per cent on all licenses collected by him.

7. The assessor, one thousand eight hundred dollars per annum, and one deputy at not to exceed five dollars per day for not more than one hundred and twenty-five days in any one year, and one field deputy at not to exceed five dollars per day, for not more than one hundred and twenty-five days in any one year, to be paid out of the county treasury. Assessor.

8. The district attorney, one thousand eight hundred dollars per annum; *provided*, he may charge and receive for his own use necessary expenses for traveling on county and public business, to be allowed as other county charges are allowed by law.

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

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

11. The superintendent of schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county, which expenses shall not exceed three hundred dollars per annum and shall be allowed and paid as a county charge. Superintendent of schools.

12. The surveyor, such fees as are now or may be hereafter allowed by law; *provided*, he shall be given all work for the county in which the county employs one surveyor or civil engineer.

13. In counties of this class the township officers shall receive the following compensation, to wit: Township officers.

In townships having a population of three thousand or more, justices of the peace shall receive a monthly salary of forty dollars per month, and constables a monthly salary of sixty dollars per month.

In townships having a population of more than twenty-two hundred and less than three thousand, the justices of the peace shall receive a monthly salary of thirty-five dollars per month, and constables a monthly salary of fifty-five dollars per month.

In townships having a population of more than eighteen hundred and less than twenty-two hundred, justices of the peace shall receive a monthly salary of thirty dollars per month, and constables a monthly salary of fifty dollars per month.

In townships having a population of more than fourteen hundred and not less than eighteen hundred, justices of the peace shall receive a monthly salary of twenty-five dollars per month, and constables a monthly salary of forty-five dollars per month.

In townships having a population of less than fourteen

41st class
(Amador),
continued.

hundred, justices of the peace shall receive a monthly salary of twenty-five dollars per month, and constables a monthly salary of forty dollars per month. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; *provided*, that, in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his township, for service of a warrant of arrest or any other paper in a criminal case, such fees as they are now or may be hereafter allowed by law; for transporting prisoners to the county jail, the actual expenses of such transportation; *and provided, further*, that for the purpose of this section, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election by five. But said justices of the peace and constables may retain for their own use, the fees allowed by law in civil cases.

Super-
Visors.

14. Each supervisor, four hundred dollars per annum, and ten cents per mile for traveling to and from his residence to the county seat at each session; and, unless otherwise provided by law, when serving as road commissioner, three dollars per day. But he shall not in any one year receive more than three hundred dollars for services as such road commissioner.

Jurors.

15. Grand jurors, and jurors in the superior court in criminal cases shall be paid three dollars per day for each day's attendance, and for each mile actually traveled in going only while acting as such jurors, fifteen cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of each such juror for said per diem and mileage, and the treasurer shall pay the same.

SEC. 45. Section four thousand two hundred seventy-one of the Political Code is hereby amended to read as follows:

42d class
(Madera),
salaries.

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

County
clerk.

1. The county clerk, eighteen hundred dollars per annum; *provided*, that in counties of this class there shall be, and there hereby is allowed to the county clerk, one deputy clerk, who shall be appointed by the county clerk and shall be paid a salary as follows: The sum of seven hundred and eighty dollars per annum, which sum shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk.

Sheriff.

2. The sheriff, forty-two hundred dollars per annum, and such mileage as is allowed by law, and the fees, mileage, or commissions for the service of all papers whatever issued by any court outside of his county, and all mileage for the service of papers in civil cases in his own county, and the actual expenses incurred in criminal cases, and fifteen cents for each meal for feeding prisoners confined in the county jail.

3. The recorder, fifteen hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees provided by law to be collected; and *provided*, that when the amount of said fees collected shall amount to more than one hundred and twenty-five dollars in any month, the recorder may receive and retain for his own use in addition to his salary, all fees in excess of one hundred and twenty-five dollars, and not exceeding one hundred and seventy-five dollars in any month so collected, so that the amount of fees thus received by the recorder for his own use plus the salary shall not exceed the sum of one hundred and seventy-five dollars in any one month; and *provided, further*, that in counties of this class there shall be and there hereby is allowed to the recorder one deputy recorder who shall be appointed by the recorder and shall be paid a salary as follows: the sum of seven hundred and eighty dollars per annum, which sum shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the recorder.

42d class
(Madera),
continued.
Recorder.

4. The auditor, eighteen hundred dollars per annum.

5. The treasurer, sixteen hundred and twenty dollars per annum.

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

7. The assessor, twenty-five hundred dollars per annum.

8. The district attorney, eighteen hundred dollars per annum; *provided*, that when such officer is required by law to absent himself from the county seat on official duty, he may appoint a temporary deputy whose compensation shall be three dollars per day for the time actually served, and such allowance shall be made as other claims are allowed by the board of supervisors, and when so allowed shall be paid out of the salary fund.

District
attorney.

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

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

11. The superintendent of schools, twelve hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools, a deputy who shall be appointed by the superintendent of schools and paid a salary of five hundred dollars per annum; said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

12. The surveyor, ten dollars per day when engaged in county work. He shall also receive his actual expenses when at work in the field.

Surveyor.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

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

43d class
(Madera),
continued.

Super-
visors.

15. Each member of the board of supervisors, twelve hundred dollars per annum, and twenty-five cents per mile while traveling from their respective residence to the county seat, not more than once each month.

16. In counties of this class the official reporter of the superior court shall receive such fees as are now and may hereafter be allowed by law.

SEC. 46. Section four thousand two hundred seventy-two of the Political Code is hereby amended to read as follows:

43d class
(San
Benito),
salaries.

Officers.

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

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

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

3. The recorder, twelve hundred dollars per annum.

4. The auditor, six hundred dollars per annum.

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

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

7. The assessor, twenty-four hundred dollars per annum.

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

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

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

11. The superintendent of schools, one thousand six hundred dollars per annum.

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

Justices
of the
peace.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than twenty-five hundred, seventy dollars per month; in townships having a population of less than twenty-five hundred and more than one thousand, twenty dollars per month; in townships having a population of less than one thousand and more than six hundred, fifteen dollars per month; in townships having a population of less than six hundred, ten dollars per month. In addition to the compensation received in criminal cases, each justice of the peace shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

Constables.

14. Constables shall receive the following monthly salaries to be paid each month, and in the same manner and out of the

same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than twenty-five hundred, thirty-five dollars per month; in townships having a population of less than twenty-five hundred and more than one thousand, fifteen dollars per month; in townships having a population of less than one thousand, ten dollars per month; *provided*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

46th class
(San
Benito),
continued.

15. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat.

Super-
visor.

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

Board of
education.

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

SEC. 47. Section four thousand two hundred seventy-three of the Political Code is hereby amended to read as follows:

4273. In counties of the forty-fourth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

44th class
(Colusa),
salaries.

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

Officers.

2. The sheriff, four thousand dollars per annum, and the fees or commissions for the service of all papers issued by any court of the state outside of his county. Also his actual traveling expenses in the execution of a warrant outside of his county issued by a magistrate or court of his county.

3. The recorder, eighteen hundred dollars per annum.

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

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

6. The tax collector, one thousand two hundred dollars per annum.

4th class
(Col. 2),
continued.

7. The assessor, three thousand dollars per annum.

8. The district attorney, two thousand dollars per annum.

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

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

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

Surveyor.

12. The surveyor, fifteen hundred dollars per annum, which shall be in full for all services required of him by the superior court or the board of supervisors, and as ex officio county recorder; *provided*, that he shall be entitled to receive from the county his actual and necessary traveling expenses, incurred in the performance of any order of the court or board of supervisors; for all other services the fees allowed by law.

Justices
of the
peace.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same funds as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population of less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred, thirty dollars per month. In addition to the compensation received in criminal cases each justice of the peace shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

Constables.

14. Constables shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population of less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred, thirty dollars per month; *provided*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases each constable shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

Super-
visor.

15. Each supervisor, one hundred dollars per month, and mileage at the rate of twenty cents per mile for traveling from residence to county seat to attend upon a session of the board. The salary herein allowed shall be in full for all services, including duties as road commissioner.

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

17. The board of supervisors in counties of this class may, by resolution, authorize the county surveyor to employ such assistants as may be necessary to perform such work as may be ordered by the board of supervisors or prescribed by law, and fix the compensation of such assistants, not to exceed three dollars per day and actual and necessary traveling expenses while in the field; such compensation and expenses to be allowed and paid as county charges.

44th class
(Colusa),
continued.

SEC. 48. Section four thousand two hundred seventy-four of the Political Code is hereby amended to read as follows:

4274. In counties of the forty-fifth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries and fees, to wit:

45th class
(11)
(Dorado),
salaries.

1. The county clerk, fifteen hundred dollars per annum and such fees as he may be allowed by law to retain; *and provided*, that in each year when a new registration is required he shall receive in addition to his salary the sum of ten (10) cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election, and paid from the general fund of the county.

County
clerk.

2. The sheriff, three thousand dollars per annum, and fees, commissions and mileage for the service of papers or process served by him in all civil cases from any court, also his necessary expenses for pursuing criminals or transacting any criminal business.

Sheriff.

3. The recorder, twenty-one hundred dollars per annum, and all fees and commissions allowed by law to the registrar for preparing vital statistics for the State of California, and also the sum of twenty-five dollars per annum for preparing the abstract of mortgages for use of county assessor, as required by law.

Recorder.

4. The auditor, nine hundred dollars per annum.

5. The treasurer, fifteen hundred dollars per annum.

6. The tax collector, five hundred dollars per annum, and ten per cent on all licenses collected by him as license collector.

7. The assessor, three thousand five hundred dollars per annum.

8. The district attorney, fifteen hundred dollars per annum.

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

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

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

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

13. Each justice of the peace, the following fees: In civil actions before him, for all services required to be performed by him before trial, two dollars.

Justices
of the
peace.

45th class
(El
Dorado),
continued.

For a trial and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment, four dollars.

In all cases where judgment is rendered by default or confession, for all services, from the filing of the complaint to and including the entry of judgment, three dollars.

For issuing a writ of attachment, to include all affidavits, taking and approving bond, and all oaths and certificates necessary thereto, three dollars.

For all services and proceedings in a criminal action or proceeding whether on examination or trial, three dollars; *provided*, that if the defendant plead guilty, only two dollars shall be allowed.

For taking bail, after commitment by another magistrate, fifty cents.

For making transcript of docket, making up and transmitting papers on appeal, including the certificate to the same, two dollars.

For copies of docket or papers in his office, per folio, twenty cents.

For issuing a search warrant, to be paid by the party demanding the same, one dollar.

For celebrating a marriage, and returning the certificate to the recorder, three dollars.

For docketing a judgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

For taking depositions, per folio, twenty cents.

For administering an oath, twenty-five cents, and certificate to same twenty-five cents; for each certificate, twenty-five cents.

For issuing a commission to take testimony, seventy-five cents.

For all services connected with the posting of estrays, including the transcript for the recorder, three dollars.

For issuing an execution and entering satisfaction of the judgment, fifty cents.

In all cases before justices of the peace when the venue shall be changed the justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the manuscript and papers, shall receive three dollars; and the justice before whom the trial shall take place, shall receive the same fee as if the action had been commenced before him.

Constables.

14. Each constable shall receive the following fees: for serving all summons in civil cases, for each defendant, including the copy required by law, one dollar.

For summoning a jury of twelve or less before a justice, one dollar and fifty cents, for each additional juror above twelve, twenty-five cents.

For taking any bond required by law to be taken, fifty cents.

For subpoenaing each witness, twenty-five cents.

For serving an attachment or levying an execution on the property of a defendant, one dollar and fifty cents.

For summoning and swearing a jury to try the rights of property, and making a verdict, two dollars.

15th class
(El Dorado)
continued

For receiving and taking care of property on execution, order or attachment, his actual necessary expenses, to be allowed by the justice who issued the order, attachment or execution upon the affidavit of the constable that the charges are correct and that the expenses were necessarily incurred.

For collecting all sums on execution, three per cent, to be charged against the defendant named in the execution.

For serving a warrant or order for the delivery of personal property, or making an arrest in a civil case, one dollar and fifty cents.

For making each arrest in criminal cases, two dollars.

For every mile necessarily traveled, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to prison, twenty-five cents; but when two or more persons are served or summoned in the same suit and at the same time, mileage shall be charged only for the most distant, if they live in the same direction.

For sales of estrays, the same fees as for sales on execution.

For the transportation of prisoners to the county jail the actual necessary expenses.

For attending a justice's court and taking charge of a jury and prisoner when required two dollars for each day of actual attendance upon the court.

For all other services the same fees as are allowed sheriffs for like services.

15. Each member of the board of supervisors, four hundred dollars per annum and twenty cents per mile for traveling from his residence to the county seat, also his actual necessary expenses while acting as ex officio road overseer or commissioner, not to exceed three hundred dollars in any one year.

Super-
visor.

16. Each member of the board of education, whether appointed or ex officio, shall receive five dollars per day as compensation for his services while in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board. Said compensation of the members of said board shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such services and mileage shall be presented to the board of supervisors, and shall be allowed at the rate above named in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided for is not in addition to that provided in section one thousand seven hundred and seventy of this code. In counties in which there is a county high school, the board of education, acting as high school trustees, shall have power to allow and to pay from the county high school fund a sum not exceeding twenty-five dollars per month to the secretary of such board in full compensation for his

Board of
education.

services as such, said compensation to be in addition to the per diem hereinbefore allowed to him as a member of said board of education.

SEC. 49. Section four thousand two hundred seventy-five of the Political Code is hereby amended to read as follows:

46th class
(43rd),
salaries.

4275. In counties of the forty-sixth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

Officers.

1. The county clerk, twenty-seven hundred dollars per annum.

2. The sheriff, three thousand dollars per annum, and the fees or commissions for the service of all papers issued by any court of the state outside of his county; also, his actual and necessary traveling expenses in the execution of a warrant outside of his county issued by a court or magistrate of his county.

3. The recorder, eighteen hundred dollars per annum.

4. The auditor, fifteen hundred dollars per annum.

5. The treasurer, twelve hundred dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, twenty-five hundred dollars per annum.

8. The district attorney, sixteen hundred dollars per annum.

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

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

11. The superintendent of schools, sixteen hundred dollars per annum, and traveling expenses while visiting schools of his county; and for services as secretary of the board of education he shall receive five dollars per day for each day said board is in session.

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

Justices
of the
peace.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population of less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred, twenty dollars per month. In addition to the compensation received in criminal cases each justice of the peace shall receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions.

Constables.

14. Constables shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred,

seventy-five dollars per month; in townships having a population of less than nine hundred, and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred, twenty dollars per month; *provided*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions.

40th class
(Glenn).
continued.

15. Each supervisor, five dollars per day while attending sessions of the board and while engaged in the performance of the duties of road commissioner, and mileage at the rate of twenty cents per mile for traveling from residence to county seat in attendance upon a regular session of the board.

Super-
visor.

16. Official reporters same as now provided by law.

Sec. 50. Section four thousand two hundred seventy-six of the Political Code is hereby amended to read as follows:

4276. In counties of the forty-seventh class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

47th class
(Inyo).
salaries.

1. The county clerk, sixteen hundred dollars per annum.

Officers.

2. The sheriff, five thousand dollars per annum and mileage for service of any and all processes required by law to be served by him, at the rate of ten cents per mile for every mile necessarily traveled in the performance of such duty, and for service of all processes issued from all courts outside of his county.

3. The recorder, eight hundred dollars per annum. From and after the enactment of this act he may appoint such copyists as are necessary to properly perform the duties of this office, at a compensation of six cents per folio for all notices of location of mining claims copied, and the auditor shall draw his warrant monthly in favor of such copyists so employed, verifying the number of folios copied by him, to which verified statement shall be attached a certificate of the recorder that it is correct; *provided*, that whenever such copyist is appointed that a notice of such appointment must be immediately filed with the auditor before he can draw any warrant in favor of such copyist.

Recorder.

4. The auditor, two hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, fifteen hundred dollars per annum.

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

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

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

11. The superintendent of schools, four hundred dollars per annum.

47th class
(Inyo),
continued.

Justices of
the peace.

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

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered, as hereinafter provided. In townships having a population of three thousand or more, eighty-five dollars per month, which said salary shall be in full compensation for all services rendered by said justices of the peace in both civil and criminal cases, and all such fees as are allowed by law in civil cases shall be paid by said justices of the peace into the county treasury, as the fees of county officers are paid in. In townships having a population of not less than two thousand and under three thousand, thirty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary, each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may hereafter be allowed by law. In townships having a population of not less than one thousand and under two thousand, twenty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary, each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law. In townships having a population of less than one thousand, fifteen dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are [now] or may be hereafter allowed by law.

14. Constable, such fees as are now or may be hereafter allowed by law.

Super-
visor.

15. Each member of the board of supervisors, six dollars per day when board is in session; thirty cents per mile, one way. Three dollars per day when actually serving as road commissioner, not to exceed three hundred dollars per annum.

Reporter.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examination in justices' courts, a salary of ten dollars per diem, during employment, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers, and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy: said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

17. The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers aforesaid.

Sec. 51. Section four thousand two hundred seventy-seven of the Political Code is hereby amended to read as follows:

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

48th class
(Sutter),
salaries.

1. The county clerk, two thousand dollars per annum.
2. The sheriff, thirty-five hundred dollars per annum, and actual traveling expenses incurred in the pursuit or arrest of criminals, either in or out of his county.
3. The recorder, fifteen hundred dollars per annum.
4. The auditor, five hundred dollars per annum.
5. The treasurer, twelve hundred dollars per annum.
6. The tax collector, eight hundred dollars per annum, which shall be in full for all services as tax collector and license collector.
7. The assessor, eighteen hundred dollars per annum.
8. The district attorney, fifteen hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.

Officers.

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

12. The surveyor, nine hundred dollars per annum, and in addition thereto, he shall receive his actual traveling and other necessary expenses incurred by him while engaged in work for the county.

13. Each supervisor, fifty dollars per month, payable at the same time and in the same manner as other county officers are paid, and his necessary and actual expenses when attending to the business of the county by order of the board, and mileage at the rate of twenty cents per mile for traveling from his residence to the county seat to attend the sessions of the board, and mileage at the rate of twenty cents per mile one way for all actual distances traveled by him in the performance of his duties as road commissioner.

Supervisor.

14. In counties of this class the township officers shall receive the following compensation:

Township-
officers.

In townships having a population of twenty-five hundred or more, justices of the peace and constables shall each receive a salary of thirty dollars per month.

In townships having a population of fifteen hundred and less than twenty-five hundred, the justices of the peace and constables shall each receive a salary of fifteen dollars per month.

In townships having a population of less than fifteen hundred the justices of the peace and constables shall each receive a salary of ten dollars per month.

48th class
(Sutter).
continued.

The above-named salaries shall be in full compensation for all services of the said justices of the peace and constables in criminal cases; *provided*, that in addition to the salary herein allowed each constable shall be paid out of the treasury of the county for traveling expenses outside of his township for service of a warrant of arrest or any other paper in a criminal case such fees as are now or may be hereafter allowed by law, and for transporting prisoners to the county jail the actual expenses for such transportation, and his actual and necessary expenses in the keeping and caring for property seized by him under a writ of attachment or execution; *and provided, further*, that justices of the peace and constables may retain for their own use, the fees which are now or may be hereafter allowed to them respectively in civil cases; *and provided, further*, that for the purpose of this section, the population of the several townships shall be ascertained by multiplying the number of registered voters in each township at the last general election by five.

SEC. 52. Section four thousand two hundred seventy-eight of the Political Code is hereby amended to read as follows:

49th class
(Modoc).
salaries.

4278. In counties of the forty-ninth class, the county officers shall receive as compensation for the services required of them by the law or by virtue of their office, the following salaries, to wit:

County
clerk.

1. The county clerk, eighteen hundred dollars per annum; *provided*, that in counties of this class the county clerk shall be allowed a copyist, who shall be appointed by the county clerk and paid the salary of fifty dollars per month; said salary to be paid at the same time, in the same manner and out of the same fund as the salary of the county clerk; *and provided, further*, that in counties of this class, during the years when the compilation of a great register is required by law, the registration clerks in the several precincts of the county shall be allowed the sum of ten cents per name for each affidavit legally taken for registration; said sum to be allowed and paid to said registration clerks by the board of supervisors as other county charges are allowed and paid.

Sheriff.

2. The sheriff, twenty-five hundred dollars per annum.

3. The recorder, one thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a copyist who shall be appointed by the recorder, and paid the salary of fifty dollars per month; said salary to be paid by the said county in monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the recorder is paid.

4. The auditor, six hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, twelve hundred dollars per annum, and ten per cent on all licenses collected by him as license collector.

Assessor.

7. The assessor, one thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor one deputy; to be ap-

pointed by him, who shall receive the salary of seventy-five dollars per month for not exceeding four months in any calendar year, said salary to be paid by said county in monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the assessor is paid.

48th class
(Moderator),
continued.

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

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

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

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

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

13. The justice of the peace, such fees as are now or may hereafter be allowed by law.

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

15. Each supervisor, six dollars per day when the board is in session, not to exceed three hundred dollars per year, exclusive of mileage, and twenty-five cents per mile for traveling one way only from his residence to the county seat at each sitting of the board; and his necessary expenses while supervising the roads of his district, or attending to the business of the county, other than the meetings of the board, not to exceed the sum of four hundred and sixty dollars per annum.

Super-
visor.

16. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said courts, and for preliminary examinations in justices' courts, and at coroners' inquests, a per diem of ten dollars, and for transcription of said notes, when required during the progress of a trial, he shall receive the sum of twenty-five cents per folio for the original and five cents per folio for one copy; but if such transcription is not required until after the conclusion of the trial, then he shall receive the sum of ten cents per folio for original, and five cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases, to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

Reporter.

Sec. 53. Section four thousand two hundred seventy-nine of the Political Code is hereby amended to read as follows:

4279. In counties of the fiftieth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

50th class
(Lake),
salaries.

1. The county clerk, eighteen hundred dollars per annum.

Officers.

7th class
(Lake),
continued.
Officers.

2. The sheriff, twenty-four hundred dollars per annum, and the fees or commissions for the service of all papers issued by any court of the state outside of his county, and his actual and necessary traveling expenses while executing a warrant outside of his county issued by a magistrate or court within his county.

3. The recorder, eighteen hundred dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, one thousand dollars per annum which shall be in full for all services as tax collector and license collector.

7. The assessor, fifteen hundred dollars per annum.

8. The district attorney, fifteen hundred dollars per annum.

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

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

11. The superintendent of schools, one thousand dollars per annum, and actual and necessary traveling expenses when visiting schools of his county. He shall also be allowed five dollars per day for acting as secretary of the board of education for each day said board is in session.

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

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

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

15. Each member of the board of supervisors, five dollars a day when the board is in session, and ten cents a mile, in going only, for traveling from his residence to the county seat, and when serving as road commissioner three dollars per day, and actual and necessary expenses; *provided*, he shall not in any one year receive more than three hundred dollars as supervisor, exclusive of mileage, nor more than two hundred dollars as road commissioner, exclusive of traveling expenses.

Board of
education.

16. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of ten cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools. Claims for such service and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named, and in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section seventeen hundred and seventy of this code.

SEC. 54. Section four thousand two hundred eighty of the Political Code is hereby amended to read as follows:

4280. In counties of the fifty-first class, the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

51st class
(Plumage),
salaries.

1. The county clerk, two thousand dollars per annum, except in the years when a general election is held, and in such years, he shall receive two thousand three hundred dollars per annum.

Officers.

2. The sheriff, four thousand dollars per annum.

3. The recorder, one thousand eight hundred dollars per annum.

4. The auditor, four hundred dollars per annum.

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

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

7. The assessor, one thousand eight hundred dollars per annum.

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

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

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

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

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

13. Justices of the peace, such fees as are now or may hereafter be allowed by law.

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

15. Each supervisor, eight dollars per day while the board is in session, and mileage from residence to the county seat at each sitting of the board of twenty cents per mile; also twenty cents per mile for each mile actually and necessarily traveled in discharging the duties of road commissioner, but he shall not in any one year receive more than three hundred dollars for per diem as supervisor, and he shall not in any one year receive more than three hundred dollars as road commissioner.

Super-
visor.

16. The license collector, ten per cent of all licenses collected by him.

SEC. 55. Section four thousand two hundred eighty-one of the Political Code is hereby amended to read as follows:

4281. In counties of the fifty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

52d class
(Lassen),
salaries.

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

Officers.

2. The sheriff, three thousand dollars per annum.

3. The recorder, one thousand six hundred dollars per annum.

52d class-
(Assessors).
continued.

4. The auditor, five hundred dollars per annum.

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

6. The tax collector, five hundred dollars per annum, and ten per cent of all licenses collected by him as license collector.

Assessors.

7. The assessor, one thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor one deputy, to be appointed by him, who shall receive the salary of seventy-five dollars per month for not exceeding four months in any calendar year, said salary to be paid by said county in monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the assessor is paid.

8. The district attorney, two thousand four hundred dollars per annum.

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

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

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

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

Justices of
the peace.

13. In counties of this class the justices of the peace shall receive the following compensation: Justices of the peace who have their offices at the county seats, fifty dollars per month, which shall be in full for all services rendered by them in criminal cases, and also such fees as are now or may hereafter be allowed by law for all services performed in civil actions; *provided*, that said justices of the peace shall have regular office hours, and shall be in attendance at their said offices not less than three hours of each and every day, except Sundays and holidays, between the hours of nine A. M. and five P. M. Justices of the peace whose offices are not at the county seats, shall receive such fees as are now or may hereafter be allowed by law in both civil and criminal cases.

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

Super-
visor.

15. Each member of the board of supervisors, two hundred and fifty dollars per annum; mileage from residence to county seat at each sitting of the board, twenty cents per mile, also three dollars per day, and actual traveling expenses in discharging the duties of road commissioner, but he shall not in any one year receive more than three hundred dollars as road commissioner.

Reporter.

16. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts, and coroners' inquests, a per diem of ten dollars, and for transcription of said notes when required during the progress of a trial, he shall receive

the sum of twenty-five cents for the original and five cents per folio for one copy; but if such transcription is not required until after the conclusion of the trial, then he shall receive the sum of ten cents per folio for original, and five cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside the county seat.

52d class
(Lassen),
continued.

SEC. 56. Section four thousand two hundred eighty-two of the Political Code is hereby amended to read as follows:

4282. In counties of the fifty-third class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

53d class
(Sierra),
-salaries.

1. The county clerk, one thousand three hundred dollars per annum; *provided*, that in years when a great register of voters is required by law to be made, the county clerk shall receive in addition to his regular salary the sum of four hundred dollars for such services.

Officers

2. The sheriff, two thousand five hundred dollars per annum, and twenty-five cents mileage, in going only.

3. The recorder, four hundred dollars per annum; *provided*, that the recorder may retain to his own use all fees paid him for recording notices of location of mining claims and affidavits of annual expenditures upon mining claims, made under the laws of congress; *and further, provided*, that all acts of the recorder of counties of this class in retaining to his own use any fees for recording notices of location of mining claims and affidavits of annual expenditures upon mining claims, made under the laws of congress, whether done as mining recorder or as recorder, are hereby validated and declared legal, and that such recorder may continue to retain to his own use such fees.

4. The auditor, three hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, three hundred and fifty dollars per annum.

7. The assessor, one thousand six hundred dollars per annum.

8. The district attorney, one thousand dollars per annum, and his necessary traveling expenses, to be allowed by the board of supervisors.

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

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

11. The superintendent of schools, six hundred and twenty-five dollars per annum, and actual traveling expenses when visiting the schools of his county.

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

53d class
(Sierra),
continued.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

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

Super-
visor.

15. Each supervisor, three hundred and fifty dollars per annum, and twenty cents per mile for traveling to and from his residence to the county seat at each session.

When traveling by order of the board upon county business, each supervisor shall be allowed his actual itemized expenses. For all services as road commissioner, each supervisor shall receive three dollars per day, but he shall not in any one year receive more than five hundred dollars as supervisor.

16. The license collector, such compensation as the board of supervisors shall fix.

SEC. 57. Section four thousand two hundred eighty-three of the Political Code is hereby amended to read as follows:

54th class
(Mariposa),
salaries.

4283. In counties of the fifty-fourth class, the county officers shall receive as compensation for their services required of them by law, or by virtue of their offices, the following salaries, to wit:

Officers.

1. The county clerk, fifteen hundred dollars per annum, except in the years when a general election is held, and in such years he shall receive eighteen hundred dollars per annum.

2. The sheriff, thirty-eight hundred dollars per annum.

3. The recorder, twelve hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury for the use and benefit of the county, the fees required by law to be so collected; *and provided*, that when the amount of said fees collected shall exceed one hundred dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, one half of all fees in excess of one hundred dollars in any month, so collected; *and provided*, that the recorder may retain for his own use, all fees collected for filing or recording proofs of labor or notices of location of mining claims.

4. The auditor, six hundred dollars per annum.

5. The treasurer, twelve hundred dollars per annum.

6. The tax collector, one thousand dollars per annum and ten per cent on all licenses collected by him.

7. The assessor, one thousand six hundred and fifty dollars per annum

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

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

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

11. The superintendent of schools, six hundred dollars per annum and actual traveling expenses while visiting the schools of the county.

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

13. Justices of the peace, such fees as are now or may be hereafter allowed by law. 54th class (Mariposa), continued.

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

15. Each member of the board of supervisors, five dollars per day for each day's actual service while the board is in session and ten cents per mile for each mile necessarily traveled to and from the place of meeting; also, three dollars per day for each day's service while serving as road commissioner. Such compensation, as road commissioner, not to exceed three hundred dollars per annum.

16. Grand jurors and jurors in the superior court in criminal cases shall be paid three dollars per day for each day's attendance and for each mile actually traveled in going only, while acting as such juror, fifteen cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for said per diem and mileage, and the treasurer shall pay the same. Jurors

SEC. 58. Section four thousand two hundred eighty-four of the Political Code is hereby amended to read as follows:

4284. In counties of the fifty-fifth class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: 53th class (Trinity), salutes.

1. The county clerk, fifteen hundred dollars per annum. Officers.
2. The sheriff, three thousand dollars per annum.
3. The recorder, eight hundred dollars per annum; *provided*, that there shall be and hereby is allowed to the recorder one deputy, to be appointed by the recorder whose salary is hereby fixed at six hundred dollars per annum, which salary shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the recorder.
4. The auditor, six hundred dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The assessor, fifteen hundred dollars per annum.
8. The district attorney, one thousand dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.

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

11. The superintendent of schools, seven hundred dollars per annum.

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

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

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

15. Each member of the board of supervisors, two hundred and fifty dollars per annum; mileage from residence to Superior.

55th class
(Trinity).
continued.

county seat at each sitting of the board, twenty cents per mile; also three dollars per day and actual traveling expenses in discharging the duties of road commissioner, but he shall not in any one year receive more than two hundred and fifty dollars as road commissioner.

Jurors.

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

SEC. 59. Section four thousand two hundred eighty-five of the Political Code is hereby amended to read as follows:

56th class
(Del Norte).
salaries.

4285. In counties of the fifty-sixth class, the county officers shall receive as compensation for the services required of them by law and by virtue of their offices, the following salaries, to wit:

County
clerk.

1. The county clerk, nine hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the clerk a deputy to act as clerk of the board of supervisors, who shall be appointed by the county clerk and be paid a salary of fifty dollars per month; said salary to be paid by said county in monthly installments at the time and in the manner and out of the same fund as the salary of the county clerk is paid.

Sheriff.

2. The sheriff, eighteen hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed a jailer who shall be appointed by the sheriff and be paid a salary of twenty-five dollars per month; and said salary to be paid by said county monthly and at the time and in the manner and out of the same fund as the salary of the sheriff is paid.

Recorder.

3. The recorder, six hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a copyist, which office of copyist to the recorder is hereby created and which copyist shall be appointed by the recorder and be paid the salary of fifty dollars per month: said salary to be paid by said county in monthly installments at the time and in the manner and out of the same fund as the salary of recorder is paid.

4. The auditor, three hundred dollars per annum.

5. The treasurer, twelve hundred dollars per annum.

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

7. The assessor, nine hundred dollars per annum.
8. The district attorney, twelve hundred dollars per annum and such fees as are now or may hereafter be paid to that officer. 56th class
(Del Norte),
continued.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, seven hundred and twenty dollars per annum.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each member of the board of supervisors, four hundred and twenty dollars per annum and twenty cents per mile in traveling from his residence to the county seat, going only; *provided*, that only one mileage shall be allowed for any regular session of the board. Super-
visor.
16. In counties of this class the official reporter of the superior court shall receive as full compensation for taking notes in civil and criminal cases tried in said court and for preliminary examinations in justices' courts and the coroner's inquests, a monthly salary not to exceed fifty dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for the copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county and paid out of the county treasury, and in civil cases to be paid by the party ordering the same or when ordered by the judge, by either party or jointly by both parties as the court may direct. Reporter.
17. The fees of grand jurors and trial jurors in the superior courts of said counties of this class in civil and criminal cases, shall be three dollars in lawful money of the United States for each day's attendance and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for. Jurors.

SEC. 60. Section four thousand two hundred eighty-six of the Political Code is hereby amended to read as follows:

4286. In counties of the fifty-seventh class the county and township officers shall respectively receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries and compensation, to wit:

1. The county clerk, twelve hundred dollars per annum.
2. The sheriff, twenty-six hundred dollars per annum.
3. The recorder, six hundred dollars per annum. In counties of this class the recorder may appoint a copyist for service in his office, which office of copyist for the county recorder is hereby created, and said copyist shall receive as compensation for his services fifty per cent of the amount collected in said office during his period of service for filing and recording mining locations and affidavits of assessment work.
4. The auditor, two hundred dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, five hundred dollars per annum.
7. The assessor, twelve hundred dollars per annum.
8. The district attorney, twelve hundred dollars per annum.
9. The coroner, such fees as are now or may hereafter be allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, four hundred dollars per annum.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each member of the board of supervisors, six dollars per day during session, and thirty cents per mile one way to board meeting; three dollars per day (no mileage) as road commissioner when actually engaged in road business.
16. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts, a per diem of eight dollars; and for transcription of said notes, when required during the progress of the trial, he shall receive the sum of twenty cents per folio for the original and five cents per folio for one copy; but if such transcription is not required until after conclusion of trial, then he shall receive the sum of ten cents per folio for original, and three cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

57th class
(Mono).
salaries.

Officers.

Super-
visor.

Reporter.

17. Jurors' fees in criminal cases shall be as follows: For attending as a grand juror or a trial juror in the superior court, in criminal cases only, for each day's attendance, per day, three dollars; for each mile actually traveled in attending court as such juror under summons or under order of court, in criminal cases, in going only, per mile, thirty cents, and the county clerk shall certify to the auditor the number of days' attendance and number of miles traveled by each juror, and the auditor shall draw his warrant therefor and the treasurer shall pay the same.

57th class
(Moto).
continued.
Jurors.

SEC. 61. A new section is hereby added to the Political Code to be numbered section four thousand two hundred eighty-seven and to read as follows:

4287. In counties of the fifty-eighth class the county and township officers shall respectively receive, as compensation for services required of them by law, or by virtue of their office, the following salaries and compensation, to wit:

58th class
(Alpine),
salaries.

1. The county clerk, five hundred dollars per annum.
2. The sheriff, seven hundred dollars per annum.
3. The recorder, five hundred dollars per annum.
4. The auditor, two hundred dollars per annum.
5. The treasurer, three hundred dollars per annum.
6. The tax collector, three hundred dollars per annum.
7. The assessor, three hundred dollars per annum.
8. The district attorney, one thousand dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, two hundred dollars per annum.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may hereafter be allowed by law.
15. Each supervisor, five dollars per day when the board is in session, and twenty cents per mile for traveling from his residence to the county seat, going only, and only one mileage shall be allowed for any regular session of the board; and when serving as road commissioner, three dollars per day. Such per diem not to exceed the total sum of fifty dollars per annum. *Provided, however,* that five per cent only shall be allowed the sheriff or tax collector as fees for collecting licenses in counties of this class.

Officers.

SEC. 62. Section four thousand two hundred ninety of the Political Code is hereby amended to read as follows:

4290. The salaries and fees provided in this title shall be in full compensation for all services of every kind and description rendered by the officers named in this title either as officers or ex officio officers, their deputies and assistants, unless in this title

Salaries.

otherwise provided, and all deputies employed shall be paid by their principals out of the salaries provided in this title, unless in this title otherwise provided: *provided*, and except that the

Assessor. the assessor shall be entitled to receive and retain for his own use, unless in this title otherwise provided, six per cent on personal property tax collected by him, as authorized by section thirty-eight hundred and twenty, and fifteen per cent of all amounts collected by him for poll taxes and road poll taxes, and also five dollars per hundred names of persons returned by him as subject to military duty, as provided in section nineteen hundred and one, and the license collector shall be entitled to receive and retain for his own use ten per cent on all licenses collected by him, except where otherwise provided in this title; *provided, however*, that in counties of the first and second class, the assessor shall receive no commission for the collection of taxes on personal property, nor shall such assessor receive any compensation for making out military roll of persons returned by him as subject to military duty as provided by section nineteen hundred and one; nor shall the license collector in counties of the first and second class receive any commission on licenses collected by him; *provided, further*, that the treasurer shall receive and retain for his own use the commissions on all inheritance and transfer taxes collected by him; and *provided, further*, that whenever the treasurer of any county shall employ a special attorney for the collection of such taxes said attorney shall be paid out of the commissions and fees allowed by law for the collection of such taxes; *provided*, that in any county where the number of judges of the superior court shall have been increased since the first day of January, eighteen hundred and ninety-seven, or shall hereafter be increased, there must be and there hereby is allowed to the sheriff of such county, by reason of such increase, one additional deputy, to be appointed by the sheriff, at a salary not exceeding twelve hundred dollars per annum, to be paid at the same time and in the same manner as other county officers are paid; and also there must be and is hereby allowed to the county clerk of such county, one additional deputy to act as court room clerk, for each judge so appointed or elected, at a salary not exceeding twelve hundred dollars per annum for each of said deputies, to be paid at the same time and in the same manner county officers are paid.

Sheriff's deputy.

County clerk's deputy.

Sheriff's expenses. The board of supervisors shall allow to the sheriff his necessary expenses for pursuing criminals, or transacting any criminal business, and for boarding prisoners in the county jail; *provided*, that the board of supervisors shall fix a reasonable price at which such prisoners shall be boarded, if not otherwise provided for in this title; *provided, further*, that the sheriff shall be entitled to receive and retain for his own use, five dollars per diem for conveying prisoners to and from the state prisons, and for conveying persons to and from the insane asylums, or other state institutions not otherwise provided for by law; also, all expenses necessarily incurred in conveying

Conveying prisoners to prison.

insane persons to and from the insane asylums, and in conveying persons to and from the state prisons, or other state institutions, which per diem and expenses shall be allowed by the board of examiners and collected from the state. The court shall also allow the sheriff his necessary expenses in keeping and preserving property seized on attachment or executions, to be paid out of the fees collected in the action. The sheriff may retain for his own use the mileage for service of papers or process issued by any court of the state; *provided, further,* that the county treasurers of the several counties of this state, where their necessary expense incurred in the making of the state settlements provided for by section thirty-eight hundred and sixty-six shall exceed the maximum amount of mileage allowed them by section thirty-eight hundred and seventy-six shall be allowed out of the county treasury of their respective counties, the amount of such excess, which shall be paid as other demands against the county are paid.

Expenses
of
treasurer.

SEC. 63. Sections four thousand two hundred forty-three *a*, four thousand two hundred fifty *a*, four thousand two hundred seventy-one *a*, and four thousand two hundred eighty-one *a*, of the Political Code are hereby repealed.

SEC. 64. The provisions of this act, so far as they are substantially the same as existing statutes, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes, nor to increase or decrease the compensation paid to or received by any such person under the provisions of such statutes.

SEC. 65. This act shall take effect immediately.

CHAPTER 85.

An act entitled an act to amend section 755 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations."

[Approved March 1, 1911.]

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

SECTION 1. Section 755 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," is hereby amended to read as follows:

Section 755. The members of the board of trustees shall receive no compensation whatever; *provided,* that in all such cities the question of whether the members of such board or any of them shall receive any compensation for his services as such

Compensation
of
trustees.

member, and the amount thereof, may be submitted to the qualified electors of said city at any general municipal election held therein, and if the majority of such electors voting at such election shall vote in favor thereof, then such trustee or trustees shall receive the compensation specified in the call submitting such question at such municipal election; such compensation to begin on the first day of the next month succeeding the canvass of the return of such election, and the amount so fixed shall from such date be a charge against such city; payable the same as other fixed salaries are paid. Such compensation may be increased or diminished at any general municipal election thereof, by submission of such question in the same manner and by the same vote as herein provided, for the original creation of such compensation. The treasurer, assessor, marshal, clerk and recorder shall severally receive at stated times a compensation to be fixed by ordinance by the board of trustees, which compensation shall not be increased or diminished after their election or during their several terms of office. Nothing herein contained shall be construed to prevent the board of trustees from fixing such several amounts of compensation in the first instance during the term of office of any such officer or after his election. The compensation of all other officers shall be fixed from time to time by the board of trustees.

Of other officers.

SEC. 2. This act shall take effect immediately.

CHAPTER 86.

An act to amend section fourteen hundred and seventy-four of the Code of Civil Procedure.

[Approved March 1, 1911.]

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

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

Rights of survivor to homestead.

1474. If the homestead selected by the husband and wife, or either of them, during their coverture, and recorded while both were living, was selected from the community property, or from the separate property of the person selecting or joining in the selection of the same, it vests, on the death of the husband or wife, absolutely in the survivor. If the homestead was selected from the separate property of either the husband or wife, without his or her consent, it vests, on the death of the person from whose property it was selected, in his or her heirs, or devisees, subject to the power of the superior court to assign it for a limited period to the family

of the decedent. In either case it is not subject to the payment of any debt or liability contracted by or existing against the husband and wife, or either of them, previous to or at the time of the death of such husband or wife, except as provided in the Civil Code.

CHAPTER 87.

An act to provide for the registration of farm, ranch, and villa names in California.

[Approved March 1, 1911.]

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

SECTION 1. Any farm, ranch, or villa owner in this state may upon the payment of one dollar to secretary of state. Regis-
tration of
farm,
ranch and
villa
names. have the name of his farm, ranch or villa duly registered in a register which the secretary of state shall keep for said purpose, and shall be furnished a certificate, issued under seal, and setting forth the name and location of the farm, ranch or villa, and name of the owner; *provided*, that when any name shall have been recorded as the name of any farm, ranch or villa, such name shall not be recorded as the name of any other farm, ranch, or villa in this state, except by prefixing or adding of designating words thereto. The secretary of state shall register such name only for the person entitled thereto.

SEC. 2. Any person who shall register as his own, any such name already in use in this state, knowing such name to be adopted as the name of a farm, ranch or villa therein, or shall make use of such name when regularly registered and in use by any other person entitled thereto under the provisions of this act shall be guilty of a misdemeanor.

CHAPTER 88.

An act legalizing the formation and organization of reclamation district number five hundred forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said state relative to reclamation districts; and repealing all acts and parts of acts inconsistent therewith.

[Approved March 1, 1911]

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

Reclama-
tion
district
No. 548.

SECTION 1. The formation and organization of reclamation district number five hundred forty-eight, in the county of San Joaquin, State of California, by the board of supervisors of the county of San Joaquin, State of California, are hereby approved, confirmed, ratified, legalized and declared valid.

Bound-
aries.

SEC. 2. The exterior boundaries of said reclamation district number five hundred forty-eight, in the county of San Joaquin, State of California, shall be, and the same are hereby fixed, defined, established and determined, as follows:

Commencing at the northeast corner of the northwest quarter of section three (3), township three (3) north, range five (5) east running thence north 19.94 chains, more or less, to post in fence, thence along said fence south $76^{\circ} 13'$ west 44.74 chains to post in fence; thence south $76^{\circ} 30'$ west 9.95 chains, thence south $75^{\circ} 45'$ west 24.21 chains, thence south $76^{\circ} 15'$ west 20.23 chains to a point in the center line of Sycamore slough, thence down Sycamore slough, following the center line thereof to its intersection with the South fork of the Mokelumne river, thence southerly along the said South fork of the Mokelumne river, and the east bank thereof, to its intersection with Island slough, thence across said Island slough to a point on the east bank of said South fork of the Mokelumne river, thence along said east bank of said South fork of the Mokelumne river to its intersection with Potato slough, thence southerly along the east bank of Potato slough to its intersection with Sargent slough, thence across Sargent slough to a point on the east bank of Potato slough, thence following easterly bank of Potato slough in a southerly direction to its intersection with White slough, thence along the center line of said White slough following the meanderings thereof to west line of ditch and canal, thence along said west line of said ditch and canal to east and west half section line of section twenty-one (21) township three (3) north range five (5) east, thence easterly across said canal to the southerly edge of said ditch and canal lying along the southeast of levee, thence in a northeasterly direction along said southeast edge of said ditch and canal to fence and levee,

thence along said fence and levee to a point in the northeast corner of the southwest quarter of section fifteen (15) township three (3) north range five (5) east, at the intersection of a fence running south 89° 25' west, thence along said fence north 89° 25' east 15.77 chains, thence north 0.29 chains thence north 89° 25' east 7.97 chains to post in fence; thence north 89° 25' east along said line of fence 58.74 chains, more or less to half section line dividing sections fourteen (14) township three (3) north range five (5) east, into east and west halves, thence north to the center of section two (2) township three (3) north range five (5) east, thence west along the north line of southwest quarter of said section two (2) 20 chains, thence north 40 chains, thence west 60 chains to point of beginning.

SEC. 3. The management and control of said reclamation district number five hundred forty-eight, in the county of San Joaquin, State of California, is hereby made subject to the provisions of the Political Code of the State of California, and to the other laws of said state relative to reclamation districts formed under the provisions of said Political Code. Control.

SEC. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 5. This act shall take effect and be in force immediately.

CHAPTER 89.

An act legalizing the formation and organization of reclamation district number three hundred forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said state relative to reclamation districts; and repealing all acts and parts of acts inconsistent therewith.

[Approved March 1, 1911.]

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

SECTION 1. The formation and organization of reclamation district number three hundred forty-eight, in the county of San Joaquin, State of California, by the board of supervisors of the county of San Joaquin, State of California, and all proceedings in regard to the annexation of lands thereto, are hereby approved, confirmed, ratified, legalized and declared valid. Reclamation district No. 848.

SEC. 2. The exterior boundaries of said reclamation district number three hundred forty-eight, in the county of San Joaquin, State of California, shall be, and the same are hereby fixed, defined, established and determined, as follows: Boundaries.

Commencing on the left bank of the Mokelumne river where the section line between sections eleven (11) and twelve (12), township four (4) north range five (5) east, Mount Diablo base and meridian, intersects said river and from thence following the left bank of said Mokelumne river down stream to its junction with the south fork of the Mokelumne river; thence along the left bank of the south fork of the Mokelumne river following the meanders thereof to the intersection of said bank of said river with the northerly bank of Beaver slough: thence meandering the northerly bank of said Beaver slough, up stream to the intersection of the said northerly bank of said slough with the east line of the southwest quarter of section eight (8), township four (4) north range five (5) east: thence north along said line to a point distant 90 feet north from the northerly edge of a certain canal running east and west as particularly mentioned in that certain deed, dated December 14th, 1878, made by R. C. Sargent to Jonathan Hughill, and recorded in Book "A" of Deeds, vol. 38, page 421 *et seq.*, San Joaquin county records; and which point is also on the north line of a post and wire fence: thence easterly along said line of fence 100 chains, more or less, to a point on the east line of the west half of the southeast quarter of section nine (9) township four (4) north range five (5) east: thence south to the canal: thence east along said canal 100 chains, thence north 40 chains, and from thence 80 chains to the place of beginning.

Control.

SEC. 3. The management and control of said reclamation district number three hundred forty-eight, in the county of San Joaquin, State of California, is hereby made subject to the provisions of the Political Code of the State of California, and to the other laws of said state relative to reclamation districts formed under the provisions of said Political Code.

SEC. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 5. This act shall take effect and be in force immediately.

CHAPTER 90.

An act to amend section 907 of the Political Code of the State of California, relating to the time within which the oath of office must be taken.

[Approved March 1, 1911.]

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

SECTION 1. Section 907 of the Political Code of the State of California is hereby amended to read as follows:

907. Whenever a different time is not prescribed by law, the oath of office must be taken, subscribed, and filed within

Oath of
office,
when
taken.

thirty days after the officer has notice of his election or appointment, or before the expiration of fifteen days from the commencement of his term of office, when no such notice has been given.

CHAPTER 91.

An act to increase the number of judges of the superior court of the county of Tulare, and to provide for the appointment of an additional judge.

[Approved March 1, 1911.]

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

SECTION 1. The number of judges of the superior court of the county of Tulare is hereby increased from one to two.

Sec. 2. Within thirty days after the taking effect of this act, the governor shall appoint one additional judge of the superior court of the county of Tulare, State of California, who shall hold office until the first Monday after the first day of January, A. D. nineteen hundred and thirteen. At the general election to be held in November, 1912, a judge of the superior court of said county shall be elected in said county, who shall be the successor of the judge appointed hereunder, to hold office for the term prescribed by the constitution and by law.

Additional
judge for
Tulare
county.

Sec. 3. The salary of said additional judge shall be the same in amount, and shall be paid at the same time and in the same manner, as the salary of the other judge of the superior court of said county now authorized by law.

CHAPTER 92.

An act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be payable upon demand.

[Approved March 1, 1911.]

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

SECTION 1. No person, firm, or corporation engaged in any business or enterprise within this state shall issue, in payment of or as an evidence of indebtedness for wages due an employee, any order, check, memorandum or other acknowledgment of indebtedness, unless the same is negotiable, and is payable upon demand without discount in cash at some bank

Negotiable
order in
payment
of wages.

or other established place of business in the state; *provided, however,* that the provisions of this act shall not apply to counties, cities and counties, municipal corporations, quasi-municipal corporations, or school districts organized and existing under the laws of this state.

SEC. 2. Any person, firm, or corporation who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

CHAPTER 93.

An act making an appropriation for repairs and improvements to the plumbing system of the Mendocino State Hospital.

[Approved March 1, 1911.]

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

Appropriation:
plumbing
for Mendocino State
Hospital.

SECTION 1. The sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to make repairs and improvements to the plumbing system of the Mendocino State Hospital.

SEC. 2. The controller of state is hereby directed to draw his warrant for the amount hereby appropriated in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1911.

CHAPTER 94.

An act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

[Approved March 1, 1911.]

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

Consolidation of
school
districts.

SECTION 1. Wherever, in any city in which there had theretofore existed two or more school districts, the business and affairs of such several districts have been conducted

together as one district under a common name for a period of one year or more prior to the adoption of this act, such attempted consolidation of the said several school districts into one school district is hereby approved, ratified and validated; and it is further hereby declared that the consolidation of said several school districts into one school district was effected by such action, and that such school district has existed as a legal school district from the date on which the business and affairs of said several school districts have been conducted as one district under such common name. And it is further provided ^{Bonds.} that wherever the board of supervisors of the county in which any such city is situated has directed, or shall hereafter direct, that bonds of any such school district be issued pursuant to any election theretofore held in such district in accordance with the law providing for the holding of elections in school districts, such action of such board of supervisors is hereby validated and approved, and all bonds issued pursuant to such order are hereby declared valid and binding obligations of such school district from the date of their issuance, whether the same were issued prior to the passage of this act, or shall be issued hereafter.

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

CHAPTER 95.

An act to recognize and declare valid all proceedings in Turlock Irrigation District.

[Approved March 1, 1911.]

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

SECTION 1. Turlock Irrigation District, as formed by the board of supervisors of Stanislaus county, State of California, and as now existing is hereby recognized and declared valid, and all proceedings on organization and formation are hereby approved, and declared valid. ^{Turlock Irrigation District.}

SEC. 2. This act shall take effect immediately.

CHAPTER 96.

An act to recognize and declare valid all proceedings in Oakdale Irrigation District.

[Approved March 1, 1911.]

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

Oakdale
Irrigation
District.

SECTION 1. Oakdale Irrigation District as formed by the board of supervisors of Stanislaus county, State of California, and as now existing is hereby recognized and declared valid, and all proceedings on organization and formation are hereby approved, and declared valid.

SEC. 2. This act shall take effect immediately.

CHAPTER 97.

An act to recognize and declare valid all proceedings in Modesto Irrigation District.

[Approved March 1, 1911.]

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

Modesto
Irrigation
District.

SECTION 1. Modesto Irrigation District as formed by the board of supervisors of Stanislaus county, State of California, and as now existing is hereby recognized and declared valid, and all proceedings on organization and formation are hereby approved, and declared valid.

SEC. 2. This act shall take effect immediately.

CHAPTER 98.

An act to recognize and declare valid all proceedings in South San Joaquin Irrigation District.

[Approved March 1, 1911.]

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

South San
Joaquin
Irrigation
District.

SECTION 1. South San Joaquin Irrigation District as formed by the board of supervisors of San Joaquin county, State of California, and as now existing is hereby recognized and declared valid, and all proceedings on organization and formation are hereby approved, and declared valid.

SEC. 2. This act shall take effect immediately.

CHAPTER 99.

An act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

[Approved March 1, 1911.]

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

SECTION 1. Wherever, in any city which had theretofore been divided into two or more school districts, a majority of the qualified electors of said city voting at an election, either at a general election or at a special election called pursuant to any provision of law, have voted in favor of consolidating such several school districts into one school district, either,

Consolidation of school districts in cities.

By voting to ratify a proposed charter for said city which said charter contained a provision either expressly or impliedly providing for such consolidation, or in which provision is made or attempted to be made for the creation or formation of one school district, to comprise and include the said several districts theretofore existing within such city, and such charter has thereafter been approved by the legislature pursuant to article XI section 8 of the constitution of the State of California; or in any other way:

And where the business and affairs of such several school districts existing prior to such election have been thereafter conducted as one school district such attempted consolidation is hereby ratified, approved and validated, and it is hereby declared that the consolidation of such school districts into one school district was effected thereby; and it is further declared that such school district has existed as a legal school district from the date of such attempted consolidation; and it is further provided, that wherever the board of supervisors of the county in which any such city is situated has directed, or shall hereafter direct, bonds of any such district so formed or created to be issued pursuant to any election heretofore held in such district in accordance with the law providing for the holding of elections in school districts, and such action of such board of supervisors is hereby validated and approved, and all bonds issued pursuant to such order are hereby declared to be valid and binding obligations of such school district from the date of their issuance; whether the same were issued prior to the passage of this act, or shall be issued hereafter.

Bonds.

Sec. 2. This act shall take effect from and after its adoption.

CHAPTER 100.

An act to create a reclamation district to be called "Reclamation District Number 900," and providing for the control and management thereof.

[Approved March 2, 1911.]

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

Reclama-
tion
district
No. 900.

Bound-
aries.

SECTION 1. A reclamation district is hereby created, to be called "Reclamation District Number 900," and the boundaries of such reclamation district shall be as follows:

Beginning at the northeast corner of township 8 north, range 3 east, M. D. B. & M. and running thence easterly along the township line dividing townships 8 and 9 north, range 4 east, to the southwest corner of the east half of the west half of section 31, township 9 north, range 4 east, thence due north to a point 50 feet measured at right angles southerly from the center line of the main track of the Southern Pacific railroad between the city of Sacramento and the town of Davisville, as said track existed in November, A. D. 1910, thence easterly along a line 50 feet measured at right angles, southerly from and parallel to the center line of the said main track of the Southern Pacific railroad as said track existed in November A. D. 1910, to a point in the center line of Sixth street in the town of Broderick (formerly called Washington); thence southerly along said center line of said Sixth street to a point in the center line of Margaret street in said town of Broderick, (formerly Washington); thence easterly along said center line of said Margaret street, and along a direct extension easterly of said center line to the Sacramento river; thence down the Sacramento river following the meanders of the said river to a point in the northwest boundary line of Reclamation District No. 742, county of Yolo, State of California; thence southwesterly along the said northwest boundary line of the said Reclamation District No. 742 to the southwest corner thereof; thence southeasterly along the southwestern boundary line of the said Reclamation District No. 742 to the Sacramento river; thence down the said Sacramento river, following the meanders of the said river to the northeast corner of Reclamation District No. 765, county of Yolo, State of California, thence northwesterly along the north boundary line of the said Reclamation District No. 765 to the northwest corner thereof; thence due west to a point in the east boundary line of the southwest $\frac{1}{4}$ of section 30, township 8 north, range 4 east, M. D. B. & M.; thence southerly along the east boundary line of the said southwest $\frac{1}{4}$ of section 30, and the east boundary line of the north $\frac{1}{2}$ of the northwest $\frac{1}{4}$ of section 31, township 8 north, range 4 east to the southeast corner of the said north $\frac{1}{2}$ of the northwest $\frac{1}{4}$ of section 31, township 8 north, range

4 east; thence westerly along the south boundary line of the said north $\frac{1}{2}$ of the northwest $\frac{1}{4}$ of section 31, township 8 north, range 4 east to the southwest corner thereof; said corner being in the east boundary line of township 8 north, range 3 east; thence north along said east boundary line of township 8 north, range 3 east to the point of beginning and being in the county of Yolo, State of California.

SEC. 2. The management and control of said reclamation district is hereby made subject to the provisions of the Political Code of the State of California and other laws of this state relative to reclamation districts formed under the provisions of said Political Code; *provided*, that the center of the crown of the northern levee of said district shall not without the consent of the Southern Pacific Company be constructed nearer than 300 feet from the center line of the Southern Pacific railroad track at the point opposite the south end of the west levee of Reclamation District No. 537 as the same now exists; and the center of the crown of said levee shall not without the consent of the Southern Pacific Company be constructed nearer than 1,000 feet from the center line of said railroad track where said track crosses the east boundary of township 9 north, range 3 east, M. D. B. & M.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

This act shall take effect immediately.

CHAPTER 101.

An act legalizing the formation and organization of reclamation district number eight hundred, in the county of Contra Costa, State of California, fixing, defining and establishing the boundaries thereof, providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said state relative to reclamation districts; and repealing all acts and parts of acts inconsistent therewith.

[Approved March 2, 1911.]

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

SECTION 1. The formation and organization of reclamation district number eight hundred, in the county of Contra Costa, State of California, by the board of supervisors of the county of Contra Costa, State of California, is hereby approved, confirmed, ratified, legalized and declared valid.

SEC. 2. The exterior boundaries of said reclamation district number eight hundred, in the county of Contra Costa, State

Control.

Reclamation district No. 800.

Boundaries.

of California, shall be, and the same are hereby fixed, defined, established and determined, as follows:

Beginning at a point in the center of the levee on the west side of the Byron tract at a point four hundred and twenty-four and 5-10 (424.5) feet due east of a post marked "90 D", said post "90 D" being also the southwest corner of the south-east quarter (S. E. $\frac{1}{4}$) of the southeast quarter (S. E. $\frac{1}{4}$) of section twenty-three (23) township one (1) north range three (3) east Mount Diablo base and meridian; running thence parallel and fifty (50) feet distant westerly from the center of the levee, the following courses and distances:

South $14^{\circ} 58'$ west fourteen hundred and fifty (1450) feet; thence south $26^{\circ} 49'$ west two hundred (200) feet; thence south $0^{\circ} 03'$ west twenty-five hundred (2500) feet; thence south $0^{\circ} 10'$ east thirty-six hundred (3600) feet; thence south $12^{\circ} 02'$ east five hundred and twenty (520) feet; thence south $0^{\circ} 52'$ east twenty-two hundred and seventy-five (2275) feet; thence south $36^{\circ} 25'$ west to northeast corner of west half (W. $\frac{1}{2}$) of northeast quarter (N. E. $\frac{1}{4}$) of section two (2) township one (1) south range three (3) east, Mount Diablo base and meridian; thence south $0^{\circ} 30'$ east 1320 feet to U. S. segregation post No. 12; thence on true line due west to the U. S. segregation post No. 13, being the northwest corner of the southwest quarter (S. W. $\frac{1}{4}$) of the northeast quarter (N. E. $\frac{1}{4}$) of section two (2) township one (1) south range three (3) east; thence due south along the one half ($\frac{1}{2}$) section line through sections two (2), eleven (11) and fourteen (14) to a point eight hundred and fifty-three (853) feet north of the United States segregation post No. 14, said post being also the northwest corner of the southwest quarter (S. W. $\frac{1}{4}$) of the southeast quarter (S. E. $\frac{1}{4}$) of section fourteen (14) township one (1) south range three (3) east; thence north $89^{\circ} 12'$ east five hundred and seventy-five (575) feet to end of levee extending from the dredger cut to the highland; thence along said levee in a southeasterly and easterly course to the head of Italian slough; thence down the left bank of said Italian slough to its junction with Old river; thence down the left bank of Old river following its meanderings to the junction of Indian slough; thence up the left bank of Indian slough following its meanderings to the canal at the head of slough, thence up the left bank of canal to the sandy knoll being in the southeast quarter (S. E. $\frac{1}{4}$) of section twenty-three (23) township one (1) north range three (3) east, Mount Diablo base and meridian; thence southwesterly and fifty (50) feet westerly at right angles from center of levee to the place of beginning.

All of the lands above described herein, are situate in the county of Contra Costa, State of California.

Control.

SEC. 3. The management and control of said reclamation district number eight hundred, in the county of Contra Costa, State of California, is hereby made subject to the provisions of the Political Code of the State of California, and other laws of this state relative to reclamation districts formed under the provisions of said Political Code.

SEC. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 5. This act shall take effect and be in force immediately.

CHAPTER 102.

An act creating a board of pilot commissioners for the harbor of San Diego, defining their duties, and fixing their compensation.

[Approved March 2, 1911.]

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

SECTION 1. It shall be the duty of the governor to appoint one citizen and one nautical man, residents of San Diego, as pilot commissioners. The mayor of said city shall be ex officio pilot commissioner. The three persons named shall constitute a board of pilot commissioners, with the powers and duties as hereinafter provided.

Pilot commissioners of San Diego.

SEC. 2. Each commissioner shall, before entering upon his official duties, take the following oath or affirmation, which shall be endorsed on his commission, and shall be signed by him and certified by the county judge of the county of San Diego: "I do solemnly swear (or affirm, as the case may be), that I will support the constitution of the United States and the constitution of the State of California, and that I will faithfully discharge the duties of the office of pilot commissioner, without fear, favor or affection, according to the best of my ability."

Oath of office.

SEC. 3. The board of pilot commissioners shall hold their offices during the pleasure of the power appointing them, not exceeding four years.

Term.

SEC. 4. The board of pilot commissioners shall meet at least once in each month. They shall elect one of their number president, who shall be authorized to administer oaths, and under his hand and private seal to issue subpoenas for the attendance of witnesses in all cases arising before the board under this act. A witness disobeying such subpoena shall forfeit and pay a sum not exceeding one hundred dollars, which may be sued for and recovered in a civil action, in the name of the president of the board. It shall make by-laws and rules for its own government of the pilots not inconsistent with the laws of the state or of the United States. A majority of such board shall constitute a quorum for the transaction of business, and may meet and adjourn from time to time, according to adjournment or appointment.

Organization of board.

Qualifications of pilots.

SEC. 5. Pilots appointed by commissioners must be carefully examined as to their qualifications, and, if found to be qualified and worthy, must receive license as pilots for the term of twelve months, which license shall be thereafter annually renewed until the commissioners have good cause to withhold such renewal, and whenever the commissioners deem they have such cause, or intend for any reason to withhold such renewal, the secretary of the board of commissioners shall serve notice in writing on such pilot, specifying the causes, at least ten days before the expiration of his license; and such pilot shall thereupon be entitled to a full hearing before said board.

SEC. 6. No person shall be appointed a pilot unless he is an American citizen, over the age of twenty-one years, with a practical knowledge of the management of sailing vessels and steamboats, and of the tides, soundings, bearings, and distances of the several shoals, bars, rocks, points of land, lighthouse, and fog signals of the port and harbor of San Diego.

Oath and bond of pilots.

SEC. 7. Every pilot receiving a license shall, before entering on the discharge of his duties, take the oath prescribed by the constitution of this state, which shall be endorsed upon his license, signed by him, and certified by the president of the board; and shall give a bond in the sum of twenty-five hundred dollars, with two sureties, to be approved by the board and recorded in the county recorder's office of San Diego county, made payable to the State of California, and conditioned that he will faithfully perform all the duties required of him as a pilot under this act, and will observe the rules and regulations and decisions of the board. The pilots shall renew their bonds whenever the board may deem it necessary and shall so order. In all cases where a pilot shall have been deprived of his license before the expiration thereof for any of the causes hereinafter specified, it shall be the duty of the president of the board, provided a majority of the board shall instruct, to place the bond of such pilot in the hands of the attorney general of the State of California for collection. If any amount be collected thereon in such suit, it shall be paid to the board and shall constitute a fund out of which it shall be the duty of the board to provide rewards to encourage the relief of vessels and passengers in distress, and generally to encourage the pilots in the energetic performance of their duties.

Number.

The board of commissioners must examine and license in the manner prescribed, not less than two nor more than four pilots for the port of San Diego.

Duty.

SEC. 8. It shall be the duty of every pilot in charge of a vessel arriving in the harbor of San Diego to have the vessel safely moored in such a position as the master may direct.

If carried to sea against his will.

SEC. 9. Every pilot carried to sea against his will, when a pilot boat is in attendance to receive him, shall be entitled to receive the sum of eight dollars per day while absent, which sum may be recovered from the master or owner of the vessel so taking him away; *provided*, the amount herein allowed to be recovered shall in no case exceed one thousand dollars.

SEC. 10. Any pilot may be deprived of his license before the expiration thereof, for the following causes: Causes for taking away license.

First—For refusing to exhibit his license when requested to do so by the master of any vessel he may have boarded.

Second—For habitual or occasional intoxication, whether the same shall occur while in charge of a pilot boat, or at any other time.

Third—For negligently, ignorantly, or wilfully running any vessel on shore, or otherwise rendering her liable to injury; *provided*, that any pilot deprived of his license under this subdivision shall thereafter be ineligible to a license as pilot under this act.

SEC. 11. Any person not holding a license as pilot, who shall pilot any vessel into or out of the harbor of San Diego, shall be deemed guilty of a misdemeanor, and on conviction in any court of competent jurisdiction shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding ninety days. Piloting vessel without license.

SEC. 12. All vessels, their tackle, apparel and furniture, and the masters and owners thereof, shall be jointly and severally liable for pilotage fees, to be recovered in any court of competent jurisdiction. Liability for fees.

SEC. 13. When two or more pilots shall offer their services to a vessel outside of a line from Punta Lomas and the southeast end of Zuinga shoal, the first pilot offering his services shall have the preference; and if the master of any vessel shall refuse to observe such rule of preference, and take the pilot entitled to be preferred on board, the vessel, her appurtenances, the master and owner thereof, shall be jointly and severally liable to the pilot entitled to such preference for one half of the amount of pilotage he would have been entitled to claim had his services been accepted. When two pilots offer services.

SEC. 14. The following shall be the rates of pilotage into or out of the harbor of San Diego: All vessels \$3.00 per foot draft and three cents per ton for each and every net ton of registered measurement, and every vessel spoken inward or outward bound except as hereinafter provided, shall pay the said rates. A vessel spoken by day by a pilot boat displaying a union jack, or by night displaying a torch or flare-up within a distance of one mile of the vessel, in all cases when inward bound vessels are not spoken until inside of the bar, the rates of pilotage herein provided shall be reduced fifty per cent. Rates of pilotage.

All vessels sailing under enrollment and licensed and engaged in the coasting trade, between the port of San Diego and any other port of the United States, shall be exempt from all pilotage, unless a pilot is actually employed. Exemptions.

All foreign vessels and vessels from a foreign port or bound thereto, and all vessels sailing under a register between the port of San Diego and any other port in the United States, shall be liable for pilotage as provided in section 14.

SEC. 15. Every pilot of the harbor of San Diego must once in each month, upon blanks to be furnished to them by the Reports of pilots.

board of pilot commissioners, render a verified account to the board of all moneys received by him, or by any other person for him, or on his account, and pay five per cent thereof to the board, in full compensation for its official services, for the services of its secretary and treasurer. Such account shall give the name of each vessel piloted, and of each vessel for which pilotage has been charged or collected, and the amount charged to, or collected from each, where the same is registered, the depth of its draught, its tonnage, whether inward or outward bound, and whether the amount so received, collected, or charged is for full pilotage or half pilotage, and the secretary shall record such account in a book prepared for that purpose, which book shall at all times be open to public inspection.

SEC. 16. All pilots absenting themselves from San Diego for more than thirty days shall forfeit their commission, except in case of sickness, or consent of the commissioners.

SEC. 17. This act shall take effect and be in force from and after its passage.

CHAPTER 103.

An act to amend an act entitled, "An act to establish a Penal Code," approved February 14, 1872, by amending section thirteen hundred and twenty-two of the said Penal Code relating to when husband and wife are competent witnesses in criminal actions and proceedings.

[Approved March 2, 1911.]

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

SECTION 1. Section thirteen hundred and twenty-two of the Penal Code of the State of California is hereby amended so as to read as follows:

1322. Neither husband nor wife is a competent witness for or against the other in a criminal action or proceeding to which one or both are parties, except with the consent of both, or in case of criminal actions or proceedings for a crime committed by one against the person or property of the other, or in cases of criminal violence upon one by the other, or in cases of criminal actions or proceedings for bigamy, or adultery, or in cases of criminal actions or proceedings brought under the provisions of section two hundred and seventy and two hundred and seventy *a* of this code.

Absence
from San
Diego.

Husband
and wife
as com-
petent
witness.

CHAPTER 104.

An act to preserve and maintain the lakes, ponds, brooks, creeks, rivers, and streams of this state, and to prevent the waters thereof from being carried by pipes, conduits, ditches, tunnels or canals into other states, for use therein.

[Approved March 3, 1911.]

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

SECTION 1. It shall be unlawful for any person, firm, association or corporation to transport or carry through pipes, conduits, ditches, tunnels or canals, the waters of any fresh water lake, pond, brook, creek, river or stream of this state into any other state, for use therein. Piping water from this to another state.

SEC. 2. It shall be the duty of the governor to keep a general oversight over the fresh water lakes, ponds, brooks, creeks, rivers and streams of this state and to see that the same are preserved for the use and benefit of the citizens and inhabitants of this state and to prevent the waters thereof from being carried or transported by pipes, conduits, ditches, tunnels or canals into other states for use therein; when it is brought to the attention of the governor that it is the intention of any person, firm, association or corporation to so carry or transport into any other state for use therein, the waters of any such fresh water lake, pond, brook, creek, river or stream of this state, it shall be his duty, through the attorney general of the state to bring such action in the name of the people of the state in the courts of this state or of the United States as may be necessary to prevent such carrying away or transporting of such waters into another state. Duty of governor.

SEC. 3. This act shall take effect immediately.

CHAPTER 105.

An act making an appropriation for the pay of the officers and employees of the assembly for the thirty-ninth session of the legislature

[Approved March 3, 1911.]

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

SECTION 1. The sum of sixteen thousand five hundred (\$16,500.00) dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the pay of the officers and employees of the assembly for the thirty-ninth session of the legislature and the controller of the state is authorized to draw his warrants for the same and the treasurer of the state is directed to pay the same. Appropriation. assembly officers and employees

SEC. 2. This act shall take effect immediately.

CHAPTER 106.

An act to amend section 3823 of the Political Code relating to duties of the county assessor in collecting taxes on personal property.

[Approved March 4, 1911.]

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

SECTION 1. Section 3823 of the Political Code is hereby amended to read as follows:

Amount of
personal
taxes.

3823. The assessor shall be governed as to the amount of taxes to be collected by him, upon personal property, by the state and county rate, the special school district, road district, and other local district rates for the locality in which such personal property is taxable, for the previous year; *provided*, that for the assessment year one thousand nine hundred and eleven, beginning on the first Monday in March of said year, the state rate within the meaning of this section shall be six cents on each one hundred dollars of taxable property.

SEC. 2. This act shall take effect immediately.

CHAPTER 107.

An act to prevent the fishing, or the taking of fish by means of weirs, dams, nets, traps or seines in certain portions of the Monterey bay, within the county of Santa Cruz.

[Approved March 4, 1911.]

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

Seine in
Monterey
bay.

SECTION 1. Any person who, in the waters of Monterey bay in the county of Santa Cruz, State of California, north of an imaginary line drawn from Point Santa Cruz to Point Sanquel, sometimes known as Black Point, shall use any weir, dam, net, trap or seine of any description except gill nets of 1½ inch mesh for the purpose of catching fish, or who shall, in these waters, take any fish from any weir, dam, net, trap or seine, except gill nets of 1½ inch mesh is guilty of a misdemeanor.

Penalty.

SEC. 2. Any person convicted of a violation of any of the provisions of this act shall be fined not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars, or shall be imprisoned in the county jail of the county of Santa Cruz not less than twenty-five (25) nor more than fifty (50) days, or shall be both fined and imprisoned in the discretion of the court.

CHAPTER 108.

An act to prohibit the use of nets, seines, traps, or weirs in the Napa river and its tributaries in the counties of Sonoma, Napa and Solano.

[Approved March 4, 1911.]

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

SECTION 1. Any person who in the waters of Napa river ^{Seining in Napa river.} from its source to its mouth or in any of the tributaries of said river shall take fish of any kind, by means of a net, seine, trap, weir or gang hook, or who shall have in his possession, or use, or set any net, seine, trap, weir or gang hook for the purpose of catching any fish in said waters, is guilty of a misdemeanor; *provided*, that nothing in this act contained shall prohibit any person from taking during the open season therefor any fish with hook and line.

SEC. 2. Every person found guilty of violating any of the ^{Penalty.} provisions of this act shall be fined not less than one hundred dollars or by imprisonment in the county jail in the county in which the conviction shall be had, not less than fifty days, or by both such fine and imprisonment, and all such fines imposed or collected for violation of any provision of this act, shall be paid into the state treasury to the credit of the fish and game preservation fund.

CHAPTER 109.

An act relating to the Panama-Pacific International Exposition Commission of the State of California and defining its powers and duties.

[Approved March 4, 1911.]

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

SECTION 1. The Panama-Pacific International Exposition ^{Panama-Pacific International Exposition Commission.} Commission, after the appointment by the governor of the members thereof, shall immediately organize and establish offices in the city and county of San Francisco. At the time of the appointment of said commission, the governor shall designate the president thereof, and the member so designated shall be the president of said commission. Should any vacancy thereafter occur in the presidency of said commission the governor shall designate and appoint a member of said commission to be

Seal.

the president thereof. Three members of said commission shall constitute a quorum for the transaction of business. Said commission shall adopt a seal having thereon the words "Panama-Pacific International Exposition Commission of the State of California", and shall file with the state controller and state treasurer a certificate of the imprint of such seal, and all signatures of persons authorized by said commission to sign contracts, claims or other documents on behalf of said commission.

Powers and duties.

SEC. 2. For the purpose of performing the duties imposed by law upon said commission, it shall have power and authority to appoint and employ a secretary, executive officers, and such other assistants or persons as it may deem necessary, and fix their compensations. All of the officers and employees so appointed shall hold office at the pleasure of the commission. All expense of said commission and all salaries of employees shall be payable out of the Panama-Pacific international exposition fund upon proper warrants drawn therefor as hereinafter specified. The said commissioners shall receive their actual traveling expenses. The commission shall have full and complete power and authority to carry out the provisions of this act and of section 22 of article IV of the constitution of the State of California, and the particular enumeration herein of powers and duties of said commission shall not be construed to be a limitation or restriction of the full and complete power and authority of the commission.

SEC. 3. Said commission shall have power to make and execute all contracts and agreements necessary to the business of said commission or to carry out the purposes of this act and section 22 of article IV of the constitution of the State of California. All contracts, made by said commission, shall be executed in triplicate signed by the president thereof and executed under the seal of said commission, and one copy thereof shall be immediately filed with the state controller. No contract or agreement shall be made by said commission unless the parties thereto shall waive therein all claims and recourse against the State of California for loss or damage of person and property arising from, growing out of or in any way connected with or incident to such contract or agreement, and all contracts or agreements made by said commission in violation of this provision for waiver shall be void.

Audit claims.

SEC. 4. The said commission, through the president or such other officer as it shall authorize, shall audit all claims and demands for moneys expended by it, or for expenditures of money which they have authorized in writing, and shall certify such claims and demands to the state controller who shall thereupon draw his warrants therefor upon the state treasurer payable out of said Panama-Pacific international exposition fund and the state treasurer shall pay the same.

Agreement with Panama-Pacific International Exposition Company.

SEC. 5. Said commission shall have power to make and enter into, with the Panama-Pacific International Exposition Company, a corporation, organized under the laws of the State of California on the 22d day of March, 1910, any and all

agreements which, in the opinion of said commission, they shall deem necessary or advisable to bring about the union or joint action of said commission and said corporation in furtherance of said Panama-Pacific International Exposition, or that they shall deem necessary or advisable to carry into effect the provisions of this act and section 22 of article IV of the constitution of the State of California; *provided, however*, that all moneys received or realized by said commission for the benefit of the State of California under such agreement, shall be immediately deposited by the commission with the state treasurer to the credit of said Panama-Pacific international exposition fund; said moneys so deposited by said commission shall be subject to the charge and control of said commission in like manner as other moneys in said fund; *provided, further*, that any exhibitor shall be permitted to unpack, install, maintain and repack all exhibits in such manner as he may see fit, subject to uniform rules and regulations established by the exposition authorities and approved by the commission appointed under the terms of this act.

SEC. 6. The said commission shall determine whether any of said fund or any of the moneys under its control shall be expended for any specific purpose in connection with said Panama-Pacific International Exposition, and whether any contract of any character shall be entered into at any time with said Panama-Pacific International Exposition Company, and the determination of the said commission as to the expenditure of any sum of money, or as to the making of any contract, or as to the advisability, necessity or advantage of any act in connection with said fund, shall be final and conclusive. In making expenditures in pursuance of this act and in pursuance of the provisions of section 22 of article IV of the constitution of the State of California or in performing any act in reference to said fund or in the making of any contract with said exposition company, the said commission shall make such investigations as it may deem advisable or proper and may in any manner that it deems appropriate, inform itself in reference to any matter or thing; and may ask and demand at any time and as often as it desires of the said Panama-Pacific International Exposition Company, a corporation, a full and complete detailed statement of the receipts of said corporation and of the expenditures for any purpose whatsoever, made or to be made, or incurred by said Panama-Pacific International Exposition Company, a corporation, and may at any time and as often as it desires, examine the books, records, contracts, accounts, vouchers, and all papers of every sort and character, in the possession of, kept or used by the Panama-Pacific International Exposition Company, a corporation, and the said books, records, contracts, accounts, vouchers and all papers of every sort and character of the said Panama-Pacific International Exposition Company, a corporation, shall be open to inspection of the said commission or its authorized agents, at all times; and if the said Panama-Pacific International Exposition Company, a corpora-

Expendi-
ture of
funds.

tion, shall fail or refuse, or neglect to permit an inspection, or examination, or investigation by said commission, or by any person or persons said commission may designate, of its said books, records, contracts, accounts, vouchers and papers, or any of them, then and in that event, the said commission may hold, determine and decide such failure, refusal or neglect on the part of said Panama-Pacific International Exposition Company, a corporation, to be ample and sufficient reason and justification for the refusal or the failure of said commission to make any expenditures, or to execute any contract, or to pay or disburse any sum of money.

Accounting system.

SEC. 7. The said commission shall ask and demand that in the expenditure of any fund in connection or conjunction with the fund herein described, proper books of account shall be kept and maintained and an appropriate accounting system shall be had, and that such records and books shall be maintained and kept within the city and county of San Francisco, as will enable a person of ordinary understanding from an inspection thereof to determine the source and amount of all income and moneys received and the exact purpose, in detail, for which expenditures are made or moneys paid.

Successors of Panama-Pacific International Exposition Company.

SEC. 8. All of the provisions of this act shall apply to the successors or assigns of the Panama-Pacific International Exposition Company, a corporation, and wherever in this act the said corporation is referred to, the said provisions shall in case any other corporation, or company, or individual, shall succeed to the rights of said corporation, or be substituted in its place, or shall undertake to hold the said exposition, be applicable to such other corporation, person or company.

State not liable.

SEC. 9. The State of California shall not in any manner, or under any circumstances, be liable for any of the acts, doings, or proceedings of any person, association or corporation with whom said commission shall act, cooperate, or join to carry out the purposes of this act, or of section 22 of article IV of the constitution of the State of California, nor for the services, salary, labor or wages of any officers, agents, servants, or employees of such person, association or corporation, nor for any debts, liabilities or expenses of any kind whatsoever of such person, association or corporation; *provided, however*, that the commission may, in its discretion, employ the same persons, servants, agents or officers that may be employed by such person, association or corporation with which said commission shall act, cooperate and join to carry out the purposes of this act, and contribute to or pay the whole or any part of their compensation.

No member of commission liable.

SEC. 10. No member of said commission, or employe thereunder, or any officers thereof, shall be personally liable for any debts or obligations, or liability that may be created or incurred by said commission or by the State of California acting by or through said commission. Neither said commission nor any member thereof shall be liable in damages for the negligence, default or wrongful act of any of the agents, servants or employees of said commission.

SEC. 11. Said commission may execute contracts, hold prop^{ty} or sue in its own name as the Panama-Pacific International Exposition Commission of the State of California. The provisions of an act entitled: "An act to authorize suits against the state, and regulating the procedure therein," approved February 28, 1893, shall not apply to any claim or contract made by said commission or for negligence of said commissioners.

Commiss-
ion may
sue.

SEC. 12. Said commission shall, on the first day of December of each year, file with the state controller a financial statement under the seal of said commission, and verified by the members thereof, which statement shall show in detail the disposition of all moneys expended by it and to whom the same were paid; all expenditures contracted by it, all amounts paid thereon, and the balance due, if any, and shall file with such financial statement a report of all proceedings of said commission, the work accomplished by it, and plans proposed and the status of all matters under or in connection with the work of said commission and its funds. Upon completion of all work by said commission at the time fixed by law, said commission shall render a full, complete and final report, and file the same with the state controller.

Financial
statement.

SEC. 13. All claims and demands arising under or in consequence of any contract or agreement made by said commission, and all expenditures authorized by it, shall be exempt from the provisions of section 672 of the Political Code.

Claims
exempt
from
sec. 672.

SEC. 14. Indebtedness incurred and warrants issued by said commission shall be payable only from the Panama-Pacific international exposition fund, and shall never be or become general indebtedness of the State of California.

Indebted-
ness.

SEC. 15. The commission shall make such contracts as it may deem necessary or appropriate to insure to the State of California, its proportionate share in the returns, income, profits and holdings of said exposition and shall perform such acts as to it may seem requisite for the protection of the interests of the State of California in such returns, income, profits and holdings and shall do all things it may deem advisable to enable the state to receive its proportionate share of said returns, income, profits and holdings, and to this end, if said commission shall deem it advisable, it may provide for its participation in the management and control of the said exposition.

Profits of
exposition.

SEC. 16. The state board of equalization shall, at the time mentioned in sections three thousand six hundred and ninety-six of the Political Code, for the fiscal year beginning July first in the year one thousand nine hundred and eleven, and for each fiscal year thereafter, to and including the fiscal year beginning July first in the year one thousand nine hundred and fourteen, fix, establish and levy such an *ad valorem* rate of taxation, upon every kind and character of property in the State of California not exempt from taxation on the first day of July in the year one thousand nine hundred and ten, as

Tax levy.

when levied upon all the property in this section mentioned, after making due allowance for delinquency, shall raise for each of said fiscal years, the sum of one million two hundred and fifty thousand dollars.

SEC. 17. The taxes assessed, levied and collected for state purposes under the provisions of sections three thousand eight hundred and twenty, three thousand eight hundred and twenty-one, three thousand eight hundred and twenty-two, three thousand eight hundred and twenty-three of the Political Code shall be deemed to have been assessed, levied and collected for the purposes of raising to the extent of the amount collected, the moneys directed to be raised by section twenty-two of article four of the constitution of this state as that section was amended on the eighth day of November in the year one thousand nine hundred and ten and as required by section sixteen of this act.

Exposition
fund

SEC. 18. All money collected by taxation as in this act provided shall be paid over to the state treasurer at the time and in the manner provided in chapter ten, part three, title nine of the Political Code and by said state treasurer credited to a fund to be known as the Panama-Pacific international exposition fund and paid out as provided in section four hereof.

SEC. 19. Any money remaining in the Panama-Pacific international exposition fund after the filing of the complete and final report of said commission shall be transferred to the general fund of the State of California.

SEC. 20. This act shall take effect immediately.

CHAPTER 110.

An act to make an appropriation for the contingent expenses of the senate for the session of the thirty-ninth legislature of the State of California during the sixty-second fiscal year.

[Approved March 4, 1911.]

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

Appropriation:
contingent
expenses of
senate.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five thousand dollars for the contingent expenses of the senate for the session of the thirty-ninth legislature of the State of California, during the sixty-second fiscal year.

SEC. 2. This act shall take effect immediately.

CHAPTER 111.

An act making appropriation to pay the salaries and mileage of the senators for the thirty-ninth session of the legislature, during the sixty-second fiscal year.

[Approved March 4, 1911.]

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

SECTION 1. The sum of nineteen hundred thirty and 40-100 dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the salaries and mileage of the senators for the thirty-ninth session of the legislature during the sixty-second fiscal year. Appropriation: salaries and mileage of senators

SEC. 2. This act shall take effect immediately.

CHAPTER 112.

An act making an appropriation for the pay of officers and employees of the senate of the thirty-ninth session of the legislature.

[Approved March 4, 1911.]

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

SECTION 1. The sum of sixteen thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the pay of officers and employees of the senate of the thirty-ninth session of the legislature. Appropriation: senate officers and employees.

SEC. 2. This act shall take effect immediately.

CHAPTER 113.

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

[Approved March 4, 1911.]

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

SECTION 1. The sum of thirty-five thousand dollars is hereby appropriated and ordered transferred from the general fund to the state printing fund, to defray the printing expenses of the thirty-ninth session of the legislature. Appropriation: legislative printing

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

SEC. 3. This act shall take effect immediately.

CHAPTER 114.

An act to amend the Code of Civil Procedure of the State of California by amending section 1639 thereof, concerning accounts to be rendered by representatives of deceased executors, administrators and guardians.

[Approved March 4, 1911.]

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

SECTION 1. Section 1639 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Deceased
executor's
accounts.

1639. If any executor, administrator or guardian dies, his accounts may be presented by his personal representatives to, and settled by, the court in which the estate of which he was executor, administrator or guardian is being administered, and, upon petition of the successor of such deceased executor, administrator or guardian, such court may compel the personal representatives of such deceased executor, administrator or guardian to render an account of the administration of their testator or intestate, and must settle such account as in other cases.

CHAPTER 115.

An act to amend sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

[Approved March 4, 1911.]

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

SECTION 1. Section 1240 of the Code of Civil Procedure of the State of California is hereby amended so as to read as follows:

Private
property
defined.

1240. The private property which may be taken under this title includes:

1. All real property belonging to any person;
2. Lands belonging to this state, including tide and submerged lands, not within the corporate limits of any city, or

city and county, or to any county, incorporated city, or city and county, village or town, not appropriated to some public use;

3. Lands belonging to the United States or owned or held by the United States in trust, or otherwise, for any purpose, except lands owned or held for lighthouses, post offices or other government buildings, forts, arsenals, or other military purposes;

4. Property appropriated to public use; but such property shall not be taken unless for a more necessary public use than that to which it has been already appropriated; *provided*, that property owned by any person, firm or private corporation may be taken by a municipal corporation for the purpose of supplying water to such corporation or the inhabitants thereof, and such use by any municipal corporation shall be held to be a more necessary use than by a person, firm or private corporation;

5. Franchises for toll-roads, toll-bridges, and ferries, and all other franchises; but such franchises shall not be taken unless for free highways, railroads, or other more necessary public use;

6. All rights of way for any and all the purposes mentioned in section twelve hundred and thirty-eight, and any and all structures and improvements thereon, and the lands held or used in connection therewith shall be subject to be connected with, crossed, or intersected by any other right of way or improvements, or structures thereon. They shall also be subject to a limited use, in common with the owner thereof, when necessary; but such uses, crossings, intersections, and connections shall be made in manner most compatible with the greatest public benefit and least private injury;

No railroad main track crossing, outside the limits of any incorporated town, city or city and county, shall be at grade, unless the party proposing such crossing at grade shall, at its own sole cost and expense, protect such crossing by the construction, operation and maintenance of an interlocking plant, with suitable signals and derails; but either party to such crossing may insist upon a separation of grades, in which case the cost of constructing such crossing with separate grades shall be equally divided between the railroad companies concerned; *and provided, further*, that where any such crossing has been constructed at grade, either company may, at any time thereafter, require a separation of the grades at such crossing, each company paying one half of the expense of such separation; *and provided, further*, that the foregoing provisions shall not be construed as requiring a separation of grades where such separation is physically impracticable, and in case of any dispute or controversy as to the physical practicability of any undergrade or overhead crossing, the same shall be determined by the superior court of the county in which such crossing is situate in an action or proceeding brought by either party for that purpose;

7. All classes of private property not enumerated may be taken for public use, when such taking is authorized by law;

8. Proceedings to condemn lands belonging to this state are hereby authorized, and must be maintained and conducted in the same manner as are other condemnation proceedings provided for in this title; except, that in such proceedings the summons and a copy of the complaint must be served on the governor, attorney general, and surveyor general of this state;

9. Proceedings to condemn any of said lands belonging to the United States or owned or held by the United States in trust, or otherwise, for any purpose, are hereby authorized, and must be maintained and conducted in the same manner as are other condemnation proceedings provided for in this title; except, that in such proceedings, the summons and a copy of the complaint must be served on the United States district attorney for the district in which the land sought to be condemned is situated and also upon the United States surveyor general for this state.

SEC. 2. Section 1241 of the Code of Civil Procedure of the State of California is hereby amended so as to read as follows:

1241. Before property can be taken, it must appear:

1. That the use to which it is to be applied is a use authorized by law;

2. That the taking is necessary to such use;

3. If already appropriated to some public use, that the public use to which it is to be applied is a more necessary public use; *provided*, that property owned by any person, firm or private corporation may be taken by a municipal corporation for the purpose of supplying water to such municipal corporation or the inhabitants thereof, and such use by any municipal corporation shall be held to be a more necessary use than by a person, firm or private corporation.

Before
property
may be
taken,
what
necessary.

CHAPTER 116.

An act to amend section 2 of an act entitled "An act regulating the employment of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the commissioner of the bureau of labor statistics and providing penalties for the violation hereof," approved February 20, 1905.

[Approved March 6, 1911.]

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

SECTION 1. Section 2 of an act entitled, "An act regulating the employment of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof

Employ-
ment of
minor.

by the commissioner of the bureau of labor statistics and providing penalties for the violation hereof," approved February 20, 1905, is hereby amended to read as follows:

Section 2. No minor under the age of eighteen years shall be employed or permitted to work between the hours of ten o'clock in the evening and five o'clock in the morning. No child under fourteen years of age shall be employed in any mercantile institution, office, laundry, manufacturing establishment, workshop, place of amusement, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages.

Between
10 p. m.
and
5 a. m.

Under 14.

Provided, That the judge of the juvenile court of the county, or city and county, or in any county or city and county in which there is no juvenile court, then any judge of the superior court of the county or city and county in which such child resides shall have authority to issue a permit to work to any such child over the age of twelve years, upon a sworn statement being made to him by the parent of such child that such child is past the age of twelve years, that the parents or parent of such child are incapacitated for labor, through illness, and after investigation by a probation officer or truant officer of the city, or city and county, in which such child resides, or in cities and counties where there are no probation or truant officers, then by such other competent person as the judge may designate for this purpose. The permit, so issued shall specify the kind of labor and the time for which it is issued, and shall in no case be issued for a longer period than shall seem necessary to the judge issuing such permit. Such permit shall be kept on file by the person, firm or corporation employing the child therein designated, during the term of said employment, and shall be given up to such child upon his quitting such employment. Such certificate shall be always open to the inspection of the truant and probation officers of the city and county, city or county, in which the place of employment is situated, or of the officers of the state bureau of labor statistics; *and provided*, that the attendance officer of any county, city and county, or school district in which any place of employment, in this section named, is situated, shall have the right and authority, at all times to enter into any such place of employment for the purpose of investigating violations of the provisions of this act, or violations of the provisions of an act entitled "An act to enforce the educational rights of children and providing penalties for the violation of the act," approved March 24, 1903, and amended March 20, 1905; *provided, however*, that if such attendance officer is denied entrance to such place of employment, any magistrate may, upon the filing of an affidavit by such attendance officer setting forth the fact that he has a good cause to believe that the provisions of this act, or the act hereinbefore referred to, are being violated in such place of employment, issue an order directing such attendance officer to enter said place of employment for the purpose of making such investigations; *and pro-*

Permit to
child over
12, in case
of sickness
of parents.

Attendance
officer may
investi-
gate.

Employment during vacation.

vided, that any such child over the age of twelve years may be employed at any of the occupations mentioned in this act during the regular vacation of the public schools of the city, county, or city and county, in which the place of employment is situated, upon the production of a permit signed by the principal, vice-principal of the school, or secretary of the board of school trustees or board of education of the school which such child has attended during the term next preceding any such vacation. Such permit shall contain the name and age of the child to whom it is issued, and the date of the termination of the vacation for which it is issued, and shall be kept on file by the employer during the period of employment, and at the termination of such employment shall be returned to the child to whom it was issued.

Minor who can not read English not to work during school hours.

No minor who is under sixteen years of age shall be employed or permitted to work at any gainful occupation during the hours that the public schools of the city, town or school district in which his place of employment is situated are in session, unless he or she can read English at sight and can write legibly and correctly simple English sentences, or unless he or she is a regular attendant for the then current term at a regularly conducted night school. A certificate of the principal of such school shall be held to be sufficient evidence of such attendance.

CHAPTER 117.

An act granting to the city and county of San Francisco the right to construct, maintain and operate a municipal street railroad over, upon and along the lands under the control of the state board of harbor commissioners within the said city and county of San Francisco.

[Approved March 6, 1911.]

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

Granting San Francisco right to construct railroad on state lands.

SECTION 1. The right is hereby granted to the city and county of San Francisco to construct, maintain and operate a single or double track municipal street railroad, with the necessary switches, turnouts, cross-overs and appurtenances, over, upon and along the lands of the State of California under the jurisdiction and control of the state board of harbor commissioners, from a point where the boundary line of said state lands intersects the eastern boundary of the Presidio and following the general direction of the water front line to the southern boundary thereof at the northerly line of the county of San Mateo, provided that the right hereby granted shall never be assigned or transferred by said city and county of San Francisco.

SEC. 2. The precise location of the tracks to be laid down shall be determined by the mutual agreement of the board of state harbor commissioners and the municipal authorities of said city and county, but shall be as near as practicable to the seawall, constructed and to be constructed, with as little obstruction as possible to the free use of the property of the state. The city and county of San Francisco shall keep in a good state of repair the space occupied by its tracks, between the tracks and for a space of two feet on each side thereof, and shall pave and repave the same as may be directed by the state board of harbor commissioners.

Location
of tracks.

SEC. 3. This act shall take effect immediately.

CHAPTER 118.

An act regulating the sale of cold storage eggs and butter, represented to be fresh eggs and butter, and fixing a penalty for the violation thereof.

[Approved March 6, 1911.]

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

SECTION 1. Every person, firm, company or corporation, who sells or offers for sale any cold storage eggs or butter, as and for fresh eggs or butter, or who by any means whatever represents the same to be fresh eggs or butter is guilty of a misdemeanor.

Selling
storage
eggs and
butter
as fresh.

CHAPTER 119.

An act to amend the Penal Code of the State of California by amending section 626g thereof relating to tree squirrels.

[Approved March 6, 1911.]

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

SECTION 1. Section 626g of the Penal Code is hereby amended to read as follows:

626g. Every person who between the first day of January and the first day of September of the same year, hunts, takes, kills, or destroys, or has in his possession, any species of tree squirrel, or who at any time buys, sells, offers for sale, or has in his possession for sale, any tree squirrel, is guilty of a mis-

Killing tree
squirrels
from
Jan. 1 to
Sept. 1.

demeanor, and every person who takes, kills, or destroys, or has in his possession, more than twelve tree squirrels during any one open season, is guilty of a misdemeanor; *provided*, that none of the provisions of this section shall in any manner apply to the county of Mendocino in said state.

SEC. 2. This act shall take effect immediately.

CHAPTER 120.

An act to amend section 3793 of the Political Code of the State of California, relating to the seizure and sale of personal property by the assessor.

[Approved March 7, 1911.]

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

SECTION 1. Section 3793 of the Political Code of the State of California, is hereby amended to read as follows:

Fees for
selling
personal
property.

3793. For seizing or selling personal property for taxes, the assessor may charge in each case the sum of three dollars and the costs if said personal property is advertised, of advertising the same, and in addition thereto the same mileage and keeper's fees, as is allowed by law to the sheriff of the county when seizing and keeping property, subject to execution, under attachment.

CHAPTER 121.

An act providing for an appropriation of \$750.00 for the purpose of buying material to rebuild slaughterhouse at the Preston School of Industry.

[Approved March 7, 1911.]

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

Appropriation:
slaughter-
house at
Preston.

SECTION 1. The sum of seven hundred and fifty dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose buying material for the rebuilding of a slaughterhouse at the Preston School of Industry.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 122.

An act to amend section fifteen of an act entitled "An act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the state bureau of vital statistics and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and fixing penalties for the violation of this act," approved March 18, 1907.

[Approved March 7, 1911.]

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

SECTION 1. Section fifteen of an act entitled "An act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the state bureau of vital statistics and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and fixing penalties for the violation of this act," approved March 18, 1905, is hereby amended to read as follows:

Section 15. The state registrar or local registrar shall, upon request, furnish any person a certified copy of the record of any death registered under provisions of this act, for the making and certification of which he shall be entitled to a fee of fifty cents to be paid by the applicant. And any such copy of the record of a death, when certified by the state registrar, statistician or deputy statistician or chief clerk to the state board of health, and under the seal of said board, or by the local registrar, to be a true copy thereof, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records, when no certified copy is made, the state registrar or local registrar shall be entitled to a fee of fifty cents, to be paid by the applicant, for each hour or fractional part of an hour employed in such search. And the state registrar and local registrar shall each keep a full and correct account of all fees received by him under these provisions. Such money so received by the state registrar shall be deposited with the state treasurer, who shall credit the amount to the fund provided and to be used for the payment of the traveling and contingent expenses of the state board of health. The money so collected by the local registrar shall be by him paid into the city, county, or city and county treasury, as the case may be.

Certified
copy of
death
record.

Searching
files.

CHAPTER 123.

An act to provide for alterations and repairs in the buildings of the state normal school at San Francisco, and to make appropriation for same.

[Approved March 7, 1911.]

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

Appropriation: gymnasium, San Francisco normal.

SECTION 1. The sum of thirteen thousand dollars (\$13,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be used in making alterations and repairs in the present buildings of the state normal school at San Francisco in order to provide a gymnasium and other additional rooms, and to provide for the equipment of same.

SEC. 2. The controller of state is hereby directed to draw his warrants in favor of the state department of engineering in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is hereby directed to pay the same.

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

CHAPTER 124.

An act to amend the Penal Code of the State of California by adding a new section thereto to be numbered section 367e, concerning the operation or driving of an automobile, motor cycle or other motor vehicle by a person who becomes or is intoxicated while so driving said automobile, motor cycle or other motor vehicle and who while so operating said automobile, motor cycle or other motor vehicle, causes the death of, or bodily injury to, any person, and prescribing a penalty for the violation of said section.

[Approved March 7, 1911.]

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

SECTION 1. A new section is hereby added to the Penal Code of the State of California to be numbered section 367e, to read as follows:

Intoxicated automobile driver.

367e. Any person operating or driving an automobile, motor cycle or other motor vehicle who becomes or is intoxicated while so engaged in operating or driving such automobile, motor cycle or other motor vehicle, and who by reason of such intoxication does any act, or neglects any duty imposed by law, which act or neglect of duty causes the death of, or bodily

injury to, any person, shall be punishable by imprisonment in the state's prison not exceeding five years, or in the county jail not exceeding one year, or by fine not exceeding \$500 or by both such fine and imprisonment.

CHAPTER 125.

An act authorizing and directing the erection of a cottage for the accommodation of male patients at the Mendocino State Hospital, and making an appropriation therefor.

[Approved March 7, 1911.]

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

SECTION 1. The sum of fourteen thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the erection of a cottage for the accommodation of male patients at the said Mendocino State Hospital. Appropriation: cottage Mendocino State Hospital.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrant for the amount herein made payable in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same. The amount hereby appropriated shall be available July 1, 1912.

CHAPTER 126.

An act to provide for the construction of a sewing-room and dormitory over the dining-room of the female department, at the Stockton State Hospital, and connecting passageway, and to make an appropriation for the same.

[Approved March 7, 1911.]

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

SECTION 1. The sum of nineteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the construction of a sewing-room and dormitory over the dining-room of the female department at the Stockton State Hospital, with connecting passageway. Appropriation: sewing-room, Stockton State Hospital.

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

SEC. 3. This act shall take effect and be in force from and after July 1, 1911.

CHAPTER 127.

An act to provide for the installation of a system of fire protection of buildings about the grounds and state farm of the Stockton State Hospital, including outside fire hydrants, connections, hose brackets, hose, chemical fire extinguishers, chemical and water engine, and all necessary apparatus for protection in case of fire, and to make an appropriation for the same.

[Approved March 7, 1911.]

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

Appropriation: fire protection, Stockton State Hospital.

SECTION 1. The sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the installation of a system of fire protection for buildings about the grounds and state farm of the Stockton State Hospital, including outside fire hydrants, connections, hose brackets, hose, chemical fire extinguishers, chemical and water engine, and all necessary apparatus for protection in case of fire.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrants for the amount herein made payable, in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same. Of the amount hereby appropriated ten thousand dollars shall be available July 1, 1911, and ten thousand dollars July 1, 1912.

CHAPTER 128.

An act to provide for the furnishing and equipping of a sewing-room and dormitory over the dining-room of the female department at the Stockton State Hospital, and making an appropriation therefor.

[Approved March 7, 1911.]

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

SECTION 1. The sum of two thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the furnishing and equipping of a sewing-room and dormitory over the dining-room of the female department at the Stockton State Hospital.

Appropriation: sewing-room, Stockton State Hospital.

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

SEC. 3. This act shall take effect and be in force from and after July 1, 1911.

CHAPTER 129.

An act to provide for the erection of a water tower and pumps complete at the Stockton State Hospital farm, including all necessary equipment such as tanks, tower, motors, starters, piping, pit, wells and necessary piping to connect wells with buildings and to conduct water about the grounds, and to make an appropriation for the same.

[Approved March 7, 1911.]

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

SECTION 1. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the erection of a tower and pumps complete at the Stockton State Hospital farm, including all necessary equipment such as tanks, tower, motors, starters, piping, pit, wells, and necessary piping to connect wells with buildings and to conduct water about the grounds.

Appropriation: tower, Stockton State Hospital.

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

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

CHAPTER 130.

An act to prevent the importation of neat cattle for dairy or breeding purposes affected with tuberculosis into the State of California.

[Approved March 7, 1911.]

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

Imported
cattle to
be free
from
disease.

SECTION 1. The importation of neat cattle for dairy or breeding purposes into the State of California is hereby prohibited, excepting when such cattle are accompanied by a certificate from a veterinarian whose competency and reliability are certified to by the authorities charged with the control of live stock sanitary work in the state from whence such cattle came, or are accompanied by a certificate of inspection issued by a veterinary inspector in the employ of the United States department of agriculture, certifying that such cattle have been examined and subjected to the tuberculin test and are free from disease.

Certificate
of inspection.

SEC. 2. Every person, company, corporation, their agents and servants, are hereby prohibited from bringing into the State of California any neat cattle for dairy or breeding purposes unless such cattle are accompanied by the certificate of inspection as provided for in section one of this act. The certificate of inspection as provided for in section one of this act shall be made out in duplicate, one copy of which shall be attached to the bill of lading when such cattle are transported in railroad trains or steamboats, and the other copy, together with a record of the tuberculin test or tests, shall be mailed to the state veterinarian of the State of California on the day the shipment is made.

Penalty.

SEC. 3. Any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

CHAPTER 131.

An act to prevent the importation of horses, mules and asses affected with glanders into the State of California.

[Approved March 7, 1911.]

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

SECTION 1. The importation of horses, mules and asses into the State of California is hereby prohibited excepting when such horses, mules and asses are accompanied by a certificate of inspection from a veterinarian whose competency and reliability are certified to by the authorities charged with the control of live stock sanitary work in the state from whence such horses, mules and asses came, or are accompanied by a certificate of inspection issued by a veterinary inspector in the employ of the United States department of agriculture, certifying that such horses, mules and asses have been examined and subjected to the mallein test and are free from disease.

Imported horses to be free from glanders.

SEC. 2. Every person, company, corporation, their agents and servants are hereby prohibited from bringing into the State of California any horses, mules and asses unless such horses, mules and asses are accompanied by a certificate of inspection as provided for in section one of this act. The certificate of inspection as provided for in section one of this act shall be made out in duplicate, one copy of which shall be attached to the bill of lading when such horses, mules and asses are transported in railroad trains or steamboats, and the other copy, together with a record of the mallein test or tests, shall be mailed to the state veterinarian of the State of California on the day the shipment is made.

Certificate of inspection.

SEC. 3. Any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Penalty.

CHAPTER 132.

An act to repeal an act entitled "An act to create the office of sheep inspector for the State of California, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same and to suppress and prevent dissemination of scab among sheep." approved March 24, 1903.

[Approved March 7, 1911.]

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

SECTION 1. An act entitled "An act to create the office of sheep inspector for the State of California, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same and to suppress and prevent dissemination of scab among sheep," approved March 24, 1903, is hereby repealed.

CHAPTER 133.

An act to repeal an act entitled "An act providing for the inspection of sheep, the appointment of a board of sheep commissioners and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same, and providing penalties for the violation hereof." approved March 23, 1907.

[Approved March 7, 1911.]

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

SECTION 1. An act entitled "An act providing for the inspection of sheep, the appointment of a board of sheep commissioners and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same, and providing penalties for the violation hereof." approved March 23, 1907, is hereby repealed.

CHAPTER 134.

An act to encourage and provide for a general vaccination for all public and private schools of California, specifying the duties of certain officers and persons with relation thereto making violations of its provisions a misdemeanor, providing penalties, and repealing an act entitled "An act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

[Approved March 7, 1911.]

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

SECTION 1. Within ten days after this act goes into effect, and thereafter within five days after any child or person shall be enrolled or entered in, or shall have entered, enrolled, or shall have been received or employed or commenced work in any school, college, university, academy, or other educational institution, within the State of California, whether the same be public or private, sectarian or non-sectarian, such child or person shall file with the teacher, instructor, principal, superintendent or other person or persons who shall or may be in charge of or in authority over such school, college, university, academy or other educational institution, either a certificate signed by a duly licensed and practicing physician showing that such child or person has been successfully vaccinated (giving the date thereof) within seven years prior to the date when same shall be filed, or a certificate signed by the health officer or board of health, within whose territorial jurisdiction such institution may be located, stating that such child or person has been examined by him and has presented satisfactory evidence that he or she has been successfully vaccinated (giving the date thereof) within such period of seven years, or the statement or certificate provided for in section 2 of this act.

Filing certificate of vaccination.

SEC. 1a.

VACCINATION CERTIFICATE.

This is to certify that was vaccinated on 19.., with proper aseptic precautions, and with vaccine prepared under U. S. Government license. Full instructions were given for home-care during the progress of the vaccinia.

Form of certificate.

I have this day 19.. completed my observations of the case and certified that the vaccination was successful.

.....
Signature of Vaccinator.

.....
Vaccine number. Limitation date. Manufacturer

Successful vaccination.

Successful vaccination means that there has been evidence of a normal vaccinia, and that ordinarily the person so vaccinated may be assured of immunity to smallpox for at least five years without repetition of the vaccination.

Notice to the Vaccinator.—If repeated vaccinations fail to “take,” read in the instructions in section 9 of the vaccination law.

Duty of physician.

It shall be the duty of every physician and person who shall vaccinate any child or person to take proper aseptic precautions, to use only vaccine prepared under United States government or State of California license, to give to the child or person full instructions for home-care during the progress of the vaccinia, and when observation of the case is completed and found to be successful, to furnish a vaccination certificate in the form prescribed by the terms of this section.

In lieu of certificate.

SEC. 2. In lieu of the certificates provided for in section 1 of this act, and within the same period and with the same person or persons, such child or person may file annually a statement in writing, signed by his or her parent or guardian, if such child or person be a minor, and by himself, in other cases, stating that such parent, guardian or person is conscientiously opposed to the practice of vaccination and will not consent to the vaccination of such child or person, or the certificate of a duly licensed and practicing physician stating that the physical condition of such child or person is, at the time, such that vaccination would seriously endanger the life or health of such child or person, and thereupon such child or person shall be exempt from the provisions of section 1 of this act as otherwise provided.

Blank.

SEC. 2a. The school trustees or directors in each school district, city, city and county within this state shall furnish such parent, guardian or person a printed blank to be filled out in writing as provided in section 2 hereof. This blank shall be substantially in the following form:

City or town
Date

I hereby declare that I am conscientiously opposed to the practice of vaccination and will not consent to the vaccination of

(Signed)
Parent or Guardian.

List of vaccinated children.

SEC. 3. The person with whom such certificates are required to be filed, as aforesaid, shall forthwith deliver them to the health officer within whose territorial jurisdiction such institution may be situated, and such health officer or other proper person shall at once examine the same and make and preserve a list of those children and persons who have been successfully vaccinated within seven years prior to the said date of filing (with the date of such vaccination) and a separate list of those who have not been so vaccinated. Such health officer or other proper person shall thereupon return the vaccination certifi-

ates provided for in section 1 of this act, to the person from whom he received them, who shall surrender them to their respective owners, and such health officer shall preserve in his office the statements and certificates provided for in sections 2 and 2a of this act.

Of those not vaccinated.

SEC. 4. Any child or person who shall fail, neglect or refuse to file a certificate or statement as required by section 1 and section 2 and section 2a. of this act, within ten days after this act goes into effect, or who shall thereafter so fail, neglect or refuse to file such certificate or statement within said period of five days, shall thereupon be excluded from admission to, attendance upon, from the benefits of, and from service in connection with such institution, until such time as he or she shall file such certificate or statement, and it shall be the duty of every teacher, instructor, principal and other person in charge of or in authority over such institution so to exclude such child or person.

Failure to file certificate or statement.

SEC. 5. Whenever any case or cases of smallpox shall exist in any school district, incorporated city or town, or city and county, it shall be the duty of the state board of health to make, or cause to be made a thorough investigation as to whether such smallpox does exist, and as to whether any child or person enrolled or entered in, or employed or working in any such school, college, university, academy or other educational institution, within the State of California, whether the same be public or private, sectarian or non-sectarian, has been exposed to the contagion or infection of such smallpox. If upon such examination the state board of health shall find that smallpox does exist therein, all children or persons, who have not been successfully vaccinated, within seven years then last past, shall be excluded forthwith and continuously from admission to, attendance upon, the benefits of, or service in connection with any and all schools, colleges, universities, academics and other educational institutions situated in such school district, city, town, or city and county until such children shall have been successfully vaccinated, or until such time as such smallpox shall cease to exist in such school district, city, town, or city and county; and it is further provided, that such other vaccinated children or persons shall be excluded from all the rights and privileges as in this section contained as the state board of health or its representatives may direct; *provided*, that in cities, cities and counties, and districts, where two or more schools are maintained, the state board of health shall subdivide such cities, cities and counties or districts, and for such period as it shall determine to be advisable, unvaccinated children and persons may be permitted to attend schools in subdivisions in which no smallpox exists.

Children not vaccinated to be excluded from schools whenever cases of smallpox exist in district.

SEC. 6. Whenever any such case or cases of smallpox as in section 5 contained shall exist in any school district, city or city and county, within this state, the health officer or other proper person or health officers within whose territorial jurisdiction such district, city or city and county may be situated.

Duty of health officer whenever cases of smallpox exist.

shall forthwith furnish to the teacher, instructor, principal, superintendent, or other person in charge of or in authority over, each of the schools, colleges, universities, academies and other educational institutions, situated within his jurisdiction, a certificate showing the existence of such smallpox in such district, city, or city and county, and a list of the unvaccinated children or persons in attendance upon or employed in connection with such schools, respectively, and requiring that such unvaccinated children and persons be excluded as provided in section 5 of this act.

State board to decide in case of question.

SEC. 7. Whenever any question shall arise as to whether smallpox does or does not exist in any district, city, or city and county, the state board of health shall make, or cause to be made an investigation and the determination of said board, or that of its secretary, if said board is not in session, shall be final as to the question of fact.

Penalty for violation.

SEC. 8. Every person who shall violate any provision of this act shall be deemed to be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five nor more than three hundred dollars, or by imprisonment for a period of not more than thirty days, or by both such fine and imprisonment.

Child not able to be vaccinated.

SEC. 9. Whenever any child or person shall file, as in this act provided, a certificate signed by a duly licensed and practicing physician and showing that within one year of the date of filing, such child or person has used due diligence and can not be successfully vaccinated, such child or person shall be exempt from provisions of this act for the period of one year therefrom.

SEC. 10. Nothing in this act shall be construed to be in conflict with or contrary to any of the rules, regulations or requirements of any private school, academy, college, university, or other educational institution which may at any time provide for excluding all unvaccinated children and persons therefrom.

SEC. 11. An act entitled "An act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889, is hereby repealed.

SEC. 12. This act shall take effect from the time of its passage.

CHAPTER 135.

An act to provide for the construction of cement walks on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

[Approved March 7, 1911.]

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

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five hundred dollars, for the purpose of constructing cement walks on the premises of the State Normal School at Chico, California. Appropriation: walks at Chico normal.

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

CHAPTER 136.

An act to provide for the construction of a covered passageway to connect the main building and the training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

[Approved March 7, 1911.]

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

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one thousand dollars, for the purpose of constructing a covered passageway to connect the main building and the training school building on the premises of the State Normal School at Chico, California. Appropriation: passageway, Chico normal.

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

CHAPTER 137.

An act to provide for the equipping and furnishing the new training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

[Approved March 7, 1911.]

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

Appropriation for furnishing Chico normal.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of two thousand dollars, for the purpose of equipping and furnishing the new training school building on the premises of the State Normal School at Chico, California.

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

CHAPTER 138.

An act to amend an act entitled "An act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes," approved March 22, 1909, extending the provisions of said act to include sanitary districts.

[Approved March 7, 1911.]

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

SECTION 1. An act entitled "An act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes," approved March 22, 1909, is hereby amended to read as follows:

One city may construct sewers, etc., for another.

Section 1. Any municipal corporation or sanitary district, under such terms and conditions as may be prescribed by the city council, or other legislative body thereof, is hereby authorized and empowered to permit any other municipal corporation or sanitary district to construct and maintain sewers, water

mains or other conduits in, across, or along the streets and other public places of such municipal corporation or sanitary district, and to use the same for such purposes, under the provisions of this act, and not otherwise.

SEC. 2. Whenever the city council, a sanitary board or other legislative body of any municipal corporation or sanitary district shall find, and by resolution shall declare, that the location of such municipal corporation or sanitary district, or any portion of the territory included therein, is such that the same can not be adequately or conveniently provided with sewers, water mains or other conduits, without the construction and maintenance by such municipal corporation or sanitary district of certain sewers, water mains, or other conduits connecting therewith, in, across, or along certain streets, or other public places of any other municipal corporation or corporations, or sanitary district or districts, such city council, sanitary board or other legislative body, may cause a copy of such resolution to be submitted to the council, sanitary board or other legislative body of such other municipal corporation or corporations or sanitary district or districts, in which such streets or other public places are situated. Said resolution shall contain a description of the sewers, water mains, or other conduits proposed to be constructed and maintained in such other municipal corporation or corporations or sanitary district or districts, and shall designate the streets, or other public places thereof, in, across or along which such sewers, water mains or other conduits are so proposed to be constructed and maintained. Said resolution shall be accompanied by a request in writing, that the municipal corporation or sanitary district, on behalf of which the same is made, signed by the clerk thereof, be granted permission to construct and maintain the sewers, water mains or other conduits described in said resolution. The city council, sanitary board or other legislative body of any municipal corporation or sanitary district receiving such request and a copy of such resolution may by ordinance (or by resolution in case of a sanitary district) grant such permission at its discretion, and under such terms and conditions as it shall therein prescribe. If the permission granted under the provisions of this section shall be for the construction and maintenance of sewers, the city council, sanitary board or other legislative body of any municipal corporation or sanitary district granting the same, may, as a condition to the exercising of such permission, require that said municipal corporation or sanitary district shall have the right to connect its sewers with the sewers to be constructed under such permission, and to use the same in connection with its sewer system, upon the payment by it of such proportionate part of the cost of construction and maintenance of such sewers to the municipal corporation or sanitary district by which the same shall be constructed, as may be determined by resolutions of the city councils, sanitary boards, or other legislative bodies, or both municipal corporations or sanitary districts; such payment to be made at such times and in such amounts as may be so determined.

Resolution
to con-
struct.

Contract
to lowest
bidder.

SEC. 3. All contracts for the construction or completion of any sewers, water mains or other conduits, or for furnishing labor or materials therefor, to be constructed by any municipal corporation or sanitary district in, across or along the streets of any other municipal corporation or corporations or sanitary district or districts, as herein provided, shall be let to the lowest responsible bidder. The city council, sanitary board, or other legislative body of the municipal corporation or sanitary district so constructing such sewers, water mains or other conduits, under permission granted as in this act provided, shall advertise for at least ten days in one or more newspapers published in such municipal corporation or sanitary district (or in one or more newspapers published in the county in which said municipal corporation or sanitary district is situated, if there be no newspaper published in such municipal corporation or sanitary district), inviting sealed proposals for furnishing the labor and materials for the proposed work before any contract shall be made therefor. The said city council or sanitary board or other legislative body, shall require such bonds as it may deem best from the successful bidder to insure the faithful performance of the contract work, and shall also have the right to reject any and all bids; *provided, however*, that nothing herein contained shall be construed as prohibiting such municipal corporation or sanitary district itself from constructing or completing such works, and employing the labor necessary therefor, without such advertisement for proposals or letting of a contract; *and provided, further*, that in any municipal corporation operating under a freeholders' charter, heretofore or hereafter framed under section 8 of article XI of the constitution, and providing for a board of public works, all the matters and things required in this section to be done and performed by the city council, or other legislative body of such municipal corporation, shall be done and performed by the board of public works thereof; *and provided, further*, that in case such charter or general law under which such municipal corporation or sanitary district is operating or existing, prescribes the manner of letting and entering into contracts for the furnishing of labor, materials or supplies, for the construction or completion of public works or improvements, the contracts for such sewers, water mains, or other conduits shall be let and entered into in conformity with such charter or general law.

City may
construct.

Joint
agreement
of cities.

SEC. 4. Whenever the councils, sanitary boards or other legislative bodies of two or more municipal corporations, two or more sanitary districts, or one or more municipal corporations and one or more sanitary districts, shall find, and by resolutions adopted by them shall declare, that it will be for the interest or advantage of such municipal corporations or sanitary districts so to do, such municipal corporations or sanitary districts, by their respective city councils, sanitary boards, or other legislative bodies, may enter into a joint agreement authorizing the construction and maintenance of sewers, water

mains, or other conduits situated in the streets or other public places of either or any of such municipal corporations or sanitary districts, or in part outside of the limits thereof, at the joint cost and expense of, and for the joint use and benefit of such municipal corporations or sanitary districts, upon such terms and conditions, and under such regulations, as may be approved by the city councils, sanitary boards or other legislative bodies of all such municipal corporations or sanitary districts; and the city council, sanitary boards, or other legislative body of each such municipal corporation or sanitary district may bind and obligate such municipal corporation or sanitary district to pay such proportionate part of the cost of the construction and maintenance of such sewers, water mains, or other conduits at such times and in such installments as may be so approved. All contracts for the construction of sewers, water mains, or other conduits, under the provisions of this section shall be made and entered into by the one of such municipal corporations or sanitary districts designated by the city councils, sanitary boards, or other legislative bodies of all such municipal corporations or sanitary districts, and in the manner provided in section 3 of this act. Two or more municipal corporations, two or more sanitary districts, or one or more municipal corporations and one or more sanitary districts, may also, by their city councils, sanitary boards, or other legislative bodies, enter into an agreement or agreements with each other for the joint use by such municipal corporations or sanitary districts, of any sewers, water mains, or other conduits theretofore, in whole or in part, constructed in the streets or other public places of either or any such municipal corporations or sanitary districts, upon such terms and conditions as they may, by mutual agreement made by their respective city councils sanitary boards or other legislative bodies, determine to be proper.

SEC. 5. This act shall take effect immediately.

CHAPTER 139.

An act authorizing levee districts of the state to incur a bonded indebtedness for the purpose of building, constructing, or repairing levees of the district; or for excavating and constructing ditches or canals of such districts; or for the purpose of acquiring rights of way for any such levees, ditches, or canals; or for any and all of said purposes.

[Approved March 8, 1911.]

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

SECTION 1. Any levee district formed or organized by or under the laws of California, may incur a bonded indebtedness for the purpose of building, constructing, or repairing the levee

Levee district may issue bonds.

or levees of such district; or in excavating or constructing any ditches or canals of such district; or for the purpose of acquiring rights of way for any such levee, or ditches, or canals; or for any and all of said purposes. Such indebtedness shall be incurred in the following manner, to wit:

Report of engineer.

Whenever it shall become necessary in the opinion of the board of trustees or directors of any such levee district to build, construct, or repair any levee for the protection of the lands of the district from overflow; or to excavate or construct any ditches or canals for the purpose of draining the lands of the district or any part thereof; or for acquiring rights of way for either of such purposes, the trustees or directors of such levee district shall, by resolution, employ some civil engineer, and direct him to make a report in writing to said board of trustees or directors, containing his recommendations as to the best method of doing said work. Said report shall show:

1. A description of the work to be done.
2. The plans, profiles, cross-sections and specifications of the work required.
3. A general description of the lands required for rights of way for the work, if any such are required.
4. An estimate of the expense of such work, including an estimate of the cost of acquiring rights of way for such work, should such rights of way be required.
5. An estimate of all incidental expenses likely to be incurred in connection with the work, such as clerical, engineering, inspection, printing and advertising.

Adoption of report.

SEC. 2. After the report of the engineer provided for in the next preceding section has been filed with the board of trustees or directors of such levee district, said board shall consider the same and shall have power, by resolution, to adopt the same as filed by said engineer, or to modify or change the same, and to adopt the same as so modified or changed; and said report shall be adopted as originally presented if not modified or changed, but if modified or changed it shall be adopted as so modified or changed.

Notice to taxpayers.

SEC. 3. Within ten days after the adoption of the report as provided in section two of this act, the board of trustees or directors of such levee district shall give notice thereof to all taxpayers of the district. Such notice shall specify a day and hour when and where any and all persons may appear before said board and show cause, if any they have, why said work provided for in said report should not be carried out in accordance therewith, said time to be not less than thirty nor more than sixty days from the adoption of said report.

Publication of notice.

Said notice shall briefly outline the proposed work, and shall refer to the said report on file with said board for a particular description of the work to be done. Such notice shall be conspicuously posted in three of the most public places within said district, and published in some newspaper printed and published in the county where said district is situated; or, if said district is situated in more than one county, then in a

newspaper printed and published in each of the counties wherein any portion of said district is situated. for a period of three weeks prior to the day of hearing.

SEC. 4. At the time mentioned in the notice provided for in section three of this act, to wit: At the time specified in said notice, at which the taxpayers of the district are notified to appear before the board to show cause why the work provided for in the report adopted by the board should not be carried out, there shall be filed with said board an affidavit that such notice has been posted as provided for in said section three. and an affidavit of the printer or publisher, or the principal clerk of such printer or publisher of the newspaper or newspapers in which said notice has been published, showing that such notice has been published as provided for by said section three. Said board of trustees or directors, before proceeding with said hearing, shall cause to be entered upon the minutes of the meeting an order reciting that such notice of said hearing has been posted and published according to law, and such recitals shall be conclusive evidence of the facts therein recited. Said board shall thereupon proceed with the hearing of any objections which shall have been made in writing and filed with said board not later than the hour fixed for said hearing as specified in said notice. and no other objections shall be considered. Said hearing may be continued from time to time by said board, and all parties interested shall be deemed to have notice of said continuances. All objection to the performance of the work specified in said report must be in writing, and must state the objector's grounds of opposition and must be signed by the objector: and objections which do not comply with these requirements shall not be considered by said board.

Affidavit
of pub-
lisher.

Objec-
tions.

SEC. 5. At the close of the hearing provided for in section four of this act, the board of trustees or directors of such levee district shall have power to set aside, modify, or confirm the resolution provided for in section two of this act; in case the board, after such hearing, shall decide that it will be for the best interest of the district to proceed with the work, it shall, by resolution, so declare; and in case the said original plan of the work shall have been modified or changed after such hearing, the board shall direct the engineer of the district to estimate the cost of the work in accordance with the plan so modified or changed, and to report the same to the board. The engineer of the district shall thereupon, in case such original plan shall have been changed or modified, make a report to the board in accordance with the modifications or changes adopted by it, and such report must show:

Board may
confirm
resolution.

Report of
engineer.

1. A description of the work to be done as changed or modified by the board after said hearing.

2. The plans, profiles, cross-sections and specifications of the work as so changed and modified by the board.

3. A general description of the lands required for rights of way for the work, if any such are required.

4. An estimate of the expense of such work in accordance with the plan so modified or changed by the board, including an estimate of the cost of acquiring rights of way for such work, should any such rights of way be required.

5. An estimate of all incidental expenses likely to be incurred in connection with the work as planned, such as clerical, engineering, inspection, printing and advertising.

Reap-
proval of
report.

SEC. 6. If, after the hearing provided for in section four of this act, the report of the engineer as finally adopted under the provisions of section two of this act, has not been changed or modified by said board, the board shall, by resolution, finally reapprove and readopt said report in all respects as approved and adopted under the provisions of said section two; in case, after such hearing, the report of the engineer as finally adopted under the provisions of said section two has been changed or modified by said board, the board shall, by resolution, finally reapprove and readopt said report as so changed or modified; and in either case the resolution reapproving and readopting said report shall state the amount of the entire estimate of the expense of such work.

Bonds.
amount,
rate of in-
terest, etc.

SEC. 7. The board of trustees or directors of such levee district shall, by order entered upon the minutes of said board, specify the amount of bonds which it is proposed to issue, which, in any case, shall not exceed the entire estimate of the expense of the work as planned, the rate of interest to be paid and the number of years, not exceeding twenty, the whole or any part of said bonds are to run; and said order shall further provide for submitting the question of the issuance of said bonds to the taxpayers of the district, at an election to be called by the board for that purpose, and the words to appear upon the ballot shall be: "Bonds—Yes" and "Bonds—No," or words of similar import, together with a general statement of the amount and purpose of the bonds to be issued. Said order shall name a time and place of holding such election, which place shall be at some convenient place in the district. The board shall appoint one inspector, two judges, and one clerk to conduct said election, all of whom must be electors and taxpayers of the district. Notice of such election shall be given by publication in a newspaper published in the county in which such district or some part thereof is situated, once a week for at least four weeks prior to said election. Such notice must contain the time and place of holding such election, the names of the election officers to conduct the same, the amount and denomination of the bonds, the rate of interest to be paid, and the number of years, not exceeding twenty, the whole or any part of such bonds are to run. If any election officer appointed by said board and named in such notice is not present at the time for opening of the polls, the voters present may appoint an election officer to take the place of such election officer so absent. Before opening the polls, each officer of election must take and subscribe an oath to faithfully perform the duties imposed upon him by law. Any voter of the

Bond
election.

Election
officials.

district may administer and certify such oath. At such election any voter qualified to vote for the election of officers of said district, and none other, shall be permitted to vote thereat; and such election shall be held as nearly as practicable in conformity with the general election law of the state, except that registration shall not be required; and except, also, that persons voting at such bond elections shall put a cross (X) upon their ballots with pencil or ink, after the words "Bonds—Yes" or "Bonds—No" (as the case may be), to indicate whether they have voted for or against the issuance of bonds; and except, also, that the returns of such election shall be canvassed and the result declared by the board of supervisors of the county in which such election is held, at the next regular meeting of said board after such election. No ballot shall be rejected because of any distinguishing marks made thereon. If a majority of the voters of the district voting at such election shall vote in favor of issuance of bonds, the board of trustees or directors of said levee district must proceed to issue the amount of bonds specified. Said board of trustees or directors, by an order or resolution entered upon its minutes, shall prescribe the form of said bonds, and of the interest coupons attached thereto, and fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than twenty years from the date thereof; and said bonds shall be issued in sums of not less than one hundred dollars nor more than one thousand dollars each, and shall have not more than twenty years to run, and shall bear interest at a rate not exceeding seven per cent per annum, payable semi-annually; and said bonds shall be substantially in the following form:

Canvass of returns.

Form of bonds.

No..... (Name of district).....

In the county of....., State of California.

For value received, promises to pay, or order, at the office of the treasurer of said district, in, California, on or before the first day of, 19.., the sum of dollars, in gold coin of the United States, with interest at the rate of per cent per annum, payable at the office of said treasurer semi-annually, on the first day of and in each year, on presentation and surrender of the interest coupons hereto attached. This bond is issued by the board of of said district in conformity with a resolution of said board, dated the day of, nineteen hundred and, and under authority conferred upon said board by the provisions of an act of the legislature of California entitled "An act authorizing levee districts of the state to incur a bonded indebtedness for the purpose of building, constructing, or repairing levees of the district; or for excavating and constructing ditches or canals of such districts; or for the purpose of acquiring rights of way for any such levees, ditches or canals; or for any and of all said purposes."

Approved (insert date of approval of the act).

In testimony whereof, the said district, by its board of

..... has caused this bond to be signed by the chairman of said board, and attested by the auditor of county, with his seal of office attached, this day of, 19.....

..... Chairman of said board.

Attest: auditor of county.

And the interest coupons shall be in the following form:

The treasurer of (name of district) will pay to the holder hereof, on the day of 19..... at his office in dollars, gold coin, for interest on bond of said district numbered

Bonds to be numbered and signed.

Counter-signed by auditor.

SEC. 8. Bonds issued under this act shall be numbered consecutively, signed by the chairman of the board of directors or trustees, as the case may be, and delivered to the auditor of the county in which the levee district is situated; or if situated in more than one county, then to the auditor of the county in which the greater portion of said district is situated, who shall countersign the same and affix thereto his official seal, and shall by him be delivered to the treasurer of the district, who shall deliver to such auditor his receipt therefor, and said treasurer shall stand charged on his official bond with all the bonds delivered to him and the proceeds thereof, and he shall sell the same to the highest bidder for cash in gold coin of the United States, but in no event for a less sum than the face value of the bonds and all interest accrued thereon at the date of such sale. All moneys realized from the sale of said bond shall be placed in the treasury of the district, and shall not be expended for any purpose other than in the payment of the expense of the work for which such bonded indebtedness was incurred, as specified in section one of this act.

Treasurer to keep record.

The treasurer of the district shall keep a record of all bonds sold by him, by number, date of sale, amount, date of maturity, and the name and post office address of the purchaser, which record shall be open at all times for public inspection.

Tax levy.

SEC. 9. The board of directors or trustees shall cause to be assessed and levied each year upon the assessable property of the district, in addition to the levy authorized for other purposes, a sufficient sum to pay the interest on outstanding bonds, issued in conformity with the provisions of this act, accruing before the next annual levy, and such proportion of the principal, that at the end of five years the sum raised from such levies shall equal at least twenty per cent of the amount of bonds issued, at the end of nine years at least forty per cent of the amount, and at and before the date of maturity of the bonds shall be equal to the whole amount of the principal; and the money arising from such levies shall be known as the bond fund, and shall be used for the payment of bonds and interest coupons, and for no other purpose whatever; and the treasurer shall open and keep in his books a separate and special account thereof, which at all times shall show the exact condition of said bond fund.

SEC. 10. Whenever there shall be in the bond fund of such district a surplus of five hundred dollars or more over and above the interest maturing before the next levy, the treasurer shall give notice for two weeks in one or more newspapers of general circulation, printed and published in the county in which such district is situated, stating the amount of such surplus, and that on the day and hour named in such notice, sealed proposals will be received at his office for the surrender of bonds of the district, and shall at the time and place named open the proposals and accept the lowest bid; *provided*, that no bid shall be accepted for an amount exceeding the par value of such bonds with accrued interest; if bids are not offered at par, or less, sufficient to exhaust the amount on hand applicable to redemption, the treasurer shall publish for the same time and in the same manner a notice that he will redeem a bond or bonds of said district, giving the number or numbers thereof, and that if not presented for redemption within thirty days after the date of the first publication of such notice, the interest thereon will cease, and the amount due thereon will be set aside for the payment of such bond or bonds whenever presented. If any such bond be not so presented, interest thereon shall cease, and the amount due thereon shall be set aside as specified in said notice. All redemption of bonds other than those voluntarily surrendered shall be made in the exact order of their issuance, beginning with the lowest or first number.

Redemption of bonds.

SEC. 11. This act shall take effect immediately.

CHAPTER 140.

An act to amend section 3398 of the Political Code of the State of California, relating to the surveyor general being the general agent of the state for the location in the United States land offices of lieu land; relating also to locations in the United States land offices of lands desired to be selected in lieu of grants made to the state, and said section as hereby amended also providing that the surveyor general shall not perfect certain selections made on or before March 24, 1909, and providing also that no further action thereon shall be taken.

[Approved March 8, 1911.]

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

SECTION 1. Section 3398 of the Political Code of the State of California, is hereby amended so as to read as follows:

3398. The surveyor general is the general agent of the state for the location in the United States land offices of the lands desired to be selected and located in lieu of the sixteenth and thirty-sixth sections granted to the state for the use of

Surveyor general state locating agent.

the public schools, and in lieu of any and all losses sustained by the state to its school grant, whenever he is authorized by law to make such location or locations, or whenever for any reason he is authorized to select lands in lieu of grants made to the state; but no such selection or reselection or designation shall hereafter in any manner be made, except upon the surrender to the surveyor general, as in this article provided, of a certificate of indemnity or scrip. The surveyor general shall not perfect or amend or correct any selection, reselection, amended selection, designation or redesignation made on or before March 24, 1909, or take any action whatever in relation thereto or thereon, unless the said selection, reselection, amended selection, designation or redesignation was duly received by the register or receiver of the local United States land office, and given a register and receiver's number and duly forwarded to the general land office at Washington, D. C., and became and now is a part of the records of such general land office at Washington, D. C. No reselection of any land for, which a certificate of purchase is outstanding shall be made by the surveyor general until the certificate of purchase issued therefor shall have been surrendered.

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

CHAPTER 141.

An act to provide for the cancellation of application for lieu lands made prior to March 24, 1909, wherein selections were not made and forwarded to the United States land office by the surveyor general on or before March 24, 1909, and for the cancellation of all applications for such lieu lands made prior to March 24, 1909, where the selections of the lands described therein were not duly forwarded to and received by the register and receiver of the local United States land office and given a register and receiver's number, and forwarded to the general land office, at Washington, D. C., and of record therein.

[Approved March 8, 1911.]

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

SECTION 1. Any and all applications for lieu lands, made prior to March 24, 1909, wherein the selections of the lands applied for were not made and forwarded by the surveyor general to the United States land office on or before March 24, 1909, are hereby declared to be null and void, and shall be canceled by the surveyor general; and, likewise, any and all applications for lieu lands made prior to March 24, 1909, where the selections of the lands described in said applications were not duly received by the register and receiver of the

Cancellation of lieu lands applications.

local United States land office, and given a register and receiver's number, and which were not duly forwarded to the general land office at Washington, D. C., and which did not become and are not now a part of the records of such general land office at Washington, D. C., are hereby declared to be null and void and of no force or effect and shall be canceled of record by the surveyor general.

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

SEC. 3. This act shall take effect immediately from and after its passage.

CHAPTER 142.

An act to amend section 3494 of the Political Code, relating to the sale of school lands.

[Approved March 8, 1911.]

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

SECTION 1. Section 3494 of the Political Code is hereby amended so as to read as follows:

3494. The unsold portion of the five hundred thousand acres granted to the state for school purposes, the sixteenth and thirty-sixth sections of school land belonging to the state which are not situated within the exterior boundaries of a military, Indian or forest reservation created by authority of the United States, or of a national forest, national park or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and lands selected in lieu thereof on or before March 24, 1909, where the selection was duly forwarded to the local United States land office and given a register and receiver's number and forwarded to the general land office at Washington, D. C., and which became and now is a part of the records of such general land office at Washington, D. C., must be sold at the rate of two dollars and fifty cents per acre, in gold coin, payable, twenty per cent of the principal within fifty days from the date of the certificate of location issued to the purchaser; the balance, bearing interest at the rate of seven per cent per annum, in advance, is due and payable within one year after the passage of any act by the legislature requiring such payment, or before, if desired by the purchaser; *provided, however,* that any applicant whose application is now on file for any of the lands above described, to wit, the unsold portion of the five hundred thousand acres granted to the state for school purposes, the sixteenth and thirty-sixth sections of school land belonging to the state which are not situated within the exterior boundaries of a military, Indian or forest reservation created by authority of the United States, or of a national forest, national

Sale of
school
lands.

\$2.50 per
acre.

Seven
per cent
interest.

park or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and lands selected in lieu thereof on or before March 24, 1909, where the selection was duly forwarded to the local United States land office and given a register and receiver's number and forwarded to the general land office at Washington, D. C., and which became and now is a part of the records of such general land office at Washington, D. C., may complete the purchase of such lands at the rate of one dollar and twenty-five cents (\$1.25) per acre, in gold coin, payable, twenty per cent of the principal within fifty days from the date of the certificate of location, the balance, bearing interest at the rate of seven per cent per annum, in advance, is due and payable within one year after the passage of any act of the legislature requiring such payment, or before if desired by the purchaser; *provided*, said application be good and valid and said applicant shall have complied in all respects with the laws in relation to the sale of such lands. The sixteenth and thirty-sixth sections of school land which are situated within the exterior boundaries of a military, Indian or forest reservation created by authority of the United States, or of a national forest, national park or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, are withdrawn from sale. Nothing herein contained shall be construed as a recognition that the said sixteenth and thirty-sixth sections last above referred to have not heretofore been withdrawn from sale. Lieu lands applied for or selected subsequent to March 24, 1909, shall be sold and disposed of as provided in article I of chapter I of the title VIII of part III of this code.

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

CHAPTER 143.

An act to add a new section to the Political Code, to be numbered section thirty-eight hundred and four a, relating to the cancellation of erroneous assessments.

[Approved March 8, 1911.]

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

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

3804a. When property that is exempt from taxation has been erroneously assessed, or when improvements which did not in fact exist when the tax became a lien, have been erroneously assessed on real estate, the board of supervisors may, upon satisfactory proof thereof, with the written consent of the district attorney, and by an order entered upon its min-

Cancellation of erroneous tax assessments.

utes, direct the auditor to cancel such assessment; and if real property has been sold to the state for non-payment of the tax levied on such property or improvements so erroneously assessed, and a certificate of sale or deed therefor has been issued to the state, and the state has not disposed of the property so sold, the order of the board shall also direct the recorder to cancel the certificate of sale or deed so issued, so far as the same relates to such exempt property or non-existing improvements. In the city and county of San Francisco the written consent of the city attorney shall have the same effect as the written consent of the district attorney.

CHAPTER 144.

An act to amend the Penal Code of the State of California, by adding a new section thereto to be known as section 626p relating to the protection of beaver.

[Approved March 8, 1911.]

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

SECTION 1. A new section is hereby added to the Penal Code of the State of California, to be numbered 626p, and to read as follows:

626p. Every person who at any time takes, catches, or kills, or has in his possession any beaver, is guilty of a misdemeanor. Killing
beaver.

CHAPTER 145.

An act to amend section two thousand five hundred and twenty of an act entitled "An act to establish a Political Code," approved March 12, 1872, said section two thousand five hundred and twenty relating to the establishment of a board of state harbor commissioners, providing for the number of such commissioners, their nomination and appointment, term of office and duties.

[Approved March 8, 1911.]

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

SECTION 1. Section two thousand five hundred and twenty of an act entitled "An act to establish a Political Code," approved March 12, 1872, is hereby amended to read as follows:

2520. A board of state harbor commissioners, to consist of three persons, is hereby created, with such powers and duties as are prescribed by law. On the passage of this act the governor must nominate, and, by and with the consent of the Board of
state har-
bor com-
missioners.

Senate, appoint three state harbor commissioners. Any and all harbor commissioners heretofore or hereafter appointed shall hold office at the pleasure of the governor. When any appointment of any successor to any commissioner is made by the governor, such appointment shall be valid to all intents and purposes, subject, however, to the consent of the senate at its next regular session, and, until such time, the person so appointed shall have as full and ample power and authority as though confirmed by the senate. In case the senate, during its session, fail to act on or refuse its consent to any nomination the governor may make of any person or persons to constitute the board herein provided for, he must, after the adjournment of the senate, grant a commission or commissions to such person or persons as he may desire to appoint, which appointment or appointments shall be valid to all intents and purposes, subject, however, to the consent of the senate at its next regular session, and until such time the person or persons so appointed shall have as full and ample power and authority as though confirmed by the senate. The board of state harbor commissioners hereby created shall be the legal successor to any and all previous boards. When the board herein provided for is appointed, it shall organize and elect a president and executive officer of the board. It shall be his duty to preside at its meetings, to supervise the official conduct of all its officers and employees, especially in the collection, custody and disbursements of the revenues, and to require that all the books, papers and accounts be accurately kept and in proper form, and all the provisions of law and the regulations of the board be enforced and observed. He may administer official oaths to the officers and employees of the board, except the other commissioners, and to all other persons in relation to the business of the board.

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

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

CHAPTER 146.

An act to amend section 632½ of the Penal Code of the State of California, relating to the protection and preservation of fish.

[Approved March 8, 1911.]

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

SECTION 1. Section 632½ of the Penal Code of the State of California is hereby amended to read as follows:

632½. Every person who between the first day of November and the first day of April of the year following, takes, catches, kills, destroys or has in his possession, any steelhead trout

taken above tide water; every person who, between the first day of April and the first day of November of the same year, takes, catches, kills, destroys or has in his possession, any steelhead trout, taken above tide water, which have been taken, caught or killed except with hook and line; every person who between the first day of February and the twenty-third day of October of the same year, buys, sells, offers or exposes for sale, any steelhead trout; every person who at any time, takes, catches, kills, destroys or has in his possession, any steelhead trout taken in tide waters, which have been taken, caught or killed except with hook and line, is guilty of a misdemeanor; *provided*, that it shall be lawful to take, catch, kill and have in possession any steelhead trout taken in tide water, with gill nets, the meshes of which are, when drawn closely together and measured inside the knot, six and one half or more inches in length, between the twenty-third day of October and the first day of February of the year following. Nothing herein shall apply to domestically reared steelhead trout.

Every person found guilty of any violation of any of the provisions of this section must be fined in a sum not less than twenty (\$20.00) dollars, or be imprisoned in the county jail in the county in which the conviction shall be had, not less than ten (10) days, or by both such fine and imprisonment, and all fines collected for any violation of any of the provisions of this section must be paid into the state treasury to the credit of the fish and game preservation fund. Nothing in this section prohibits the United States fish commission and the board of fish and game commissioners of this state from taking at all times such trout as they deem necessary for the purpose of propagation or for scientific purposes. Penalty.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 147.

An act to amend sections three thousand one hundred and nine and three thousand one hundred and ten of the Political Code of the State of California, relating to public and fraternal cemeteries, and jurisdiction over the same.

[Approved March 9, 1911.]

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

SECTION 1. Section three thousand one hundred and nine of the Political Code is amended to read as follows:

3109. The public cemeteries of cities, towns, villages, neighborhoods and of fraternal or beneficial associations or societies must be enclosed and laid off into lots, and the general manage-

Control of
cemeteries.

ment, conduct and regulation of interments, permits to inter, or remove interred bodies, the disposition of lots, and keeping the same in order, are under the jurisdiction and control of the cities and towns owning the same, if incorporated; if not, then under the jurisdiction and control of the board of supervisors of the county in which they are situated; *provided*, that in all cases, those owned by said fraternal or beneficial associations or societies shall be under the jurisdiction of and controlled and managed by said associations or societies or by trustees appointed by them.

SEC. 2. Section three thousand one hundred and ten of the Political Code is amended to read as follows:

Rules for.

3110. The authorities having jurisdiction and control of cemeteries may make and enforce general rules and regulations therefor, and appoint sextons or other officers to enforce obedience to the same with such powers and duties regarding the cemetery as they may deem necessary.

CHAPTER 148.

An act to amend sections Nos. 851 and 852 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883.

[Approved March 9, 1911.]

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

SECTION 1. Section 851 of an Act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, is hereby amended to read as follows:

Municipal officers.

Section 851. The government of such city or town shall be vested in a board of trustees, to consist of five members; a clerk, who shall be ex officio assessor; a treasurer; a marshal, to be appointed by the board of trustees, who shall be ex officio tax and license collector; a recorder to be appointed by the board of trustees; and such subordinate officers as are hereinafter provided for.

SEC. 2. Section 852 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, is hereby amended to read as follows:

Elections.

Section 852. The members of the board of trustees and the clerk and treasurer shall be elected by the qualified electors of said city or town at a general municipal election to be held therein on the second Monday in April in each even-numbered year. The clerk and treasurer shall hold office for a period of two years from and after the Monday next succeeding the day

of such election, and until their successors are elected and qualified. Members of the board of trustees shall hold office for the period of four years, and after the Monday next succeeding the day of such election; and until their successors are elected and qualified; *provided*, that the first board of trustees elected under the provisions of this act shall, at their first meeting, so classify themselves by lot as that three of their number shall go out of office at the expiration of two years and two at the expiration of four years. The board of trustees may, in their discretion, appoint an attorney, a poundmaster, a superintendent of streets, a civil engineer, a marshal and such police and other subordinate officers as in their judgment may be deemed necessary, and fix their compensation, which said officers shall hold office during the pleasure of said board.

Term of trustees.

Appointive officers.

CHAPTER 149.

An act making an appropriation for the construction of a dam and reservoir for additional water supply for the Mendocino State Hospital.

[Approved March 9, 1911.]

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

SECTION 1. The sum of twelve thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be used for the construction of a dam and reservoir for additional water supply for the Mendocino State Hospital.

Appropriation: dam, Mendocino State Hospital.

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

SEC. 3. This act shall take effect and be in force from and after July 1, 1911.

CHAPTER 150.

An act amending section 313 of the Civil Code of the State of California, relating to representing and voting shares of stock in corporations.

[Approved March 9, 1911.]

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

SECTION 1. Section 313 of the Civil Code of the State of California. is hereby amended to read as follows:

Stock of minors, insane, etc., how represented.

313. The shares of stock of an estate of a minor, or insane person, may be represented by his guardian, and of a deceased person by his executor or administrator, and, except when otherwise agreed, all shares of stock standing on the books of a corporation in the name of any person as pledgee or trustee, may be represented or voted by such pledgee or trustee only when such pledgor or beneficial owner fails to represent and vote the same.

CHAPTER 151.

An act to add a new section to the Political Code to be numbered section twenty-six hundred forty-six relating to highways.

[Approved March 9, 1911.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered section twenty-six hundred forty-six and to read as follows:

Highways in charge of supervisors.

2646. Whenever any of the highways of a county have been constructed or improved under the provisions of an act entitled: "An act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor." approved March 19, 1907, and all acts amendatory thereof or supplementary thereto, the board of supervisors of said county shall have the charge of the maintenance and repair of said highways and may employ a superin-

tendent or inspector to have charge of the repairing and maintenance of all of said roads under the orders and direction of said board, and may employ such workmen and purchase such materials, equipment, tools and appliances as may be necessary to maintain said roads and keep them in repair, the cost of such maintenance and repair to be paid out of the general fund of the county. Nothing herein contained shall prevent the board from having any such work of repair of maintenance done by contract under the provisions of section 2643, if they deem it advisable.

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

CHAPTER 152.

An act to repeal section 632b3, sometimes designated as section 632(3) of the Penal Code of California relative to and prohibiting the use of salmon and steelhead roe as bait.

[Approved March 9, 1911.]

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

SECTION 1. Section 632b3, sometimes designated as section 632(3) of the Penal Code of California, is hereby repealed.

CHAPTER 153.

An act to provide for the furnishing and equipping of the male convalescent cottage at the Stockton State Hospital farm, and to make appropriation for the same.

[Approved March 9, 1911.]

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

SECTION 1. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the moneys of the state treasury not otherwise appropriated, to be paid to the board of managers of the Stockton State Hospital, to be by them expended as follows: For the furnishing and equipping of the male convalescent cottage at the Stockton State Hospital farm.

Appropriation: furnishing. Stockton State Hospital farm.

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

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

CHAPTER 154.

An act to amend an act entitled "An act to establish and maintain a state hygienic laboratory for bacteriological and chemical analysis for the use of the state board of health, providing for the appointment of a director thereof, and assistants; making an appropriation therefor and prescribing the duties of the state controller and state treasurer in relation thereto," approved March 18, 1905, and relating to the state hygienic laboratory.

[Approved March 9, 1911.]

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

SECTION 1. An act entitled "An act to establish and maintain a state hygienic laboratory for bacteriological and chemical analysis for the use of the state board of health, providing for the appointment of a director thereof, and assistants; making an appropriation therefor and prescribing the duties of the state controller and state treasurer in relation thereto," approved March 18, 1905, is hereby amended to read as follows:

Stat:
hygienic
laboratory
estab-
lished.

Section 1. There shall be established and maintained at the University of California, at Berkeley, for the use of the state board of health, a state hygienic laboratory for bacteriological and chemical analysis, which shall be under the management and control of the state board of health; and branches of said laboratory may be established and maintained by said board from time to time, at such other places within the State of California as the said board may determine to be necessary for the protection of the public health.

Director.

Section 2. The state board of health shall appoint a director of said state laboratory who shall be a skilled bacteriologist and chemist, and, subject to the control of said board, shall have general supervision of said laboratory and any branch laboratories that may be established hereunder. Said board shall also

Assistant.

appoint an assistant director for each branch laboratory established, who shall likewise be a skilled bacteriologist and chemist, and shall also appoint such other assistants as may from time to

time be necessary to carry on the work of said laboratory and the branches thereof. The salaries of the director, assistant directors, and other assistants shall be fixed by the state board of health and they shall hold office at the pleasure of said board; *provided, however*, that all such salaries and all expenses incurred for equipment, rent, materials, traveling expenses, and other things incidental to the maintenance and operation of such laboratories, shall be paid out of the money appropriated for bacteriological laboratory support by the terms of the general appropriation act.

Salaries.

Section 3. The state controller is hereby authorized to draw his warrants for the sums so appropriated in favor of the secretary of the state board of health and the state treasurer is hereby directed to pay the same.

SEC. 2. This act shall be in effect on and after the first day of July, 1911.

CHAPTER 155.

An act to amend section seven hundred thirty-nine of the Political Code of the State of California.

[Approved March 9, 1911.]

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

SECTION 1. Section 739 of the Political Code is hereby amended to read as follows:

739. The annual salaries of the officers connected with the supreme court are as follows: The reporter of the decisions of the supreme court and of the district courts of appeal, twenty-five hundred dollars; the assistant reporters of the decisions of the supreme court and of the district courts of appeal, not exceeding three in number, one at twenty-four hundred dollars and two at twelve hundred dollars each; one phonographic reporter, three thousand dollars, and one phonographic reporter, twenty-four hundred dollars; two secretaries of the court, each, twenty-four hundred dollars; each bailiff eighteen hundred dollars; the librarian, fifteen hundred dollars.

Salaries of officers of supreme court.

SEC. 2. This act shall take effect immediately.

CHAPTER 156.

An act to amend section 626c of the Penal Code of the State of California, relating to the protection and preservation of game birds.

[Approved March 9, 1911.]

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

SECTION 1. Section 626c of the Penal Code of the State of California, is hereby amended to read as follows:

Killing
swans,
pheasants,
etc.

626c. Every person who takes, kills, or destroys, or has in his possession any swan, or any wild pheasants, or any bobwhite quail, or any variety of imported quail or partridge, or wild turkey, is guilty of a misdemeanor; *provided, however*, that a person may rear, propagate and have in possession pheasants and the increase thereof reared in captivity, or pheasants imported from a foreign country, and such artificially propagated or imported pheasants may be killed, sold, or disposed of at any season of the year upon permission from the state board of fish and game commissioners; *and provided, further*, that a copy of such permit shall be attached to any pheasants or the package containing the same in plain view when the same shall be sold or disposed of as hereinabove provided.

CHAPTER 157.

An act relating to the bonds of irrigation districts, providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust companies, insurance companies and for the state school funds, and providing that such bonds may be deposited as security, and providing for a commission for approving such bonds, for a report thereon, for the filing of such report and for the registration of such bonds in the office of the state controller.

[Approved March 9, 1911.]

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

Bonds of
irrigation
districts.

SECTION 1. Whenever hereafter the board of directors of any irrigation district organized or existing under and by virtue of an act entitled "An act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irriga-

tion of the lands embraced within such districts and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, shall by resolution declare that it deems it desirable that bonds of such district shall be authorized, the said board of directors shall thereupon file a certified copy of such resolution with the commission hereinafter provided for, and no bonds shall hereafter be authorized by such districts except in accordance with the provisions of this act.

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

Report
of com-
mission.

(a) Water, water rights, canals, reservoirs, reservoir sites and irrigation works acquired or to be acquired by such district and the reasonable value thereof.

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

(c) The physical feasibility of the project and the approximate cost thereof.

SEC. 3. A written report of the investigation herein provided for shall be filed in the office of the state controller; and if said commission shall report that the project is feasible such district shall be authorized to issue bonds as provided in the act under which it is organized or existing to the amount of sixty per centum of the then aggregate value of the lands, water, water rights, canals, reservoirs, reservoir sites and irrigation works as set forth in said report, and such amount of bonds may thereafter from time to time be increased upon like proceedings as the value of said lands, water, water rights, canals, reservoirs, reservoir sites and irrigation works increases.

Report
filed with
controller.

Amount
of bonds.

SEC. 4. All bonds issued by said districts shall be registered with the state controller and it is hereby made the duty of the state controller to provide for the filing and preserving of such reports and the registration of such bonds.

Bonds to
be regis-
tered with
controller.

SEC. 5. All bonds issued in compliance with the requirements of this act, and all bonds that heretofore have been voted or authorized by irrigation districts organized or existing under the act entitled "An act to provide for the organization and government of irrigation districts and to provide for the acquisition and construction thereby of works for the irrigation of the lands embraced within such districts and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, or the acts amendatory or supplemental thereto; *provided*, that such districts are now actually engaged in the distribution of water and are not in default in the payment of interest upon any bonds, shall be legal investments for all trusts funds, and for the funds of all insurance companies, banks, banking institutions and trust companies and for the state school funds, and whenever any money or funds may by law be invested in bonds of cities, cities and counties, counties, school districts, or municipalities in the State of California such money or funds may be invested in the said bonds of irrigation districts, and whenever such bonds

Bonds
legal in-
vestments
for trust
funds, etc.

of cities, cities and counties, counties, school districts or municipalities may by any law now or hereafter enacted be deposited as security for any money or deposits or for the performance of any act, bonds of irrigation districts under the limitations in this act provided, may be so used or deposited.

Commis-
sion.

SEC. 6. The attorney general, the state engineer and the superintendent of banks are hereby constituted the commission herein provided for.

Expenses.

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

CHAPTER 158.

An act to provide a state highway from Meyer's station in El Dorado county, California, to McKinney's in Placer county, California, and making an appropriation therefor.

[Approved March 9, 1911.]

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

Appropriation-
state
highway.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of twenty-five thousand dollars (\$25,000.00) for the purpose of locating, surveying, and constructing a state highway from a point on the Lake Tahoe state wagon road, at or near Meyer's station, in El Dorado county, California, thence past Tallac, Emerald Bay, to McKinney's, in Placer county, California.

Under
direction
of depart-
ment of en-
gineering

SEC. 2. The work of locating, surveying and constructing said state highway is placed under the management and control of the department of engineering, and it shall be the duty of the said state department to locate, survey and construct said road along the route herein mentioned. Of the money hereby appropriated seven thousand five hundred dollars shall be available on and after July 1, 1911, and seventeen thousand five hundred dollars on and after July 1, 1912. The state controller is hereby directed to draw his warrant in such sums and at such times as the state engineer may, after said funds become available, present claims therefor, and the state treasurer is directed to pay the same.

CHAPTER 159.

An act authorizing the governor of the State of California to issue licenses to bodies of men to organize, drill, and bear arms as military companies or organizations, and providing for their control.

[Approved March 9, 1911.]

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

SECTION 1. The governor shall have power to issue licenses to bodies of men to organize, drill and bear arms as military companies or organizations; *provided*, that whenever any such body of men shall associate themselves as a military company or organization and drill with arms under the license of the governor, such military company or organization shall file with the adjutant general of this state, at such time as the governor may designate, a muster roll of such military company or organization, certified by the oath of the commanding officer thereof, which muster roll shall contain the names, ages, occupations and places of residence of all members thereof, and the number and character of all arms in the possession of such organization, and shall appear for inspection by the adjutant general or such military inspector as the governor shall designate, at least once a year, at their respective armories, at such time as the governor shall designate; *and provided, further*, that each member of such military company or organization shall take and subscribe to an oath, before any officer authorized to administer the same, that he will support the constitution of the United States and the constitution of the State of California and will obey and maintain all laws and all officers employed in administering the same; *and provided, further*, that whenever the governor, in his judgment, shall deem it necessary for the public safety, he may call into active service of the state for the causes and purposes for which he may call the national guard into the active service of the state, any such military company or organization, and such military company or organization shall rendezvous and report for active service at such time and place and to such officer as the governor shall designate, and shall enter the active service of the state and obey all lawful orders and commands as shall be issued by the governor or any officer placed in command by his orders, in the manner as if such military company or organization were a part of the national guard, and the members of such military company or organization when called into active service by order of the governor shall be subject to all military penalties and punishments for violation of the orders of the governor, or of any officer placed in command of such organization by order of the governor, as are the members of the national guard, and shall be subject to the articles of war, the

Organiza-
tion of
military
companies.

Active
service.

Students
exempt.

rules and regulations governing the national guard and shall receive the same pay and allowances while in active service as the members of the national guard; and *provided, however*, that students in educational institutions where military science is a part of the course of instruction shall be exempt from the provisions of this act.

CHAPTER 160.

An act to amend sections 1908, 1935, 1933, 1980, 1985, 3008, 2011, 2078, 2079, 2080, 2085, and 2112, of the Political Code of the State of California, and to add two new sections to said code to be known as sections 1932½ and 1934½, all relating to the organization, equipment, maintenance, and government of the national guard of the State of California.

[Approved March 9, 1911.]

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

SECTION 1. Section 1908 of the Political Code of the State of California is hereby amended to read as follows:

Staff of
com-
mander-in-
chief.

1908. The staff of the commander-in-chief shall consist of the chiefs of the several staff corps and departments of the national guard, and the colonel of the adjutant general's department of the national guard, and may include the following personal aids-de-camp: five aids-de-camp who the commander-in-chief may appoint at discretion, and who shall have the rank of lieutenant colonel, and one naval aid with rank of commander and such appointment shall operate as a commission of such aids-de-camp. The commander-in-chief is also authorized to detail from time to time, as their services may be required, five officers of the national guard, and one officer of the naval militia, as aids-de-camp. The officers so detailed shall not be relieved from their regular duties, except when actually on duty with the commander-in-chief, and such detail shall terminate upon the expiration of the term of office of the governor upon whose staff they may be serving, or at the pleasure of the governor. The detail as such aid-de-camp shall not affect the grade or commission of any officer so detailed.

SEC. 2. Section 1925 of the Political Code of the State of California is hereby amended to read as follows:

National
guard.

1925. The national guard of California shall consist of such number of machine-gun companies, companies of engineers, signalmen, coast artillery, and infantry, and such number of troops of cavalry, batteries of field artillery, divisions of the naval militia, and bands, as the governor may direct; the adjutant general's department, the inspector gen-

eral's department, the judge advocate general's department, the quartermaster's department, the subsistence department, the pay department, the ordnance department, the medical department, corps of engineers, the signal corps, the staff of the commander-in-chief, officers on the retired list, and such officers and enlisted men as may be authorized by law. The total number of companies, troops, batteries, and divisions of naval militia shall not exceed eighty-four; *and provided*, that there shall not be more than twelve divisions of the naval militia, two companies of engineers, two companies of signalmen, and four troops of cavalry, in addition to machine-gun companies, companies of infantry, and coast artillery, and batteries of field artillery that may be authorized.

Number of
companies.

SEC. 3. Section 1932 of the Political Code of the State of California is hereby amended to read as follows:

1932. *Coast artillery.* The coast artillery shall be organized as a corps, and shall consist of such number of companies as may be authorized, a chief of coast artillery with the rank of colonel, one lieutenant colonel and such number of majors, captains, first lieutenants, second lieutenants, and such non-commissioned officers and privates as are provided in similar corps of the regular army as may be authorized. There shall be for each company of coast artillery one captain, one first lieutenant, one second lieutenant, and such number of non-commissioned officers and privates of coast artillery as obtain in the coast artillery corps of the regular army. For each company of coast artillery there shall be one electrician sergeant (first or second class), one engineer and one fireman; and for each four companies of coast artillery there shall be one master gunner. The chief of coast artillery shall bear the same relation to the coast artillery corps as the colonel of a regiment bears to his command.

Coast
artillery.

SEC. 4. Section 1980 of the Political Code of the State of California is hereby amended to read as follows:

1980. Any male who is a citizen of the United States or has legally declared his intention to become a citizen, of more than eighteen and less than forty-five years of age, able-bodied, free from disease, of good character and temperate habits, may be enlisted in the national guard of this state, under the restrictions of this article, for a term of not less than three years; *provided*, that any man having served one enlistment satisfactorily in the national guard of this state, or in the United States army or navy, may reënlist for one, two or three years at his option; *and provided, further*, that boys may be enlisted as musicians if more than sixteen years of age. No minor shall be enlisted without the written consent of his parent or guardian. A man who has been expelled or dishonorably discharged from any military organization of the state or the United States shall not be eligible for enlistment or reënlistment unless he produce the written consent to such enlistment of the commanding officer of the organization from which he was expelled or dishonorably discharged. Men who have been discharged by reason of disbandment may be enlisted and shall

Who may
enlist.

Term.

Musicians. then receive credit for the period served at the time of such disbandment. Chief musicians, principal musicians, and drum majors, members of the hospital corps, and musicians may be enlisted as such.

SEC. 5. Section 1985 of the Political Code of the State of California is hereby amended to read as follows:

Honorable discharge. **1985.** An honorable discharge shall be issued under the following circumstances: viz., to a man who has faithfully performed his duties during his term of service as required by the conditions of his enlistment or reënlistment, or during his total service, and who has been lawfully relieved of all responsibility for public property issued to him, and from all accountability to his organization. Unless unavoidable circumstances intervene such discharge will be furnished an enlisted man at once upon the expiration of his term of service, which term will date from the taking of the oath of enlistment or reënlistment. Proper steps shall be taken in due time for the settlement of the enlisted man's accounts and responsibility for property, and forwarding the necessary papers so as not to withhold the discharge after it is due.

Honorable discharge before expiration of term. Any enlisted man may be honorably discharged before the expiration of his term of service by order of the commanding officer of a regiment of the coast artillery corps, of the naval militia, or unattached battalion or squadron, or, if a member of an unattached company or troop, by the brigade commander or the commander-in-chief, upon the recommendation of his commanding officer, for any of the following reasons:

To accept promotion by commission;

Upon removal of residence from the state, or out of the bounds of the command to which he belongs to so great a distance that, in the opinion of the commanding officer, he can not properly perform his military duty;

Upon disability established by the certificate of a medical officer;

At the discretion of the officers authorized to issue discharges upon the recommendation of the company, troop, or other immediate commander, when the man seeking discharge shall make application and furnish satisfactory proof under oath that further service in the national guard will entail great loss and unusual hardship upon him. Discharge for such reasons shall not be granted when a man is ordered into active service, or until he shall have served one year of the term of enlistment in force at the time of his application for such discharge.

To a man rendered supernumerary by the reduction of the organization of which he is a member; or who is a member of an organization which may be disbanded.

A dishonorable discharge shall be issued:

Di-honorable discharge.

To a man sentenced by a general court-martial to be discharged;

To a man convicted of a felony in a civil court;

To a man for neglecting or refusing to pay any fine imposed by a military court within thirty days after it was imposed.

A discharge without honor may be issued:

By sentence of a general or summary court-martial;

Dis-honor-
able
discharge.

Whenever the commanding officer of a company shall approve the application of two thirds of the members of the company for the discharge of an enlisted man thereof; *provided*, that at a regular meeting of the company, or at a meeting called for that purpose, two thirds of the members of the company desire by vote the discharge of one of their members;

To a man whose immediate commanding officer applies for his discharge without honor. The application for such discharge shall be directed to the officer authorized to issue it, and shall briefly state the grounds on which the discharge is applied for. The man whose discharge is applied for, shall be entitled to be heard in person to explain the statements contained in the application and shall have ten days' notice of such hearing, a copy of the application, and of the notice of time and place of hearing, shall be served on the man in the same manner as warnings for duty are given. If the officer authorized to issue the discharge approves of the application of the immediate commanding officer after the conclusion of the hearing above provided for, he will issue the discharge, and if he disapproves the man will not be discharged;

The officers authorized to issue discharges may, also, upon application of company commanders, discharge without honor, if convinced after proper investigation that such discharge should be issued, any enlisted man who habitually absents himself from the drills and instructions of his organization, or has shown a lack of interest in his military work sufficient to warrant the same;

Or any enlisted man may be discharged for the good of the service by the commanding officer of the regiment, coast artillery corps or unattached battalion or squadron, or if a member of an unattached company or troop, by the brigade commander, or in other instances by the commander-in-chief, upon the recommendation of a company or troop commander and after a careful investigation by the officer issuing the discharge.

The officers authorized to issue the discharges hereinbefore specified are: The commanding officer of a regiment, or of a battalion or squadron not part of a regiment or the coast artillery corps; the commanding officer of a brigade for any organization attached to the brigade and not above specified; the commanding officer of the naval militia, and the commander-in-chief.

Who may
issue dis-
charges.

Sec. 6. Section 2008 of the Political Code of the State of California is hereby amended to read as follows:

2008. The entire national guard and naval militia shall be inspected at their home stations at least once in each year; *provided, however*, the inspection made by the United States government, through its army and navy officers, may be accepted by the commander-in-chief in his discretion as and for the state and no other inspection ordered for that year.

Annual in-
spection.

SEC. 7. Section 2011 of the Political Code of the State of California is hereby amended to read as follows:

Service medal.

2011. The state shall provide a service medal or bar of appropriate design and material, to be issued for ten, fifteen, twenty, and twenty-five years of service on the active list of the national guard. There shall be no other or different medals or bars for such service. Such medals or bars shall be prepared and issued free of cost to those entitled to same, by the adjutant general, only upon application of the party entitled thereto, and upon proof of such service from the records of the national guard.

SEC. 8. Section 2078 of the Political Code of the State of California is hereby amended to read as follows:

For officers' uniforms.

2078. All officers shall receive at the conclusion of each fiscal year the sum of twenty-five dollars to assist in uniforming and equipping themselves; *provided*, they have served as such the entire twelve months comprising such fiscal year, and if not, then such proportion of said sum as the time served bears to said year; *provided, further*, that personal aids-de-camp of the commander-in-chief shall not receive such allowance except those detailed from the active list.

SEC. 9. Section 2079 of the Political Code of the State of California is hereby amended to read as follows:

Armory rent, care of arms, etc.

2079. There must be audited and allowed by the adjutant general and paid out of the appropriation for military purposes, upon the warrant of the state controller, to the commanding officer of each infantry, coast artillery, or engineer company of the national guard, and each division of the naval militia, except the engineer division of the naval militia, the sum of one hundred dollars per month; to the commanding officer of each machine-gun company, company of signalmen, troop of cavalry, battery of field artillery, and of the engineer division of the naval militia the sum of two hundred dollars per month; the sums so paid to be used for armory rent, care of arms, and proper incidental expenses of the company, troop, battery, or division. There must be allowed, audited, and paid out of the same appropriation, to the commanding officer of each brigade the sum of two hundred dollars per month; to the commanding officer of each regiment, and of the naval militia, and to the chief of coast artillery the sum of one hundred and fifty dollars per month; to the commanding officer of each unattached battalion or squadron the sum of fifty dollars per month; the sums so paid to be used for rent of headquarters, clerical expenses, stationery, printing, postage and proper incidental expenses of the commanding officer of the organization for which said sums are audited, allowed and paid. If any regiment, the naval militia, the coast artillery corps, or unattached battalion has attached to it a uniformed and organized band of not less than twenty-eight people, to the commanding officer of such regiment, naval militia, corps or battalion, the additional sum of seventy-five dollars per month for such band; to the surgeon general the sum of twenty-five

Rent and clerical expenses.

For band.

dollars per month for rent and proper incidental expenses; and to the adjutant general the sum of ten thousand dollars per annum. to be expended by him in promoting target practice. There must be audited and allowed by the adjutant general, and paid out of the appropriation for military purposes, to the surgeon in charge of each detachment of the medical department on duty with a regiment, with the signal corps and cavalry, with the coast artillery corps, and to the chief surgeon of the naval militia, the sum of fifty dollars per month for rent and proper incidental expenses of such detachment. No claims shall be allowed under the provisions of this section except upon demands made quarterly in duplicate, signed and sworn to by the officer claiming the same, before any officer of the national guard, or notary public, and forwarded through the headquarters of the regiment, coast artillery corps, unattached battalion, squadron, or company, or naval militia, with the approval of each commanding officer through whose headquarters they are required to pass, direct to the adjutant general; *provided*, that the adjutant general may make expenditures at any time for the promotion of target practice out of the appropriation for that purpose herein provided for.

Target
practice.

Sec. 10. Section 2080 of the Political Code of the State of California is hereby amended to read as follows:

2080. The sum of two hundred and fifty dollars must be audited by the adjutant general and annually paid out of the appropriation for military purposes, to each company, troop and battery of the national guard and to each division of the naval militia. The amount so audited and allowed must be paid to the commanding officers of such organizations for the use thereof.

Allowance
to com-
panies.

Sec. 11. Section 2085 of the Political Code of the State of California is hereby amended to read as follows:

2085. Claims audited and allowed as provided in this chapter are exempt from the provision of article XVIII of the Political Code.

Claims
exempt.

Sec. 12. Section 2112 of the Political Code of the State of California is hereby amended to read as follows:

2112. (1) The numerical strength, rank, titles, and insignia of rank of the divisions of the naval militia shall conform to the laws, rules and regulations of the United States navy, so far as the same may be effectively applicable. The naval militia shall be commanded by a captain. There shall also be the following additional commissioned officers: viz., one commander and one lieutenant commander, who, in order of rank, in the absence or disability of the superior, shall perform his duties and shall at all times assist the commanding officer in the performance of his duties; one chief engineer, with the rank of lieutenant commander; one lieutenant and navigating officer, one lieutenant and ordnance officer, one lieutenant and aid to the commanding officer of the naval militia who shall be subject to such detail as the commanding officer may designate; one lieutenant (junior grade) and as-

Naval
militia.

Officers.

assistant navigating officer, one lieutenant (junior grade) and assistant ordnance officer, one lieutenant (junior grade) and equipment officer, one ensign and assistant equipment officer, one ensign and signal officer. When more than one vessel is loaned by the United States government to the State of California for the use of the naval militia there may be for each such additional vessel one lieutenant (junior grade) and passed assistant engineer, who shall be appointed by the commander-in-chief upon the recommendation of the commanding officer of the naval militia. All the above officers shall be line officers. The captain, commander, and lieutenant commander shall be elected and hold office as prescribed in this chapter for officers of corresponding grades of regiments. All other of the above-named officers shall be appointed by the commander-in-chief upon the recommendation of the commanding officer of the naval militia and shall hold office as prescribed in this title for officers of corresponding grades of regiments. The chief engineer shall be a resident of the county in which is located the engineer division of the naval militia. All elections for officers of the naval militia shall be ordered by the commander-in-chief.

Elected
officers.
Appointed
officers.

Chaplain.

(2) There may also be a chaplain, who shall be of the same grade and rank as in the United States navy, and who shall be appointed by the commander-in-chief upon the recommendation of the commanding officer of the naval militia. Each

Officers of
division.

division of the naval militia shall be commanded by a lieutenant, and shall include a lieutenant (junior grade), two ensigns, and not less than fifty-eight nor more than one hundred petty officers and seamen. The commissioned officers of each division shall be elected in the same manner and hold office as prescribed in this title for company officers of the national guard. Officers of the naval militia may be retired as provided in section one thousand nine hundred and sixty-three of this chapter. The lieutenant and lieutenant (junior grade) of the engineer division shall each hold the grade of passed assistant engineer, and the ensigns of the engineer division shall each hold the grade of assistant engineer. All engineer officers shall be recognized engineers or machinists of at least two years' standing. The pay department of the naval militia shall consist of one paymaster with the rank of lieutenant, one passed assistant paymaster with the rank of lieutenant (junior grade), and one assistant paymaster with the rank of ensign, who shall be staff officers appointed by the commander-in-chief upon the recommendation of the commanding officer of the naval militia and hold office as prescribed for officers of corresponding grades of regiments. The medical

Grades.

Pay de-
partment.

Medical de-
partment.

department of the naval militia shall be allowed the following commissioned officers: viz., one chief surgeon, with the rank of lieutenant commander; one surgeon with the rank of lieutenant, and there may be to each division of the naval militia one assistant surgeon with the rank of lieutenant (junior grade). The appointment of the commissioned officers of the

medical department of the naval militia shall be made by the commander-in-chief upon the recommendation of the commanding officer of the naval militia; *provided*, that no person shall receive the appointment as an officer of the medical department of the naval militia unless he be a licensed graduate of a medical school. Except as otherwise provided in this chapter, all officers in the naval militia, except commissioned officers of the medical department, prior to being commissioned consequent upon an election or appointment, shall be subject to examination as to qualification and general fitness for the service by a board of officers to be detailed by the commander-in-chief. The warrant officers, chief petty officers, and petty officers of the naval militia shall be the same as in the United States navy and of such numbers as the exigencies of the service may require. Warrants for warrant officers may be issued by the adjutant general upon recommendation of the commanding officer of the naval militia. Chief petty officers and petty officers shall be appointed by the commanding officer of the naval militia. The organization of the naval militia shall conform generally to the provisions of the laws of the United States; and the system of discipline and exercise shall conform, as nearly as may be, to that of the navy of the United States, as it is now, or may hereafter be, prescribed by congress, and that prescribed by the provisions of the Political Code relative to the national guard of California; and the commander-in-chief shall have power to alter, divide, annex, consolidate or disband the naval militia, whenever in his judgment the efficiency of the state forces will thereby be increased, and he shall have power to make such rules and regulations as may be deemed proper for the use, government and instruction of the naval militia, but such rules and regulations shall conform as nearly as practicable to those governing the United States navy. The commander-in-chief is authorized to apply to the president of the United States for the detail of commissioned and petty officers of the navy to act as inspectors and instructors in the art of naval warfare. Courts-martial for the naval militia, when necessary, shall be ordered by the commander-in-chief, and shall be organized and conducted under the laws and regulations, and usages of the United States navy, and the provisions and sections relating to military courts in this chapter. The proceedings shall be reviewed and sentence executed as provided in this chapter.

Appoint-
ments.Qualifica-
tions.Petty
officers.System of
discipline.Courts-
martial.

Vessels loaned by the United States government to the State of California for the use of the naval militia, shall be commanded by the ranking line officer resident at the port to which such vessel is assigned. The commanding officer of the naval militia is authorized to enlist and organize a band of not less than twenty-eight enlisted men, the allowance for which shall be as provided for in section 2079 of this chapter.

Vessels
loaned by
United
States.

SEC. 13. A new section is hereby added to the Political Code of the State of California to be numbered section 1932½, to read as follows:

Field
battery.

1932 $\frac{1}{2}$. A battery of field artillery shall consist of one captain, two first lieutenants, two second lieutenants, and of such enlisted men of the grades named hereinafter as are or may be authorized and deemed necessary: viz., first sergeant, quartermaster sergeant, stable sergeant, sergeants, corporals, cooks, chief mechanic, mechanics, musicians, and privates.

SEC. 14. A new section is hereby added to the Political Code of the State of California to be numbered section 1934 $\frac{1}{2}$, to read as follows:

Machine-
gun com-
pany.

1934 $\frac{1}{2}$. One machine-gun company may be organized and attached for duty to each regiment of infantry, in the discretion of the commander-in-chief. A machine-gun company shall consist of one captain, one first lieutenant, one second lieutenant, and enlisted men of such number and grades as are or may be provided for in similar organizations of the United States army, as may be deemed necessary.

SEC. 15. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 16. This act shall take effect immediately.

CHAPTER 161.

An act to amend section 597 of the Political Code of the State of California, relating to insurance.

[Approved March 10, 1911.]

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

SECTION 1. Section 597 of the Political Code of the State of California, is hereby amended to read as follows:

Examina-
tion of
insurance
companies.

597. The commissioner, whenever he deems necessary, or whenever he is requested by verified petition, signed by twenty-five persons interested, either as stockholders, policy holders, or creditors of any company engaged in insurance business in this state, showing that such company is insolvent under the laws of this state, must make an examination of the business and affairs relating to the insurance business of such company, and must make such an examination whenever any company is organized to do insurance business in this state, and before issuing a certificate of authority other than renewals to such company; *provided*, the insurance commissioner shall have no authority to issue and no certificate of authority shall be issued to any insurance company or corporation hereafter organized or incorporated in this state, whether the same be organized and promoted directly or by means of a holding company or corporation, one of the purposes of which is the organization and promotion of such insurance company or corporation,

where such examination shows the expense of organization and promotion to be in excess of fifteen per cent of the total amount actually paid on its capital stock exclusive of surplus.

Whenever any company not organized under the laws of this state, applies for a certificate of authority to do business in this state, the insurance commissioner may make or cause to be made by the insurance department of the state where such company is organized, an examination of the business and affairs relating to the insurance business of such company. The company organized or existing under the laws of any country outside of the United States, shall be deemed to be organized within the meaning of this act in any state wherein such company maintains the deposits required by the laws of this state.

Out of
state of
companies.

For the purpose of making such examination the insurance commissioner shall have free access to all the books and papers of such company, and must thoroughly inspect and examine all its affairs, and ascertain its condition and ability to fulfill its engagements, and that it has complied with all the provisions of law applicable to its insurance transactions.

Access to
books.

Every company examined under the provisions of this section must open its books and papers for the inspection of the commissioner, and otherwise facilitate such examination; and the commissioner may administer oaths and examine under oath any person relative to the business of such company; and if he finds the books to be carelessly or improperly kept or posted he must employ sworn experts to re-write, post, and balance the same at the expense of such company. Such examination must be conducted in the county where such company has its principal office, and must be private, unless the commissioner deems it necessary to publish the result of such investigation, in which case he may publish the same in two of the public newspapers of this state, one of which must be published in the city of San Francisco. All examinations must be at the expense of the company, such expense to be paid in advance, and if any such company refuses to pay such expenses in advance the insurance commissioner may refuse to issue any such certificate of authority and must revoke any existing certificate of authority authorizing such company to do business.

Inspection
of books.

SEC. 2. This act shall take effect immediately.

CHAPTER 162.

An act to amend section 1560 of the Political Code, relating to teachers' institutes.

[Approved March 10, 1911.]

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

SECTION 1. Section 1560 of the Political Code is hereby amended so as to read as follows:

1560. The superintendent of every county in which there are twenty or more school districts, and of every city and county, and of every city school district governed by a city board of education and employing seventy or more teachers, must hold at least one teachers' institute in each year; and every teacher employed in the schools of the county, city and county, or city school district holding such institute must attend the same and participate in its proceedings; and shall be paid his regular salary for the time covered by such attendance; *provided*, that the superintendents of two or more adjacent counties, or city and county, or city school districts may unite for the purpose of holding a joint institute or convention and may direct the teachers of their respective counties, city and county, or city school districts to attend the same in lieu of all or of a designated part of the county, city and county, or city school district institute, under the same conditions and compensations as are herein provided for the county, city and county, or city school district institute; *provided*, that the expense of such joint institute shall be borne equally by the counties, city and county, and city school districts participating therein, and shall not exceed two hundred dollars (\$200.00) for each county, city and county, or city school district participating therein; and shall be paid in each county from the unapportioned county school fund, in each city and county from the city and county school fund, and in each city school district from such school district's county school fund. A county superintendent of schools who shall refuse or neglect to hold an institute for any one year as directed by this section shall forfeit the last month's salary of the year in which he fails to hold said institute, and the county auditor whose duty it is to draw the warrant in favor of such superintendent is hereby directed to withhold said salary on proof of such neglect; *provided*, that in lieu of the institute of from three to five consecutive days, as provided in this section and in section 1562 of the Political Code, the superintendent of any county in which there are twenty or more school districts, or of any city and county, or of any city school district governed by a city board of education and employing seventy or more teachers, may hold during the school year, at

Annual
teachers'
institute.

Superin-
tendent
may forfeit
month's
salary.

places in the county, or city and county, or city school district, chosen by the superintendent for their convenience and accessibility to teachers and patrons of neighboring schools. three or more series of local day or evening institutes which shall provide, at each of the chosen places, not less than ten hours of institute work; *provided*, that in cities and counties one or more local day or evening institutes of not less than two hours each may be held on not less than three different dates during the year.

Day and evening institutes.

CHAPTER 163.

An act to amend section 1562 of the Political Code, relating to teachers' institutes.

[Approved March 10, 1911.]

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

SECTION 1. Section 1562 of the Political Code is hereby amended so as to read as follows:

1562. Each session of the institute must continue not less than three nor more than five days, except where the superintendent holds local institutes, as provided in section 1560 of the Political Code.

Length of teachers' institutes.

CHAPTER 164.

An act to amend section 1564 of the Political Code, relating to teachers' institutes.

[Approved March 10, 1911.]

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

SECTION 1. Section 1564 of the Political Code is hereby amended so as to read as follows:

1564. The county superintendent, the city and county superintendent, and the city superintendent must each keep an accurate account of the actual expenses incurred by them in holding any teachers' institute whether separate or joint, with vouchers for the same; and the county superintendent shall draw his requisition upon the county auditor, who shall draw his warrant on the unapportioned county school fund to pay the expense of the county institute; and the city and

Expenses of teachers' institutes.

county superintendent shall draw his requisition upon the city and county auditor, who shall draw his warrant upon the city and county school fund to pay the expense of the city and county institute; and the city superintendent shall present his bill for the expenses incurred by him in holding the city district institute to the city board of education, who shall pay the same from the city school district's county fund in the same manner as other claims against the city school district's county fund are paid; *provided*, that not more than two hundred dollars (\$200.00) shall be paid by each county, city and county, or city school district towards the expense of any joint institute or convention; *and provided, further*, that not more than three hundred dollars (\$300.00) shall be paid for the expenses of any separate institute held by the superintendent of any county, city and county, or city school district having less than one hundred teachers regularly employed in the elementary and secondary schools of such county, city and county, or city school district; *and provided, further*, that where the number of teachers regularly employed in the elementary and secondary schools of any county, city and county, or city school district exceeds one hundred teachers at the time of holding any separate institute, the superintendent may expend money in addition to the three hundred dollars (\$300.00) hereinbefore provided at the rate of one dollar (\$1.00) per teacher for each teacher in excess of one hundred teachers regularly employed at the time of holding such separate institute; *and provided, further*, that whenever the superintendent of any county, or city and county, or city school district, elects to hold local institutes, as provided in section 1560 of the Political Code, he may expend money, in addition to the amount hereinbefore provided for the expenses of any separate institute in his county, or city and county, or city school district, at the rate of five dollars per teacher for each teacher regularly employed at the time of holding the first series of local institutes in any school year; *provided, however*, that his total expenditures shall not at any time in the school year exceed fifty dollars multiplied by the number of local institutes held; *and provided, further*, that all the expenses of local institutes shall be paid in the same manner and from the same funds as are the expenses of separate and of joint institutes.

CHAPTER 165.

An act to authorize and require the payment by the counties of interest on state highway bonds.

[Approved March 10, 1911.]

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

SECTION 1. For the purpose of carrying into effect the provisions relative to the payment of bond interest which are contained in "An act authorizing the construction, acquisition, maintenance and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of state bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this act to a vote of the people," approved March 22, 1909, it is hereby made the duty of the state controller to keep an accurate account showing the amount of said bond money expended in each county. In connection with such account he shall annually, at the beginning of the fiscal year, charge up to each and every county such sum as shall equal the interest at four per cent per annum on the total amount of state highway bond money which has been expended in each such county.

Interest on state highway bonds.

SEC. 2. The controller shall notify the county auditor and the clerk of the board of supervisors of each county of the amount of such interest charge, in order that there may be included in the county tax levy such rate as will raise the sum needed to meet such interest charge. It is hereby made the duty of the board of supervisors when making the annual levy of county taxes to include therein the necessary provision for payment of interest on state highway bonds, as in this act provided, but no failure of any board of supervisors to make the tax levy herein provided for shall be held to exempt such county from the collection by the state, in the manner provided for in the next section of this act, of the amount of interest due from such county.

Tax levy in each county.

SEC. 3. In the regular semi-annual settlements between the state and the counties, the controller shall charge to, and collect from, each county one half of the amount of interest with which such county has been charged for that fiscal year; *provided*, that as soon as any of the state highway bonds shall have matured and been paid, the controller shall credit each county with its proportionate part of the diminution of the total interest charge thereby occasioned.

Semi-annual settlement.

SEC. 4. The controller is authorized to require from the state engineering department, and it is hereby made the duty of said department to furnish all necessary data to show the amount of state highway bond money expended in each county.

Engineering department to furnish data.

CHAPTER 166.

An act appropriating money for the purpose of building one cottage for the Whittier State School.

[Approved March 10, 1911.]

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

Appropriation:
cottage,
Whittier
State
School.

SECTION 1. The sum of ten thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the purpose of building one cottage on the grounds of the Whittier State School.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same. Of the total amount hereby appropriated, one thousand dollars shall be available July 1, 1911, and nine thousand dollars July 1, 1912.

CHAPTER 167.

An act to appropriate money for repairs on the main building of the Whittier State School.

[Approved March 10, 1911.]

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

Appropriation:
repairs,
Whittier
State
School.

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be expended for repairs on the main building of the Whittier State School.

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

CHAPTER 168.

An act appropriating money for the purchase of tools and machinery for the trades of the Whittier State School.

[Approved March 10, 1911.]

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

SECTION 1. The sum of twenty-five hundred dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be expended in the purchase of new tools and machinery for the trades of the Whittier State School. Appropriation: tools, Whittier State School.

SEC. 2. The state controller is hereby authorized to draw his warrant in favor of the board of trustees of the Whittier State School for the amount herein made payable, and the state treasurer is hereby directed to pay the same.

CHAPTER 169.

An act to appropriate money for a new electric light plant for the Whittier State School.

[Approved March 10, 1911.]

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

SECTION 1. The sum of three thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be expended for a new electric light plant for the Whittier State School. Appropriation: light plant, Whittier State School.

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

CHAPTER 170.

An act to add a new section to the Political Code to be numbered 1566, providing for the holding of school trustees' meetings.

[Approved March 10, 1911.]

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

SECTION 1. A new section is hereby added to the Political Code of the State of California, to be numbered 1566, and to read as follows:

Annual
school
trustees'
meetings.

1566. The superintendent of every county in which there are more than twenty school districts, may hold one trustees' meeting each year, and it shall be the duty of one school trustee of each school district of the county in which said meeting is held to attend the same and participate in its proceedings. The school trustees of each school district shall elect the trustee, whose duty it shall be to attend such meeting; and each trustee so selected shall be allowed his actual traveling expenses incurred in going to and returning from such meetings, such expenses to be verified by the county superintendent of schools. In any county in which there are less than twenty school districts, the county superintendent may in his discretion hold a meeting as provided in the preceding section when directed by the county board of education. Each session of the trustees' meeting shall continue one day. The county superintendent shall draw his requisition on the county auditor who shall draw his warrant on the unapportioned county school fund to pay the expenses of holding the trustees' meetings. The superintendent must notify each trustee of the county at least ten days prior to the calling of such trustees' meeting of the time and place of holding such meeting.

CHAPTER 171.

An act to create a reclamation district to be called "Reclamation District Number 830," and providing for the control and management thereof.

[Approved March 11, 1911.]

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

Reclama-
tion
District
No. 830.

SECTION 1. A reclamation district is hereby created, to be called "Reclamation District Number 830," and the boundaries of such reclamation district shall be as follows: Beginning on the westerly bank of Taylor slough, in Contra Costa county, State of California, at the point where the eastern

boundary of section 17, township 2 north, range 3 east, Mount Diablo base and meridian, intersects said Taylor slough; thence in a northerly direction along the westerly bank of said Taylor slough, following its meanderings, to where the same connects with the westerly bank of Piper slough; thence northerly, along the westerly bank of Piper slough following the meanderings thereof, to its intersection with the southerly bank of False river; thence westerly along the southerly bank of False river to its intersection with the southerly bank of the San Joaquin river; thence westerly along the southerly bank of the San Joaquin river following the meanderings thereof to its intersection with the easterly bank of Dutch slough; thence easterly and southerly along the northerly and easterly bank of Dutch slough, following the meanderings thereof, to a point distant fifteen chains and forty links east from the westerly line of section 20 in said township and range: thence north fifty links to the section line on the north boundary of said section 20; thence east on section lines to Taylor slough; thence northerly along the westerly bank of Taylor slough following the meanderings thereof to the point of beginning.

SEC. 2. The management and control of said reclamation district is hereby made subject to the provisions of the Political Code of the State of California and other laws of this state relative to reclamation districts formed under the provisions of said Political Code.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAPTER 172.

An act to amend section thirty-three of an act entitled, "An act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and to create boards of library trustees," approved April 12, 1909.

[Approved March 15, 1911.]

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

SECTION 1. Section thirty-three of an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in

such districts; the assessment, collection, custody and disbursement of taxes therein; and to create boards of library trustees," approved April 12, 1909, is hereby amended to read as follows:

Canvass,
board
election of
library
districts.

Section 33. On the seventh day after said election, at eight o'clock P. M., the returns having been made to the board of trustees, the board must meet and canvass said returns, and if it appears that two thirds of the votes cast at said election were cast in favor of issuing such bonds, then the board shall cause an entry of such fact to be made upon its minutes and shall certify to the board of supervisors of the county, all the proceedings had in the premises, and thereupon said board of supervisors shall be and they are hereby authorized and directed to issue the bonds of said district, to the number and amount provided in such proceedings, payable out of the building fund of said district, naming the same, and that the money shall be raised by taxation upon the taxable property in said district, for the redemption of said bonds and the payment of the interest thereon; *provided*, that the total amount of bonds so issued shall not exceed five per cent of the taxable property of said district, as shown by the last equalized assessment book of the county.

Amount
of bonds.

CHAPTER 173.

An act to amend the Penal Code by adding a new section thereto to be numbered five hundred and seventy-three, prohibiting officers and directors of cemetery corporations or associations from borrowing directly or indirectly any funds of the corporation or association, or becoming indorsers or sureties or obligors for moneys borrowed of or loaned by such corporations or associations and prescribing a penalty therefor.

[Approved March 13, 1911.]

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

SECTION 1. A new section is hereby added to the Penal Code to be numbered five hundred and seventy-three and to read as follows:

Officer
may not
borrow
cemetery
corporation
funds.

573. No director or officer of any cemetery corporation or association shall, directly or indirectly, for himself or as the partner or agent of others, borrow any of the funds of such corporation or association, nor shall he become an indorser or surety for loans to others, nor in any manner be an obligor for moneys borrowed of or loaned by such corporation or association, nor shall a corporation of which a director or an officer is a stockholder or in which either of them is in any manner interested borrow any of such funds. The office of any director or officer who acts or permits action in contra-

vention of the provisions of this section immediately thereupon becomes vacant and every director or officer authorizing or consenting to such loan, and the person who receives such loan, shall severally be guilty of a misdemeanor.

CHAPTER 174.

An act to amend section 680 of the Political Code of the State of California, relating to investing school funds.

[Approved March 13, 1911.]

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

SECTION 1. Section 680 of the Political Code of the State of California is hereby amended so as to read as follows:

680. Whenever and as often as there is in the state treasury the sum of ten thousand dollars as the proceeds of the sale of state school lands, the board must invest the same in bonds of this state or bonds of the United States, or bonds of any county, city and county, city, town, permanent road division bonds issued under the provisions of part III, title VI, article IX of this code, school district or irrigation district, of this state; the investments to be made in such manner and on such terms as the board shall deem best for the fund; *provided*, that no bonds of any county, city and county, city or town, school district, or irrigation district, shall be purchased of which the debt, debts, or liabilities at the time exceed fifteen per cent of the assessed value of the taxable property of such county, city and county, city or town, school district, or irrigation district.

Investment of school funds.

CHAPTER 175.

An act to amend section 3499 of the Political Code relating to the time in which contests of applications to purchase state school lands, orders of approval and certificates of purchase, may be made and filed.

[Approved March 13, 1911.]

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

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

3499. If two or more claim the same land, the contest must be determined as provided in article I of this chapter; but no person has a right to purchase by reason of any set-

Contests, how determined.

tlement or improvement, unless application is made within the time above prescribed; *and provided, further*, that no contest, either under sections thirty-four hundred fourteen or thirty-four hundred fifteen, or under this section of this code, of any location or application to purchase any state school lands which have heretofore been, or shall hereafter be made and filed with the surveyor general or register of the state land office, or of any order of approval made thereof, or of any certificate of purchase issued thereon or pursuant thereto by such surveyor general or register, shall be filed, heard, determined, referred or allowed unless such contest shall have been or shall be so filed, heard, determined, referred or allowed as provided in said sections of this code, within five years from and after the date on which such certificate of purchase may have been issued.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 176.

An act to amend section 1741 of the Political Code relating to the powers and duties of high school boards.

[Approved March 13, 1911.]

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

Section 1741 of the Political Code is hereby amended to read as follows:

LEASE OF
SCHOOL
QUARTERS.

1741. Except as in this article, or in article XV of this chapter, otherwise provided, the powers and duties of high school boards shall be such as are now or may hereafter be assigned by law to boards of education or boards of school trustees in school districts. The high school board shall, at any time after its organization, have power to make arrangements for the temporary location of the high school, and if satisfactory quarters in a suitable location are offered or can be procured for a consideration, or at a rental which would make it advisable to accept the same, they shall have the power to secure or lease such quarters for a period not to exceed three years. At the expiration of such lease or other arrangement they shall have the same power to make another lease or other arrangement for the same or different quarters, for a period not exceeding three years. If rooms can be obtained in a public school building in the place where the high school is temporarily located, on reasonable terms, such rooms shall be given the preference. The high school board

of any county, union or joint union high school district may provide, in such manner as they deem best, for the transportation to and from the high school of such pupils thereof as such board find to be in need of such transportation; and the cost of such transportation shall be deemed a part of the cost of maintaining the high school and paid accordingly; *provided*, that all contracts or other provision for such transportation shall before the same become effective, be approved by the superintendent of schools who has jurisdiction over such high school district.

Transportation of pupils

CHAPTER 177.

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

[Approved March 13, 1911.]

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

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

Section 3. The directors shall each, within ten days after their election, take the usual oath of office, and shall, at their first meeting, decide by lot, so that one shall go out of office on the first Monday in March next succeeding the next general election for state and county officers; another to go out on the first Monday of March, after the next general election, and so on; and a successor shall be elected at each general election next preceding such time of expiration of term of office. At said first meeting, they shall elect a chairman and a clerk from their number, and a majority shall be a quorum for the transaction of any business. The board of directors are hereby constituted and declared to be the legal representatives and successors to the board of supervisors of Sutter county, in all matters appertaining to levee district number one, and are hereby authorized to take absolute charge, control and possession of all levees, or other works of reclamation, and all property, real and personal, belonging to said district, and to perform all the duties appertaining to said levee district heretofore devolving on said board of supervisors, except as herein provided. All bills and accounts against said levee district, either for contracts or otherwise, shall be presented to the board of directors, and be by them approved and certified to as correct by the clerk of the board, before payment for the same can be made; and the county auditor is hereby required to draw his warrant on the county treasurer for the amount of any account so

Levee. director's oath, term.

Chairman.

Successors of supervisors.

Accounts.

approved and certified, in the same manner as if ordered by the board of supervisors. All claims and demands against said district shall, before the same are approved and allowed by the board of directors, be itemized and verified in the same manner as claims against a county are required by law to be itemized and verified. Each director of said district shall, before taking office and within ten days after his election or appointment, file a bond in the sum of five hundred dollars, with sufficient sureties, conditioned for the faithful performance of his official duties, said bond to be approved by the judge of the superior court of said Sutter county and to be filed in the office of the county clerk of said county. The board of directors of said district shall, in addition to the duties now required of them by law, keep all necessary and proper books of account in which shall be entered all receipts and expenditures, with the source and nature of the same, for or on behalf of said district, and shall keep a minute book in which shall be entered the proceedings of each meeting of said board. The books and accounts of the district shall be expeted once a year and the said board shall annually publish, in a newspaper printed and published in said district, a complete statistical report showing in detail the financial transactions for and on behalf of the district for the preceding year and the financial condition of the district. The board shall keep an office in said district for the transaction of the business thereof, and all books, maps, records, papers and contracts relating to the affairs of the district shall at all times be open to the inspection of the taxpayers of the district and all persons interested therein. The board shall hold regular meetings on the second Monday of each and every month and special meetings may be held at any time, all of the members of the board being present; or special meetings may be ordered by a majority of the board by an order in writing signed by the members calling such meeting. At least one day's notice of such special meeting must be given, personally or by mail, to the members not joining in the order. All meetings must be held at the office of the board. No member of the board shall be interested, directly or indirectly, in any property purchased for the use of the district, nor in the purchase or sale of any property belonging to the district, nor in any contract made by the board, or other person, on behalf of the district, for the construction or repair of any levee or other improvement for the district. The board shall annually cause to be prepared, and shall adopt, plans and specifications of all necessary repairs to the levees of said district and of any new levees to be constructed and all other works of improvement for the benefit of the district, and shall divide such work into convenient sections. Said plans and specifications shall be filed in the office of the board not later than the first day of July of each year and shall be subject to inspection by any person interested therein for at least two weeks prior to the letting of any contract for

Director's
bond.

Records.

Annual
report.

Office.

Meetings.

Director
may not be
interested
party.

Repairs.

work in accordance with such plans and specifications. If the cost of repair or construction in any one of said sections will exceed the sum of five hundred dollars the board must, not later than the first day of July in each year, give notice by publication at least once a week for two consecutive weeks in one or more newspapers printed and published in said Sutter county, that sealed proposals will be received and opened at the office of said board, at a time in said notice specified, for the construction of repairs, new levees and other works of improvement in each separate section of said work, and for the whole work, in accordance with said plans and specifications. At the time and place specified in said notice the board shall publicly open said bids and let the contract or contracts to the lowest responsible bidder or bidders; *provided, however*, that the board may reject any and all bids. If any or all such bids are rejected the board shall immediately readvertise for bids, as in the first instance, for such work as has not been let and upon the opening and consideration of such new bids the board shall have the right to reject any or all of them and have such work done by day's work. Every person, firm or corporation to whom a contract shall be awarded shall enter into a bond with sufficient sureties, to be approved by the board, in a sum equal to one half of the contract price, conditioned for the faithful performance of said contract in accordance with said plans and specifications. In cases of great emergency the board may, by the unanimous consent of all the members, proceed at once to replace or repair any and all levees in the district without notice.

Repairs in excess of \$500.00.

May reject bids.

Contractor's bond.

Emergency.

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

Section 5. All elections hereafter held in said levee district for the election of directors and assessor shall be held at the same time and places within said levee district as the general state and county elections are held, and be conducted by the same election boards as shall hold and conduct such general elections, but separate ballot boxes and separate poll lists shall be provided and kept for such elections for district officers, and separate returns thereof shall be made to the board of supervisors, and shall be by them canvassed and disposed of as provided in section two of this act. Only electors of said district, whose names appear on the last preceding assessment roll thereof as the owners of property assessed to them for district purposes, shall be entitled to vote at district elections. The tax collector of the district shall, at least five days before the date of any election therein for district purposes, prepare from the last preceding assessment roll of the district a list of the names of electors therein as shown by such assessment roll and shall certify to said list and deliver to the board of directors of said district as many copies of said certified list as there are election precincts in whole or in part in said district, and said board of directors shall, before the opening of the polls at any district election, furnish one of said certified

Elections.

List of electors.

County
treasurer
tax
collector.

copies to the board of election in each precinct in whole or in part in said district. No tax collector shall hereafter be elected for said district, but the county treasurer of Sutter county shall be ex officio tax collector of said district, upon his taking the usual oath and entering into proper bonds to said district in such amount as the board of directors may require, and with sufficient sureties to be approved by said board, conditioned for the faithful performance of his official duties as such tax collector, and filing the same with the clerk of said board; *provided*, that should such bond not be so filed on or before the first Monday in January next succeeding the election of said county treasurer, the office of tax collector shall be vacant. Should a vacancy occur in the office of tax collector of said district, it shall be filled by appointment by the board of directors, and such appointee shall take the oath and give bond as aforesaid, and thereafter hold such office during the pleasure of the board of directors, but not later than the first Monday in January following the next succeeding general election for county officers in Sutter county. Should a vacancy occur in the board of directors, such vacancy shall be filled by appointment by the remaining members of the board, and such appointee shall qualify and thereafter hold such office until the next succeeding general election for state and county officers, when his successor shall be elected for the remainder of the term. Should a vacancy occur in the office of assessor it shall be filled by appointment by the board of directors.

Vacancy
in board.

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

Annual
meeting.

Section 8. The board of directors must meet on the first Monday in July of each year, to examine the assessment roll and equalize the assessment of property in said district. It must continue in session for that purpose, from time to time, until the business of equalization is disposed of, but not later than the third Monday in July. The board has power, after giving notice in such manner as it may by rule prescribe, to increase or lower the entire assessment roll or any assessment contained therein, so as to equalize the assessment of the property contained in said roll, and make the assessment conform to the true value of the property in money. During such session the board may correct any errors, omissions, or defects in form or description in the assessment roll, and may direct the assessor to assess any property that has escaped assessment. Upon the hearing of any question arising during the course of such equalization, the board may subpoena such witnesses, and hear and take such evidence in relation to the subject pending, as in its discretion it may deem proper. The clerk shall note all alterations made in valuations or assessments, and within five days after the session have the total values, as finally equalized by the board, extended into columns, and added up, and shall forthwith deliver the assessment roll so corrected, to the county auditor. In order to find the per cent. of taxes necessary to be levied, the board shall find:

First—The amount necessary to pay the interest and any part of the principal that may become due for the then current year on the funded debt of said district. Per cent of taxes necessary.

Second—The probable amount that may be needed for repairs, etc.

Third—The amount needed for salaries, fees and delinquencies.

Fourth—The amount of floating debt that it may be desirable to pay during the then current year: and from these several amounts shall find the rate per cent. necessary to produce the probable fund needed for the ensuing year.

The board of directors shall meet on the third Monday in September and fix such rate, and when so fixed, the clerk of the board shall certify the same to the county auditor. Rate fixed. The auditor must then compute, and enter into a separate money column in the assessment book, the respective sums, in dollars and cents, rejecting the fractions of a cent, to be paid as a tax on the property therein enumerated, and foot up the column, showing the total amount of such taxes, and on or before the second Monday in October said auditor must deliver said assessment book to the tax collector of the district. On delivering the assessment book to the tax collector, the auditor must charge the tax collector with the full amount of the taxes levied and unpaid. On receipt of such assessment book the tax collector of the district must publish a notice for at least two weeks in one or more newspapers published in the district, specifying that all taxes are due and payable, and that the same will be delinquent at noon on the first Monday of January next succeeding, and that unless paid prior thereto a penalty of ten per cent. will be added thereto. Monthly settlements. On the first Monday in each month the tax collector must settle with the auditor for all moneys collected for the district, and pay the same to the treasurer of the district, and on the third Monday in May of each year the said tax collector must attend at the office of the auditor with the assessment book, having all items of taxes and penalties collected marked "paid," and at the same time he shall deliver to the auditor the assessment roll of said district. The auditor shall thereupon credit the tax collector with all unpaid taxes, and shall make out and deliver a list of the same to the board of directors, and said board of directors shall immediately commence an action, or actions, as provided in section nine of this act, for the collection thereof.

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

Section 10. All moneys received or collected for or on behalf of said district shall be paid into the county treasury of said Sutter county in the same manner as county moneys are required by law to be paid into the county treasury: and upon receipt of any money from the tax collector of said district, or for the benefit thereof from any other source, the county treasurer of said Sutter county shall place the same to the credit of the levee district number one fund, from which he Levee district No. 1 fund.

shall set apart a sum sufficient to pay the interest and such part of the principal as may become due during the current fiscal year on any bonded indebtedness of the district, and shall pay the same out in accordance with the law under which such bonds were issued; the remainder of such levee district number one fund shall be paid out only on warrants drawn by the county auditor of Sutter county upon such fund and paid by the county treasurer in the same manner as county moneys are required by law to be paid out; *provided*, that warrants presented and registered as not paid for want of funds shall bear six per cent. interest per annum from date of registration.

Warrants
not paid.

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

Salary of
directors.

Section 11. The directors shall each receive an annual compensation of five hundred dollars, payable in quarterly installments of one hundred and twenty-five dollars each, on the first Monday in June, September, December and March of each year, which sum shall be in full compensation for all services of every nature or kind rendered by said directors.

Assessor.

The assessor shall receive five hundred dollars per annum, payable in two equal installments of two hundred and fifty dollars each on the first Monday in May and August of each year.

Tax
collector.

The tax collector, or ex officio tax collector of the district shall be entitled to receive as compensation for his services one per cent. on the first fifty thousand dollars, and one half of one per cent. on all sums over fifty thousand dollars, collected by him for the use of the district. The county auditor of Sutter

Auditor.

county shall receive an annual compensation for his services for said district of two hundred and fifty dollars, payable in equal installments on the first Monday in January and July of each year. The election officers shall receive for their services such sum as the board of directors shall deem just and reasonable.

Election
officers.

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

SEC. 7. This act shall take effect immediately.

CHAPTER 178.

An act to amend section 433 of the Political Code, relating to the duties of the controller.

[Approved March 13, 1911.]

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

SECTION 1. Section 433 of the Political Code is hereby amended to read as follows:

433. General duties of. It is the duty of the controller: Duties of controller.

1. To superintend the fiscal concerns of the state;

2. To report to the governor, before the fifteenth day of December next preceding each regular session of the legislature, a statement of the funds of the state, its revenues, and of the public expenditures during the two preceding fiscal years, together with a detailed estimate of the expenditures to be defrayed from the treasury for the two ensuing fiscal years, specifying therein each object of expenditure, and distinguishing between such as are provided for by permanent or temporary appropriations and such as must be provided for by a new statute, and suggesting the means from which such expenditures are to be defrayed;

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

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

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

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

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

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

9. To keep a register of warrants showing the fund upon which they are drawn, the number, in whose favor, for what service, the appropriation applicable to the payment thereof, and when the liability accrued. Before delivering a warrant to the payee named therein, he shall, whenever requested to do so by the state treasurer, permit the state treasurer to endorse upon or attach to such warrant an order designating the place where such warrant may be paid. Such warrants may be made payable at the option of the treasurer, either at his office, or at some bank in which moneys of the state are deposited. Whenever any party is entitled to the payment of a sum greater than twenty thousand dollars, the controller shall, whenever requested to do so by the state treasurer, issue to such party several warrants aggregating the amount due him in the amounts designated by the treasurer. Upon delivering a warrant to the party entitled thereto, the controller shall take and preserve a receipt therefor; but, when

Register of
warrants.

requested to deliver a warrant by mail by the person entitled thereto, he may deliver such warrant to the board of examiners, taking the receipt, therefor, of the secretary of the board of examiners or of some one authorized by him to receipt for the same. The board of examiners must, without delay, enter the same on the books of its office and mail the same to the proper person;

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

11. To examine and settle the accounts of all persons indebted to the state, and to certify the amount to the treasurer, and upon presentation and filing of the treasurer's receipt therefor to give such person a discharge and charge the treasurer therewith;

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

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

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

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

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

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

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

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

Draw war-
rants on
treasurer.

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

SEC. 2. This act shall take effect and be in force from and after June 30, 1911.

CHAPTER 179.

An act to amend section 452 of the Political Code, relating to the duties of the state treasurer.

[Approved March 13, 1911.]

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

SECTION 1. Section 452 of the Political Code is hereby amended to read as follows:

452. It is the duty of the treasurer:

1. To receive and keep in the vaults of the state treasury or in banks all moneys belonging to the state, not required to be received and kept by some other person; Duties of treasurer.

2. To file and keep the certificates of the controller delivered to him when moneys are paid into the treasury;

3. To deliver to each person paying money into the treasury a receipt showing the amount, the sources from which the money accrued, and the funds into which it is paid, which receipts must be numbered in order, beginning with number one at the commencement of each fiscal year;

4. To pay warrants drawn by the controller out of the funds upon and in the order in which they are drawn;

5. To attach to or endorse upon warrants drawn by the controller an order directing the payment of warrants by some bank or banks in which moneys of the state are on deposit whenever, in his judgment, it is desirable to so withdraw moneys of the state from deposit. Upon presentation for payment, the person to whom it is paid shall receipt therefor in the manner customary in the payment of bank checks, and the treasurer shall preserve such warrants and orders after they are returned to him in the ordinary course of business;

6. To keep an account of all moneys received and disbursed;

7. To keep separate accounts of the different funds;

8. To report to the controller, on or before the tenth day of each month, the amount disbursed during the preceding month for redemption of bonds and in payment of warrants during the month; which report must show the number of such bonds and warrants, the funds out of which they were paid, and the balance of cash on hand in the treasury to the credit of each fund; Monthly report.

9. At the request of either house of the legislature, or of any committee thereof, to give information in writing as to

the condition of the treasury, or upon any subject relating to the duties of his office;

10. To report to the governor at the time prescribed in section 332 of this code, the exact balance in the treasury to the credit of the state, with a summary of the receipts and payments of the treasury during the two preceding fiscal years;

11. To authenticate with his official seal all writings and papers issued from his office;

12. To discharge the duties of state capitol commissioner, and such other duties as may be imposed upon him by law.

SEC. 2. This act shall take effect and be in force from and after June 30, 1911.

CHAPTER 180.

An act to regulate the sale of eggs and butter that have been in cold storage for a longer period than three months, requiring the labeling thereof by all persons selling or offering the same for sale, empowering and directing the state board of health to make rules and regulations to carry this act into effect and fixing penalties for the violation of the same, or any of the provisions.

[Approved March 14, 1911.]

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

Defin-
ition.

SECTION 1. For the purpose of this act the words "person, firm, company or corporation" shall include wholesalers, retailers, jobbers, and every place where eggs or butter that have been in cold storage for a longer period than three months are sold or offered for sale.

Marking
cold
storage
packages.

SEC. 2. Every person, firm, company or corporation, who sells or offers for sale any eggs or butter that have been in cold storage for a longer period than three months shall, before so doing, cause to be stamped, marked or branded upon all sides of each receptacle holding and containing the same in black-faced letters two inches in length the period of time during which the same have been in cold storage.

Sign.

SEC. 3. That every person, firm, company or corporation selling or offering for sale any cold storage eggs or butter shall display in a conspicuous place in his or their salesroom, a sign bearing the words "Cold storage eggs or butter sold here" in black-faced letters not less than six inches in length, upon a white ground.

Penalty.

SEC. 4. Every person, firm, company or corporation, who shall fail to comply with any of the provisions of this act is guilty of a misdemeanor and punishable by imprisonment in the county jail for a term not exceeding six months, or a fine of two hundred and fifty dollars, or both fine and imprisonment.

SEC. 5. The state board of health is hereby authorized and Rules. directed to make rules and regulations necessary to carry this act into effect.

SEC. 6. This act shall take effect immediately.

CHAPTER 181.

An act to amend section 349a, of the Penal Code, relating to imprints, labels, trade-marks, etc., prohibiting the misrepresentation thereof, and providing penalties for such misrepresentation.

[Approved March 11, 1911.]

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

SECTION 1. Section 349a of the Penal Code of California is hereby amended to read as follows:

349a. Any person engaged in the production, manufacture, or sale of any article of merchandise in this state, who, by any imprint, label, trade-mark, tag, stamp, or other inscription or device, placed or impressed upon such article, or upon the cask, box, case, or package containing the same, misrepresents or falsely states the kind, character, or nature of the labor employed or used, or the extent of the labor employed or used, or the number or kind of persons exclusively employed or used, or that a particular or distinctive class or character of laborers was wholly and exclusively employed, when in fact another class, or character, or distinction of laborers was used or employed either jointly or in any wise supplementary to such exclusive class, character, or distinction of laborers, in the production or manufacture of the article to which such imprint, label, trade-mark, tag, stamp, or other inscription or device is affixed, or upon the cask, box, case or package containing the same, is guilty of a misdemeanor, and punishable by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than twenty nor more than ninety days, or both.

Mis-representing kind of labor employed in producing goods.

Penalty.

CHAPTER 182.

An act making an appropriation for the use of the creamery department of the California Polytechnic School and making provision for the return of said appropriation to the state treasury.

[Approved March 14, 1911.]

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

Appropriation:
contingent
fund,
California
Poly-
technic
School.

SECTION 1. The sum of four thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be placed to the credit of the contingent fund of the California Polytechnic School. The money hereby appropriated, or such portion thereof as may be necessary, shall be used for the purchase of milk and cream for the creamery department of said school, and for no other purpose. All moneys so expended shall be returned by the California Polytechnic School to said fund from the proceeds of sale of butter and other creamery products, as such proceeds are received.

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

CHAPTER 183.

An act making an appropriation for the furnishing and equipping of a cottage for the accommodation of male patients at the Mendocino State Hospital.

[Approved March 14, 1911.]

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

Appropriation:
furnishing,
Mendocino State
Hospital.

SECTION 1. The sum of four thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be paid to the board of managers of the Mendocino State Hospital, for the purpose of furnishing and equipping one cottage for the accommodation of male patients at said hospital.

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

SEC. 3. This act shall take effect and be in force from and after July 1, 1912.

CHAPTER 184.

An act to amend the Political Code of the State of California, by amending section 2154 relating to officers and employees of state hospitals.

[Approved March 14, 1911.]

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

SECTION 1. Section 2154 of the Political Code of California is hereby amended to read as follows:

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

Salaries of hospital officers.

CHAPTER 185.

An act adding three new sections to an act entitled, "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 10, 11 and 12 and relating to the government of municipal corporations and providing for the recall, initiative and referendum.

[Approved March 14, 1911.]

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

SECTION 1. A new section is hereby added to an act entitled, "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 10 and read as follows:

Section 10. The holder of any elective office of any municipality may be removed or recalled at any time by the electors; provided, he has held his office at least four months. The procedure to effect such removal or recall shall be as follows: A petition demanding the election of a successor to the person sought to be removed shall be filed with the clerk, which petition shall be signed by registered voters equal, in number to at

Recall of municipal officers.

least twenty-five per cent of the entire vote cast at the last preceding general municipal election, and shall contain a statement of the grounds on which the removal or recall is sought, which statement is intended solely for the information of the electors. Any insufficiency of form or substance in such statement shall in no wise affect the validity of the election and proceedings held thereunder. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number, if any. One of the signers of each such paper shall make oath before an officer competent to administer an oath that the statements therein made are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition, the clerk shall examine and from the records of registration ascertain whether or not said petition is signed by the requisite number of qualified voters, and if necessary the city council, board of trustees or other governing body shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition and if his certificate shall show the same to be insufficient it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the city council, or board of trustees or other governing body without delay, whereupon the council, or board of trustees or other governing body shall forthwith cause a special election to be held within not less than thirty-five nor more than forty days after the date of the order calling such election, to determine whether the voters will recall such officer; *provided*, that if a general municipal election is to occur within sixty days, the council may in its discretion postpone the holding of such election to such general election or submit such recall election at any such general election occurring not less than thirty-five days after such order. If a vacancy occur in said office after a recall petition is filed, the election shall nevertheless proceed as in this section provided. One petition is sufficient to propose the removal and election of one or more elective officials. One election is competent for the removal and election of one or more elective officials. Nominations for any office under such recall election shall be made in the same manner as are nominations for such office at general municipal elections. Upon the sample ballot there shall be printed in not more than two hundred words the reasons for demanding the recall of the officer set forth in the recall petition, and upon the same ballot in not more than two hundred words the officer may justify his course in office.

Special
election.

Nominations.

Reasons.

There shall be printed on the recall ballot, as to every officer Ballot. whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office,)" following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (X), his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote cast shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote "No," said incumbent shall continue in said office. If a majority shall vote "Yes," said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The canvassers shall canvass all votes for candidates for said office and declare the result in like manner as in a regular election. Canvass- of votes. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected, for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law.

No person who has been recalled or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such resignation or recall. The successor of any officer so recalled shall hold office during the unexpired term of his predecessor, subject to removal under the provisions of this section. Person recalled.

SEC. 2. A new section is hereby added to an act entitled, "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 11, and read as follows:

Section 11. The registered voters of any municipality shall have power to propose by petition, and to adopt or reject at the polls, if not adopted in the mean time by the city council, board of trustees or other governing body any ordinance, act or other measure which is within the power conferred upon the city council, board of trustees or other governing body. Such ordinance, act or other measure may be proposed by filing with the clerk a petition setting forth said measure in full, signed by voters equal in number to the percentage hereinafter required. Such petition shall be executed, signed and verified in the same manner and the clerk shall perform the same Initiative.

duties in relation thereto, as is provided in the preceding section concerning petitions for recall. If the petition accompanying the proposed measure be signed by voters equal in number to thirty per cent of the entire vote cast at the last preceding general municipal election, and contains a request that said measure be submitted forthwith to a vote of the electorate at a special election, then the city council, board of trustees or other governing body must either pass the measure without alteration or submit the same to the electorate at a special election to be held at a date not more than thirty days from the date of calling the same. If the petition be signed by voters equal in number to fifteen per cent of the entire vote cast at the last preceding general municipal election, or if for any reason any measure proposed by petition signed by thirty per cent of said voters as aforesaid has not been submitted at a special election as above provided, then in either event such measure or measures shall be submitted to the electorate at the next general municipal election which shall take place at any time after thirty days from the date of the clerk's certificate of sufficiency; *provided*, that the city council, board of trustees or other governing body shall not in the mean time pass the same without alteration. The ballots used when voting on said proposed measure shall contain a general statement thereof, followed by the words "Yes" and "No" so arranged that the voter may indicate his choice upon the ballot. If a majority of the qualified voters voting on any proposed measure shall vote in favor thereof, the same shall be deemed adopted and shall go into effect ten days after the declaration of the official count. The city council, board of trustees or other governing body may at any such election submit any amendment of any proposed measure, and if such amendment shall also receive a majority vote of the voters voting thereon, respectively, the same shall in like manner be deemed adopted and shall go into effect at the same time, as the ordinance of which it is an amendment. Any measure adopted by the electors under the provisions of this section can not be repealed or amended, except by a vote of the electors obtained in the manner hereinbefore stated, unless provision otherwise be made in the measure itself. Special elections under this section shall not be held at intervals of less than six months. If any measure be submitted upon an initiative petition of registered voters, the persons filing said petition shall have the right to present and file therewith a written argument in support thereof not exceeding three hundred words in length, which argument shall be printed upon the sample ballot issued for said election. Upon the same ballot shall also be printed any argument of not exceeding three hundred words in opposition to such measure upon behalf of the city council, board of trustees, or other governing body.

SEC. 3. A new section is hereby added to an act entitled, "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 12, and read as follows:

15 per cent.

Amendments.

Repeal only by election.

Argument in support.

Against.

Section 12. No ordinance passed by the city council, board of trustees or other governing body, except when otherwise specially required by the laws of the state, except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a four-fifths vote of the board, and no ordinance granting a franchise, shall go into effect before thirty days from its final passage; and if during said thirty days a petition signed by qualified voters of the city equal to twenty-five per cent of the entire vote cast at the last preceding general municipal election, protesting against the passage of such ordinance, be presented to the council, board of trustees or other governing body, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council, board of trustees or other governing body to reconsider such ordinance. If said council, board of trustees or other governing body shall thereupon not entirely repeal said ordinance, it shall submit the same to a vote of the electors either at a general election or a special election to be called for the purpose, and such ordinance shall not go into effect or become operative unless a majority of the voters voting upon the same shall vote in favor thereof. Such petitions and the provisions of the law relative to the duty of the clerk in regard thereto and the manner of voting thereon, shall conform to the rules provided for the initiation of legislation. Any ordinance, act or other measure that the city council, board of trustees or the voters, or other governing body, shall have authority to enact, the council, board of trustees or other governing body may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided for ordinances or measures submitted on petition. At any special election called under the provisions of law for an initiative or referendum vote, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures for the submission of which such election is specially called, if said other questions are such as might be legally submitted at such an election. If the provisions of two or more measures approved or adopted at the same election conflict, then the measures receiving the highest affirmative vote shall control.

Refer-
endum.Other
questions
may be
submitted.

CHAPTER 186.

An act amending section one hundred seventy-one a, of the Penal Code of California.

[Approved March 14, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 171a of the Penal Code, is hereby amended to read as follows:

Taking
opium,
etc., into
tolls.

171a. Any person, not authorized by law, who brings into any state prison, town or county jail, or city, or city and county jail, or reformatory in this state or within the grounds belonging or adjacent to any such institution, any opium, morphine, cocaine, or other narcotic, or any intoxicating liquor of any kind whatever, or any firearms, weapons, or explosives of any kind, is guilty of a felony.

CHAPTER 187.

An act to amend section 686 of the Penal Code, relating to the rights of a defendant in a criminal action.

[Approved March 14, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 686 of the Penal Code is hereby amended to read as follows:

Rights of
defendant
in criminal
action.

686. In a criminal action the defendant is entitled:

1. To a speedy and public trial.
2. To be allowed counsel as in civil actions, or to appear and defend in person and with counsel.
3. To produce witnesses on his behalf and to be confronted with the witnesses against him, in the presence of the court, except that where the charge has been preliminarily examined before a committing magistrate and the testimony taken down by question and answer in the presence of the defendant, who has, either in person or by counsel, cross-examined or had an opportunity to cross-examine the witness; or where the testimony of a witness on the part of the people, who is unable to give security for his appearance, has been taken conditionally in the like manner in the presence of the defendant, who has, either in person or by counsel, cross-examined or had an opportunity to cross-examine the witness, the deposition of such witness may be read, upon its being satisfactorily

shown to the court that he is dead or insane, or can not with due diligence be found within the state; and except also that in the case of offenses hereafter committed the testimony on behalf of the people or the defendant of a witness deceased, insane, out of jurisdiction, or who can not, with due diligence, be found within the state, given on a former trial of the action in the presence of the defendant who has, either in person or by counsel, cross-examined or had an opportunity to cross-examine the witness, may be admitted.

CHAPTER 188.

An act to add a new section to the Penal Code to be numbered 1053, relating to the substitution of judges during trial of a criminal action.

[Approved March 14, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The Penal Code is hereby amended by the addition of a new section numbered 1053, to read as follows:

1053. If after the commencement of the trial of a criminal action or proceeding the judge shall die, become ill, or for any other reason be unable to proceed with the trial, any other judge of the superior court in and for the county, or city and county, in which the case is pending may proceed with and finish the trial; or, if there be no other judge of such superior court, then the clerk or sheriff shall adjourn the court and continue the case from day to day, until such time as the governor shall designate a judge of the superior court from some other county to proceed with and complete the trial, or until such time as, by stipulation in writing between the district attorney and the attorney for the defendant, filed with the clerk, a judge shall be agreed upon by them to complete said trial. The judge authorized by the provisions of this section to proceed with and complete the trial shall have the same power, authority and jurisdiction as if the trial had been commenced before such judge.

Substitution of judges in criminal actions.

CHAPTER 189.

An act to amend section 766 of the Code of Civil Procedure of California, relating to partition of real property.

[Approved March 15, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 766 of the Code of Civil Procedure of California is hereby amended to read as follows:

Court may confirm, etc., report.

766. The court may confirm, change, modify, or set aside the report, and if necessary, appoint new referees. Upon the report being confirmed, judgment must be rendered that such partition be effectual forever, which judgment is binding and conclusive.

Judgment binding on.

1. On all persons named as parties to the action, and their legal representatives, who have at the time any interest in the property divided, or any part thereof, as owners in fee or as tenants for life or for years, or as entitled to the reversion, remainder, or the inheritance of such property, or any part thereof, after the determination of a particular estate therein, and who by any contingency may be entitled to a beneficial interest in the property, or who have an interest in any undivided share thereof, as tenants for years or for life;

2. On all persons not in being at the time said judgment is entered, who have any interest in the property divided, or any part thereof, as entitled to the reversion, remainder or the inheritance of such property, or any part thereof, after the determination of a particular estate therein, and who by any contingency may be entitled to a beneficial interest in the property; *provided*, that in case sale has been made under the provisions of this chapter the judgment shall provide for keeping intact the share of the proceeds of said sale, to which said party or parties not in being at the time are or may be entitled until such time as such party or parties may take possession thereof;

3. On all persons interested in the property, who may be unknown, to whom notice has been given of the action for partition by publication;

4. On all other persons claiming from such parties or persons, or either of them.

And no judgment is invalidated by reason of the death of any party before final judgment or decree; but such judgment or decree is as conclusive against the heirs, legal representatives, or assigns of such decedent, as if it had been entered before his death. If during the pendency of the action, and before final judgment therein, any of the cotenants has conveyed to another person his interest, or any part of his interest, such conveyance, whatever its form, shall be deemed to have passed

to the grantee any lands which, after its execution, may have been set aside to the grantor in severalty, or such proportionate interest in such lands as the interest so conveyed bears to the whole interest of the grantor.

CHAPTER 190.

An act to add a new section to the Code of Civil Procedure of California to be known as section 1810a, relating to conveyances by guardians.

[Approved March 15, 1911.]

The people of the State of California, represented in senate assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be known as section 1810a and to read as follows:

1810a. When a person who is bound by contract in writing to convey any real estate, or to transfer any personal property, dies before making conveyance or transfer, and in all cases when such decedent, if living might be compelled to make such conveyance or transfer, the court, having jurisdiction of the guardianship proceedings of such minor may make a decree authorizing and directing the guardian of any minor, who has succeeded by distribution to the estate of such deceased person, to convey or transfer such real estate of personal property to the person entitled thereto.

Convey-
ance by
guardian.

CHAPTER 191.

An act to amend the Political Code of the State of California by adding a new section to be numbered four thousand one hundred thirty-five b, relating to the recording of certain instruments once in the office of the county recorder, and providing for the indexing of such instruments in lieu of additional recording.

[Approved March 15, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code, to be numbered four thousand one hundred thirty-five b, and to read as follows:

4135b. Whenever any instrument has been filed for record with the county recorder of any county in the State of California, as a deed, deed of trust, mortgage or chattel mortgage, or copied into any book of deeds, deeds of trust, mortgages or

Indexing
deeds,
etc., once
recorded.

chattel mortgages, such instrument need not be again filed for record or recorded in such office as a different instrument from that so filed for record or so recorded, but such recorder must index such instrument in any of the indices kept in his office upon the request of the person recording such instrument and the payment to him of his legal fees for such indexing. Such instrument from the date of such indexing, imports notice of its contents to all persons; and subsequent purchasers, mortgagees, lien holders and incumbrancer purchase and take with like notice and effect as if such instrument had been copied or recorded in the proper book of records corresponding with such indices where so indexed, notwithstanding such instrument has been but once recorded or copied in the records of such office.

CHAPTER 192.

An act to appropriate money to erect a building for the training department at the San Jose State Normal School.

[Approved March 15, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
building,
San Jose
Normal

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of sixty thousand (\$60,000.00) dollars to erect a building for the training department at the San Jose State Normal School. Said building to be built under the direction of the department of engineering.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrants for the amount herein appropriated, in favor of the officers authorized by law to receive the same, in such amounts and at such times, as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

CHAPTER 193.

An act appropriating the sum of ten thousand dollars for the purpose of constructing and repairing the grounds, walks, lawns and gardens of the San Jose State Normal School, and for the purchase of the necessary loam, gravel, fertilizers, seed, plants, and shrubbery for the same.

[Approved March 15, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of ten thousand (\$10,000) dollars, for the purpose of, and to be used in, constructing and repairing the grounds, walks, lawns and gardens of the San Jose State Normal School, and in purchasing the necessary loam, gravel, fertilizers, seed, plants and shrubbery for same.

Appropriation:
repairing
walks.
San Jose
Normal.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrant or warrants for the amount of money appropriated by section one of this act, and the state treasurer is hereby ordered and directed to pay such warrants out of said appropriation.

SEC. 3. This act shall take effect and be in force immediately.

CHAPTER 194.

An act appropriating money to purchase furniture and equipment for the use of the San Jose State Normal School.

[Approved March 15, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of fifteen thousand dollars, to be paid on order of the board of trustees of the San Jose State Normal School for the purchase of additional furniture and equipment for the use of the San Jose State Normal School.

Appropriation:
furniture,
San Jose
Normal.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrant or warrants in favor of the board of trustees of said San Jose State Normal School upon requisition of said board for the amount of money appropriated by section one of this act, and the state treasurer is hereby

ordered and directed to pay such warrants out of said appropriation.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 195.

An act providing for an appropriation of \$3,000 for the purpose of installing a filtration plant and to complete clear water system at the Preston School of Industry.

[Approved March 15, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
filtration
plant,
Preston
School.

SECTION 1. The sum of three thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of installing a filtration plant and to complete clear water system at the Preston School of Industry.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of said board of trustees of the Preston School of Industry, for the amount of money appropriated by section one of this act, and the state treasurer is hereby directed to pay the same out of said appropriation.

SEC. 3. This act shall take effect immediately.

CHAPTER 196.

An act providing an appropriation for \$1,000.00 for the purpose of purchasing necessary kitchen equipment for refectory building at the Preston School of Industry.

[Approved March 15, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
kitchen
equipment,
Preston
School.

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of purchasing necessary kitchen equipment for refectory building at the Preston School of Industry.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of said board of trustees of the Preston School of Industry for the amount of money appropriated by section one of this act, and the state treasurer is hereby directed to pay the same out of said appropriation.

SEC. 3. This act shall take effect immediately.

CHAPTER 197.

An act to provide for the installation of a heating system for the male and female departments of the Stockton State Hospital, including boilers and conduits and all necessary equipment, and to make an appropriation for the same.

[Approved March 15, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of thirty-three thousand one hundred and fifteen dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the installation of a heating system for the male and female departments of the Stockton State Hospital, including boilers, and conduits and all necessary equipment.

Appropriation:
heating
system,
Stockton
State
Ho-pital.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrants for the amount herein made payable, in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same. Of the total amount hereby appropriated twenty thousand dollars shall be available on July 1, 1911, and thirteen thousand one hundred fifteen dollars on July 1, 1912.

CHAPTER 198.

An act to provide for the accomplishment of the work of constructing a breakwater in Monterey bay, California, as recommended in the report of the chief of engineers, United States army, and printed in a document of the United States house of representatives, No. 1081, sixty-first congress, third session, calling for an expenditure of \$800,000 and making an appropriation for such work.

[Approved March 15, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of two hundred thousand dollars is hereby appropriated out of any money in the treasury of this state not otherwise appropriated, to be applied toward the construction of a breakwater in Monterey bay, California, in accordance with the plans set forth in the report printed in

Appropriation:
break-
water,
Monterey
bay.

document No. 1084 of the United States house of representatives, sixty-first congress, third session.

Condi-
tioned on
appropri-
ation by
United
States.

SEC. 2. This act shall become operative only upon condition that the government of the United States shall, under, by and through the war department, assume full charge and control of all work to be done as provided by this act, and also upon condition that the sum of six hundred thousand dollars shall have been appropriated or authorized to be appropriated by the congress of the United States for such work: *provided*, that the said sum hereby appropriated shall not be payable as hereinafter provided prior to July 1st, 1912.

SEC. 3. The amount hereby appropriated shall be paid to the treasurer of the United States whenever the sum of six hundred thousand dollars shall have been appropriated or authorized to be appropriated by the congress of the United States, conditioned on the payment of two hundred thousand dollars for the prosecution of the work hereinbefore set forth by the State of California: *provided*, that the whole of such amount appropriated by the congress of the United States and by the State of California shall be expended under the direction of the secretary of war and the supervision of the chief of engineers of the United States.

SEC. 4. The controller of the State of California is hereby authorized and directed to draw his warrant on the state treasurer in favor of the treasurer of the United States for the amount hereby appropriated, and the state treasurer is hereby directed to pay the same.

CHAPTER 199.

An act to amend section 628a of the Penal Code of the State of California relating to striped bass.

[Approved March 16, 1911]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 628a of the Penal Code is hereby amended so as to read as follows:

Striped
bass.

628a. Every person who, at any time, buys, sells, offers for sale, or has in his possession, any striped bass of less than three pounds in weight; or who, between the first day of May and the first day of July of any year, takes, catches, or kills, any striped bass, with a net or seine; or who, between the first day of May and the first day of July of any year has in his possession any striped bass, taken, caught or killed except with hook and line; or who between the first day of May and the first day of July of any year, buys, sells or

offers for sale, ships, offers for shipment, or receives for shipment or transportation any striped bass; or who, at any time, offers for shipment, ships, or receives for shipment or transportation, or transports, from the State of California to any place in any other state, territory, or foreign country any striped bass, caught or taken in the waters of this state, is guilty of a misdemeanor; *provided*, that the possession of such striped bass shall be prima facie evidence of the fact that such striped bass were caught or taken in the waters of this state. Penalty.

SEC. 2. Nothing in this section shall prohibit the United States fish commission and the fish and game commission of this state, from shipping outside of the state striped bass for purposes of stocking waters without the state.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 4. This act shall take effect and be in full force and effect sixty days from and after its passage.

CHAPTER 200.

An act to amend section 928 of the Penal Code of the State of California relating to the duties of grand juries.

[Approved March 16, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 928 of the Penal Code is hereby amended to read as follows:

928. It shall be the duty of the grand jury annually to make a careful and complete examination of the books, records, and accounts of all the officers of the county, and especially those pertaining to the revenue, and report as to the facts they have found, with such recommendations as they may deem proper and fit; and if, in their judgment, the services of an expert are necessary, they shall have power to employ one, at an agreed compensation, not to exceed ten dollars a day, to be first approved by the court; and if, in their judgment, the services of assistants to such expert are required, they shall have power to employ such, at a compensation to be agreed upon and approved by the court, not to exceed, however, five dollars a day for each assistant, such compensation of expert and assistants to be payable as other county charges. It shall be the duty of every grand jury first empaneled in even-numbered years to investigate and report upon the needs of all county officers in its county, including increase or decrease in salaries, number of officers, deputies or employees, the abolition or creation of offices and the equipment for, or the method or system of performing the duties of, the several offices, and it

Grand Jury to examine books.

shall cause a copy of such report to be transmitted to each member of the legislature representing the county in which it has been empaneled before the commencement of the regular session of the legislature in odd-numbered years. The judge, on empanclment of the grand jury, shall charge them especially as to their duties under this section; *provided*, that if any grand jury, shall, in the report above mentioned, comment upon any person or official who has not been indicted by the said grand jury, the said comments shall not be deemed to be privileged.

CHAPTER 201.

An act to pay the claim of A. G. Lafferty against the State of California and making an appropriation therefor.

[Approved March 16, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation: claim of A. G. Lafferty

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of A. G. Lafferty against the State of California.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrant in favor of the said A. G. Lafferty for the sum of one thousand dollars and the state treasurer is hereby authorized to pay the same.

SEC. 3. This act shall take effect, and be in force, from and after the first day of July, nineteen hundred and eleven.

CHAPTER 202.

An act appropriating money for the purchase of farm implements for the Preston School of Industry.

[Approved March 16, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation: Implement- Preston School.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of two thousand dollars, to be used by the trustees of the Preston School of Industry for the purchase of farm implements for said school.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the state board of examiners and the treasurer is directed to pay the same. Of the total amount hereby appropriated one thousand dollars shall be available July 1, 1911, and one thousand dollars July 1, 1912.

SEC. 3. This act shall take effect July 1st, 1911.

CHAPTER 203.

An act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

[Approved March 16, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of five thousand dollars, to be used by the trustees of the Preston School of Industry for the purchase of bedding and furniture, and for repairs in the use of said school. Appropriation: bedding, Preston School.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the state board of examiners and the treasurer is directed to pay the same. Of the total amount hereby appropriated twenty-five hundred dollars shall be available July 1, 1911, and twenty-five hundred dollars July 1, 1912.

SEC. 3. This act shall take effect July 1st, 1911.

CHAPTER 204.

An act appropriating money for the purchase of farm horses at the Preston School of Industry.

[Approved March 16, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of two thousand dollars, to be used by the trustees of the Preston School of Industry for the purchase of farm horses for said school. Appropriation: horses, Preston School.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the state board of examiners and the treasurer is directed to pay the same. Of the total amount hereby appropriated one thousand dollars shall be available July 1, 1911, and one thousand dollars July 1, 1912.

SEC. 3. This act shall take effect July 1st, 1911.

CHAPTER 205.

An act appropriating money for the equipment of the trades building at the Preston School of Industry.

[Approved March 16, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
equipment,
Preston
School.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of five thousand dollars, to be used by the trustees of the Preston School of Industry for the equipment of the trades buildings at said school.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the state board of examiners and the treasurer is directed to pay the same. Of the total amount hereby appropriated twenty-five hundred dollars shall be available July 1, 1911, and twenty-five hundred dollars July 1, 1912.

SEC. 3. This act shall take effect July 1st, 1911.

CHAPTER 206.

An act appropriating money for the repair and maintenance of the water power plant and system at the Preston School of Industry.

[Approved March 16, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
repairs,
Preston
School.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of five thousand dollars, to be used by the trustees of the Preston School of Industry for the repair and maintenance of the water power plant and system at the Preston School of Industry.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the state board of examiners and the treasurer is directed to pay the same. Of the total amount hereby appropriated twenty-five hundred dollars shall be available July 1, 1911, and twenty-five hundred dollars July 1, 1912.

SEC. 3. This act shall take effect July 1st, 1911.

CHAPTER 207.

An act to appropriate money for the completion and further equipment of the dining hall and kitchen of the California Polytechnic School.

[Approved March 16, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of five thousand dollars, or so much thereof as may be necessary, for the purpose of completing and further equipping the dining hall and kitchen of the California Polytechnic School.

Appropriation:
equipment,
California
Poly-
technic
School.

The state controller is hereby authorized and directed to draw his warrants for the amount herein made payable in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same. The amount hereby appropriated shall be available July 1, 1911.

CHAPTER 208.

An act to amend the Code of Civil Procedure of the State of California by adding a new section thereto to be numbered 1255a, relating to the abandonment of condemnation proceedings and providing for costs upon such abandonment.

[Approved March 17, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure of the State of California, to be numbered 1255a, and to read as follows:

1255a. Plaintiff may abandon the proceedings at any time after filing the complaint and before the expiration of thirty days after final judgment, by serving on defendant and filing in court a written notice of such abandonment; and failure to

Abandonment of
condemnation
proceedings.

comply with section 1251 of this code shall constitute an implied abandonment of the proceeding. Upon such abandonment, express or implied, on motion of defendant, a judgment shall be entered dismissing the proceeding and awarding the defendant his costs and disbursements, which shall include all necessary expenses incurred in preparing for trial and reasonable attorney fees. These costs and disbursements, including expenses and attorney fees, may be claimed in and by a cost bill, to be prepared, served, filed and taxed as in civil actions: *provided*, that said costs and disbursements shall not include expenses incurred in preparing for trial where the said action is dismissed forty days prior to the time set for the trial of the said action.

CHAPTER 209.

An act to authorize and regulate the possession, use, transportation and sale of trout or other fish, by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared.

[Approved March 17, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Fish
culture.

SECTION 1. Any citizen of the State of California who owns or leases land held in private ownership may establish and maintain thereon ponds for the culture and propagation of trout or other fish subject to all of the provisions contained in this act.

Applica-
tion for
license.

SEC. 2. Every person desiring to establish and maintain a pond or ponds for the culture of domesticated trout or other fish shall first make written application to the state board of fish and game commissioners, setting forth his name, residence, place of business, the exact description of the land upon which he desires to establish such pond or ponds, the nature of his title thereto, whether owned by him or held under lease, and the term for which such license is desired, and the kind and as near as may be the number of fish desired to be kept therein; such application shall be accompanied by a fee of five (5) dollars which if such application be granted shall be paid into the state treasury by the state board of fish and game commissioners to the credit of the fish and game preservation fund.

No outlet
or inlet.

SEC. 3. Such ponds shall be entirely within the exterior boundaries of the land owned or leased by the applicant, and described in such application, and there shall be no natural inlet or outlet for the waters contained in such pond. Any artificial inlet or outlet for the waters of such pond shall be

screened to the satisfaction of the board of fish and game commissioners, to prevent the ingress of fish to such pond from any natural body of water.

SEC. 4. If upon examination by the state board of fish and game commissioners it shall appear that the application is made in good faith and in other respects proper and reasonable, the said state board of fish and game commissioners shall grant to such applicant a license therefor. The decision of said board shall not be final, but shall be subject to review by a court of competent jurisdiction. Decision.

SEC. 5. Such license shall be substantially in the following form: Form of license.

STATE OF CALIFORNIA.

BOARD OF FISH AND GAME COMMISSIONERS.

Licensed Pond for Culture of Domesticated Trout or Other Fish.

No. Date 191..

This certifies that proprietor of a private pond or ponds called and situate in the county of State of California, upon the real property described as follows:

..... is hereby authorized to keep and propagate therein and dispose of as provided by law, trout or other fish, together with such additions thereto as may be hereafter acquired. This license authorizes possession, use, sale and transportation by invoice as hereinafter provided, and expires years after date.

STATE BOARD OF FISH AND GAME COMMISSIONERS.

By Deputy.

Said license shall contain blanks for the insertion of the number thereof, the date of issuance, the name of the applicant to whom granted, the name of the pond, the description of the land upon which same is situated, the approximate number of trout or other fish desired to be kept in possession, and the term of the license.

SEC. 6. All trout or other fish with the natural or artificial increase thereof, held and confined in any private pond or ponds for the culture thereof as herein provided and licensed under the terms of this act, shall during the existence of the license or any renewal thereof be deemed the property of the licensee of the same to the extent that he may lawfully retain, pursue, capture, kill, use, sell, or dispose of the fish therein of any size and in any quantity and at any time of the year conforming to the conditions and subjected to the restrictions of this act prescribed in relation thereto, but not otherwise, and the possession, pursuit, capture, taking and killing of any fish in any licensed pond without the consent of the proprietor shall be unlawful; *provided, however,* that there shall be no importation of any domestically reared trout into this state, except during the open season in this state for wild trout of Fish property of licensee.

the same species so imported, and no domestically raised trout so imported shall be sold or brought into this state for any purpose whatever of less than one pound in weight.

Invoice.

SEC. 7. When the proprietor of any licensed pond shall sell or dispose of any fish as herein provided, he shall at the same time deliver to the purchaser or donee, and attach thereto, an invoice signed by such proprietor or his duly authorized agent, stating the number of the license and the name of such pond or ponds, the date of the disposition, the kind and as nearly as practicable the number and weight of such fish, the name and address of the purchaser, consignee, or donee. Such invoice shall authorize transportation within this state, possession and use for not more than ten days after date, and shall be substantially in the following form:

Form.

STATE OF CALIFORNIA.

STATE BOARD OF FISH AND GAME COMMISSIONERS.

Private Pond for Culture of Domesticated Trout and Other Fish. Invoice.

Name of pond
Number of license
Date
Kind and number of fish.....
Weight of same..... pounds
Name of consignee
Address of consignee.....

This authorizes transportation within this state, possession and sale for ten days after date, if attached to the article.

..... Proprietor.
By Agent.

No invoice shall be issued or delivered except in conformity with the provisions of this section.

Duplicate Invoice.

SEC. 8. Such proprietor or his agent shall at the same time deliver or mail postpaid a duplicate of such invoice to the state board of fish and game commissioners at their office; provided, that in the case of the sale or disposition of trout or other fish in quantities of less than three pounds in weight to any one purchaser or donee, such duplicate of invoice need not be delivered or mailed to said board, but said proprietor shall keep such duplicate for the period of sixty days thereafter and shall exhibit the same to said board or any of its deputies upon demand.

Invoice attached to express package.

SEC. 9. When any such fish for which an invoice is required are to be shipped by rail, express, or other carrier, public or private, the invoice shall be securely attached thereto or to the package containing the same in plain sight, and the same may then be lawfully carried and delivered to the consignee or donee named in such invoice. If such fish is held, or offered for sale, or sold by the consignee, or kept in any storage, café, restaurant, or boarding house, or elsewhere, such invoice shall be kept attached thereto and until the same has been prepared for consumption.

In case of sale or disposition of a part of such fish, the vendor shall at the same time make a copy of such invoice and introduce thereon the date of sale, the number and kind of fish so disposed of and the name of purchaser or donee who shall keep same attached thereto until the same is prepared for consumption, and the same shall have the same force as the original invoice. No copy of such invoice shall be issued or delivered except in conformity with the provisions of this section.

Copy of
invoice to
purchaser.

SEC. 10. Any wrongful misstatement in, or any omission of, a substantial requirement from any invoice or any copy thereof shall render the same void and be deemed a violation of this act. And the possession of any fish without such invoice or copy thereof attached thereto when sold or disposed of as above required, shall be unlawful.

Misstate-
ment.

SEC. 11. The proprietor of every private pond licensed under the preceding sections hereof, shall, whenever required by the state board of fish and game commissioners, make and send to said state board of fish and game commissioners a report showing as near as practicable, the kind, number, and weight of fish held in possession at any time, and the kind, number and weight of fish disposed of during the year preceding and on hand at the time of the report.

Report.

SEC. 12. License for private ponds for the culture of domesticated trout or other fish shall be issued for a term of twenty-five years or any lesser period as the applicant may desire and any license may be renewed from time to time for a like period, which renewal shall be in the same form and words as the original license with the word "Renewal" written on its face. A renewal must be applied for and a like fee shall be charged for any renewal of a license.

Term of
license.

SEC. 13. Any lake, pond, or any body of water maintained in violation of this act shall be deemed a continuing public nuisance, and may be abated as provided by law for the abatement of public nuisances, and each day the same is maintained in violation thereof shall be deemed a separate offense.

Violation
of act.

SEC. 14. The violation of any provision of this act is hereby declared a misdemeanor and every person violating any of its provisions shall, upon conviction thereof, be fined in a sum not less than twenty-five dollars, or by imprisonment in the county jail for a term of not less than twenty days, or by both such fine and imprisonment; and all fines collected for any violation of any of the provisions of this act shall be paid into the state treasury, to the credit of the fish and game preservation fund.

SEC. 15. This act shall take effect immediately.

CHAPTER 210.

An act to regulate the production and sale of certified butter.

[Approved March 17, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Certified
butter.

SECTION 1. No person shall sell or exchange, or offer or expose for sale or exchange, as and for certified butter any butter which does not conform to the regulations prescribed by, and bear the certification of, a milk commission appointed by a county medical society organized under and chartered by the medical society of the State of California and which has not been pronounced by such authority to be free from anti-septics, added preservatives and pathogenic bacteria. All butter sold as certified butter shall be conspicuously marked with the name of the commission certifying it; *provided*, that such milk commission shall make all requirements for the production and handling of certified butter uniform and fair, and shall not refuse to certify butter for any applicant for certification who shall comply with the provisions of this act, and the requirements of the milk commission whose certificate is sought.

Penalty
for
violation.

SEC. 2. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than sixty days.

CHAPTER 211.

An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; to prevent the sale of goods, wares and merchandise by false weight or measure; authorizing counties, incorporated cities, incorporated towns, and incorporated cities and counties of the State of California to appoint sealers of weights and measures and to define the powers and duties of such sealers; to provide penalties for violation of the provisions of this act relating to the foregoing and for the admission in evidence of copies of the state's standard of weights and measures furnished under the provisions of this act.

[Approved March 18, 1911]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The standard of weights and measures received from the United States under a resolution of congress approved June 14, 1836, and such new weights and measures as shall be received from the United States as standard weights and measures in addition thereto or renewal thereof, and such as shall be procured by the state in conformity therewith and certified by the national bureau of standards, shall be the state standards, by which all county and municipal standards of weights and measures shall be tried, proved and sealed. United States standards adopted.

SEC. 2. The weights and measures referred to in section one of this act shall be kept by the secretary of state in a safe and suitable place in his office, from which they shall not be removed except for repairs or for certification. He shall maintain said standards of the state in good order and shall submit them at least once in ten years to the national bureau of standards for certification. Kept by secretary of state.

SEC. 3. The secretary of state, upon request of any county, incorporated city, or incorporated town, or incorporated city and county shall furnish to said county, incorporated city, incorporated town or incorporated city and county copies of the standard weights and measures of this state. All such copies furnished under the provisions of this act shall first be tried and accurately proved by the secretary of state and shall be sealed and certified to by the secretary of state and stamped with the letter "C." Such copies shall be furnished at the expense of the county, incorporated city, incorporated town or incorporated city and county requiring the same. Copies furnished under the provisions of this section need not be of the same material or construction as the standards of the state, but Copies for counties, etc.

such copies may be furnished in any suitable materials or construction that the secretary of state may specify.

Sealers of weights.

SEC. 4. The respective counties, incorporated cities, incorporated towns and incorporated cities and counties of the state are hereby authorized to appoint sealers of weights and measures.

Jurisdiction of sealers.

SEC. 5. The jurisdiction of the sealers of weights and measures of the various counties of the state shall extend over the entire territorial limits of the counties appointing such officers, except in the incorporated cities and incorporated towns that have appointed or may appoint sealers of weights and measures under the provisions of this act. The jurisdiction of the sealers of weights and measures appointed by the various incorporated cities, incorporated towns and incorporated cities and counties under the provisions of this act, shall extend over the entire territorial limits of the incorporated city or incorporated town or incorporated city and county appointing such officer.

Compensation.

Any county, incorporated city, incorporated town or incorporated city and county appointing a sealer of weights and measures under the provisions of this act shall fix the compensation of such officer and may provide deputies for such officer and fix their compensation.

Additional duties.

Any county, incorporated city, incorporated town or incorporated city and county appointing sealers of weights and measures under the provisions of this act may also prescribe duties to be performed by such officer in addition to the duties prescribed by this act, but no additional duties can be prescribed which are in conflict with the provisions of this act.

Sealers have charge of weights.

SEC. 6. The various sealers of weights and measures appointed under the provisions of this act shall have charge of and take possession of the copies of the standards of weights and measures of the state procured from the secretary of state in accordance with the provisions of section three of this act.

Biennial test of weights.

The sealers of weights and measures shall, every two years, cause to be proved and tested by the secretary of state, and it shall be the duty of the secretary of state to so prove and test, copies of the standards of weights and measures of the state furnished the secretary of state under the foregoing provisions. If any of the copies of the weights and measures so tested shall be found to be incorrect, the same shall be adjusted if the same are susceptible of being adjusted, but if the same are not susceptible of being adjusted new copies shall be furnished at the expense of the county or incorporated city or incorporated town or incorporated city and county requiring the same.

Copies deemed correct.

SEC. 7. In any prosecution for a violation of any of the provisions of this act any copy of the standards of weights and measures of the state furnished by the secretary of state under the provisions of this act shall be admitted in evidence upon the trial and such copies shall conclusively be deemed true and correct.

Preservation of copies.

SEC. 8. It shall be the duty of all sealers of weights and measures to carefully preserve all copies of the standards of

weights and measures of the state furnished under the provisions of this act and to keep the same in a safe and suitable place when not actually in use.

SEC. 9. Every person using or keeping for use or having or offering for sale weights, scales, beams, measures of every kind instruments or mechanical device for measurement, and tools, appliances or accessories connected with any or all such instruments or measures within a county, incorporated city, incorporated town, or incorporated city and county in which there has been appointed under the provisions of this act a sealer of weights and measures, shall, within three months after the appointment of such sealer of weights and measures, cause all such weights, scales, beams, measures of every kind, instruments or mechanical device for measurement, and tools, appliances or accessories connected with any or all such instruments or measures used, kept for use or had or offered for sale by him, to be sealed and marked by the sealer of weights and measures of the county, incorporated city, incorporated town or incorporated city and county in which the same are used, kept for use or kept or offered for sale.

Testing
weights
and
measures.

SEC. 10. No weight, scale, beam, measure of any kind, instrument or mechanical device for measurement, and tools, appliances or accessories connected with any or all such instruments or measures shall be used, kept for use, sold, offered for sale or kept for sale in any county, incorporated city, incorporated town or incorporated city and county in which there is a sealer of weights and measures appointed under the provisions of this act and in which there has been continuously in office in such county, incorporated city, incorporated town or incorporated city and county a sealer of weights and measures for three months, unless such weight, scale, beam, measure of any kind, instrument or mechanical device for measurement, and tools, appliances or accessories connected with any or all such instruments or measures has been sealed and tested as herein provided.

Untested
weights,
etc., not
to be used.

SEC. 11. Where any weight, scale, beam, measure of any kind, instrument or mechanical device for measurement, and tools, appliances, or accessories connected with any or all such instruments or measurements have been tested and found correct by any sealer of weights and measures appointed under the provisions of this act, the same may be used, kept for use, offered for sale, sold, or kept for sale within any county, incorporated city, incorporated town or incorporated city and county of this state without any further test.

Approved
weights,
etc.

Any weight, scale, beam, measure of any kind, instrument or mechanical device for measurement, and tools, appliances or accessories connected with any or all such instruments or measures, which have been tested and sealed and certified to as correct by the national bureau of standards, may be kept for sale, sold or offered for sale without being first tested and sealed by a sealer of weights and measures as in this act provided. But all such weights, scales, beams, measures of any kind, instruments or mechanical devices for measure-

Weights,
etc., ap-
proved by
national
bureau.

ment, and tools, appliances or accessories connected with any or all such instruments or measures shall always be subject to inspection as herein provided, notwithstanding that the same have been tested and sealed either by a sealer of weights and measures appointed under the provisions of this act or by the national bureau of standards.

Scale, etc.,
which
must be
assembled.

SEC. 12. Any scale, beam or mechanical device for weighing or measuring, which after being sold and before being used for weighing, must be assembled or set up, may be sold, kept for sale, or offered for sale without being first tested and sealed as in this act provided; but such scale, beam, or mechanical device for weighing or measuring must before being used for weighing or measuring be tested and sealed as in this act provided.

Tests
made upon
request.

SEC. 13. Upon a written request of any resident of a county, incorporated city, incorporated town or incorporated city and county in which there has been appointed a sealer of weights and measures under the provisions of this act, the sealer of weights and measures for such county, incorporated city, incorporated town or incorporated city and county shall test or cause to be tested, as soon thereafter as is practicable, the weights, scales, beams, measures of any kind, instruments or mechanical device for measurement, tools, appliances or accessories connected with any or all such instruments or measures used in buying or selling by the person, firm or corporation designated in such request. Upon the written request of any person, firm or corporation, using, having for use, selling, keeping or offering for sale any weight, scale, beam, measure or any kind of instrument or mechanical device for measurement, tools, appliances or accessories connected with any or all such instruments or measures, in any county, incorporated city, incorporated town, or incorporated city and county in which there has been appointed a sealer of weights and measures under the provisions of this act, the sealer of weights and measures for such county, incorporated city, incorporated town or incorporated city and county shall test or cause to be tested, as soon thereafter as is practicable, the weights, scales, beams, measures of any kind, instrument or mechanical device for measurement, tools, appliances or accessories connected with any or all such instruments or measures belonging to or used by such person, firm, or corporation, providing that such written request shall not relieve the person, firm or corporation making it, from any violation of the provisions of this act or of the responsibility provided in this act for using, keeping for use, selling or offering to sell, or keeping for sale, any false weight, scale, beam, measure of any kind, instrument or mechanical device for measurement, tools, appliances or accessories connected with any or all such instruments or measures.

Inspection
of weights
and
measures.

SEC. 14. The sealer of weights and measures shall, within his county, incorporated city, incorporated town or incorporated city and county, inspect, test, try and ascertain if they

are correct all weights, scales, beams, measures of any kind, instruments or mechanical devices for measurements, and tools, appliances, or accessories connected with any or all such instruments or measures, kept for the purpose of sale, sold, or used or employed within the respective county, incorporated city, incorporated town or incorporated city and county by any proprietor, agent, lessee or employee in proving the size, quantity, extent, area or measurement of quantities, things, produce, articles for distribution or consumption offered or submitted by such person or persons for sale, hire or award; and he shall have the power to and shall, from time to time, weigh or measure packages or amounts of commodities of whatsoever kind kept for the purpose of sale, offered for sale or sold or in the process of delivery in order to determine whether the same contains the amount represented and whether they are being offered for sale or sold in a manner in accordance with the law. He shall, at least twice in each year, or as much oftener as he deems necessary, see that the weights, measures and all weighing and measuring apparatus, used in his respective county, incorporated city, incorporated town or incorporated city and county, are correct. He may, for the purpose above mentioned, and in the general performance of his duty, enter or go into or upon, and without formal warrant, any stand, place, building or premises or stop any vendor, peddler, junk dealer, driver of a coal wagon, ice wagon or delivery wagon or any dealer whatsoever, and, if necessary, require him to proceed to some place which the sealer of weights and measures may specify for the purpose of making the proper tests.

Twice
yearly.

SEC. 15. Whenever a sealer of weights and measures finds a violation of any of the statutes relating to weights and measures he shall cause the violator to be prosecuted.

Prosecute
violator.

SEC. 16. Whenever a sealer of weights and measures compares weights and measures or weighing or measuring instruments and finds that they correspond, or causes them to correspond to the standard in his possession, he shall seal or mark, under his name, such weight or measure or weighing or measuring instrument with an appropriate device showing that the weight or measure or weighing or measuring instrument is correct and the date of the inspection, which device shall be so placed as to be easily seen.

Seal of
approval.

He shall condemn and seize and may destroy incorrect weights and measures and weighing and measuring instruments which can not be repaired, but any weight, measure or weighing or measuring instrument which shall be found to be incorrect, but which can be repaired, he shall cause to be marked with a tag or other suitable device with the words "Out of Order." The owners or users of any weights or measures or weighing or measuring instruments which have been marked "Out of Order," as in this section provided, shall have the same repaired or corrected within ten days, but until the same have been repaired or corrected and tested as herein provided the owners or users thereof may neither use nor dispose of the same in any way, but shall hold the same at the disposal of

Seizure of
incorrect
weights.

"Out of
order."

the sealer of weights and measures. When the same have been repaired or corrected the owner or user thereof shall notify the sealer of weights and measures and the sealer of weights and measures shall again test and prove the weight, measure or weighing or measuring instrument which has been found incorrect and marked as in this section provided, and until such weight, measure or weighing or measuring instrument has been inspected by the sealer of weights and measures and found correct the same shall not be used.

Removal
of "out of
order"
tag.

Any person who removes or obliterates any tag or device with the words "Out of Order," or any tag, mark, seal or device placed upon any weight, measure or weighing or measuring instrument, as in this act provided, shall be guilty of a misdemeanor.

When any weight, measure or weighing or measuring instrument has been repaired and corrected, as in this section provided, and has been inspected and found correct by the sealer of weights and measures, as in this section provided, the sealer of weights and measures shall remove the tag or device with the words "Out of Order," and shall seal and mark such weight, measure or weighing or measuring instrument in the manner provided in this section.

Penalty
for use of
false
weights.

SEC. 17. Any person who, by himself, or his employee or agent or as the employee or agent of another, shall use, in the buying or selling of any commodity, or retain in his possession a false weight or measure or weighing or measuring instrument, or use or retain in his possession any weight or measure or weighing or measuring instrument in any county, incorporated city, incorporated town or incorporated city and county in which there has been appointed a sealer of weights and measures in accordance with the provisions of this act, which has not been sealed by a sealer of weights and measures within one year, or who shall dispose of any condemned weight or measure or weighing or measuring instrument contrary to law, or any person who, by himself, or his employee or agent, or as the employee or agent of another, shall sell or offer for sale or have in his possession for the purpose of selling, any device or instrument to be used to or calculated to falsify any weight or measure, and any person who, by himself or his employee or agent, or as the employee or agent of another, shall sell or offer or expose for sale any commodity, produce, article or thing in a less quantity than that he represents it to be or contain, shall be guilty of a misdemeanor.

Powers
of sealer.

SEC. 18. A sealer of weights and measures, in the performance of his official duties, shall have the same powers as are possessed by police officers of this state.

SEC. 19. Any person who shall hinder or obstruct in any way a sealer of weights and measures in the performance of his official duties shall be guilty of a misdemeanor.

Refusal to
exhibit
weights.

SEC. 20. No person shall neglect or refuse to exhibit any weight, measure or weighing or measuring instrument of any kind, or appliances or accessories connected with any or all of

such instruments or measures which is in his possession or under his control, to any sealer of weights and measures within the territorial limits of the jurisdiction of such sealer of weights and measures for the purpose of allowing the same to be inspected and examined by the sealer of weights and measures.

SEC. 21. No person, by himself, or his employee or agent, or as a proprietor or manager, shall refuse to exhibit any article, commodity, produce or thing being sold or offered for sale at a given weight or quantity, or ordinarily so sold, to a sealer of weights and measures within the territorial jurisdiction of such sealer of weights and measures for the purpose of allowing the same to be tested and proved as to the quantity therein contained by the sealer of weights and measures.

Refusal to exhibit commodity.

SEC. 22. Every sealer of weights and measures appointed under the provisions of this act shall carefully keep a record of all tests made by him, of all measures or weights and of all weighing or measuring instruments which have been tested and found correct, or which have been tested and found incorrect, of all arrests made by him for violations of the provisions of this act, and of all of his official acts, which record shall always be open to public inspection.

Record of tests.

SEC. 23. Any sealer of weights and measures who wilfully neglects to perform any of his duties, as provided by this act, may be removed by the same power which appointed him and the said appointing power shall be sole judge of the existence of the cause for such removal.

Neglect of duty.

Any sealer who shall seal any weight, measure, balance or apparatus before first testing and making the same conform with the authorized standard, or who shall condemn any weight, measure, balance or apparatus without first testing the same, shall be deemed guilty of a misdemeanor.

Sealing before testing.

SEC. 24. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

Penalty.

SEC. 25. The word "person," as used in this act, shall be deemed to include person, firm or corporation.

"Person."

SEC. 26. It shall be the duty of all officers, directors and managers of corporations, whose respective corporations use or keep for use or sell or offer for sale any weights, measures or weighing or measuring instruments which are subject to inspection by the provisions of this act, to comply with the provisions of this act on behalf of their respective corporations, and it shall be the duty of all officers, directors and managers of corporations, whose respective corporations offer for sale or keep for sale any commodity, produce, article or thing which is subject to inspection by the provisions of this act, to comply with the provisions of this act on behalf of their respective corporations. In case any corporation shall violate any of the provisions of this act the officers, directors and managers of the same shall be responsible for such violation and shall be guilty of a misdemeanor.

Duty of corporation officer.

One sealer
for two
counties.

SEC. 27. Two or more counties of this state may, by agreement, appoint one sealer of weights and measures and may fix his compensation and provide for his deputies and fix their compensation. A sealer of weights and measures so appointed shall have jurisdiction over the counties appointing him. In case two or more counties appoint a sealer of weights and measures, under the provisions of this section, such sealer of weights and measures shall perform the duties and have the powers of sealers of weights and measures appointed under the foregoing provisions of this act.

Fees for
sealing.

SEC. 28. Any county or counties, incorporated city, incorporated town or incorporated city and county appointing a sealer of weights and measures under the provisions of this act may provide the fees or charges that may be exacted by the sealer of weights and measures for sealing and making each weight, measure or weighing or measuring instrument and may provide for the proper disposition of such fees and charges.

SEC. 29. All acts and laws and parts of acts and laws in conflict with the, or any of the provisions of this, act are hereby repealed.

CHAPTER 212.

An act to provide for the purchase of an automobile for the governor of the State of California, and to make an appropriation for the same.

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
automobile for
governor.

SECTION 1. The sum of thirty-two hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to purchase an automobile for the use of the governor.

SEC. 2. The state controller is hereby directed to draw his warrant for this amount and the state treasurer to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

[Became a law, under constitutional provision, without Governor's approval, March 21, 1911.]

CHAPTER 213.

An act relating to explosives and prescribing regulations for the transportation, storage and selling of explosives, and providing penallies for the violation of this act.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The term "explosive" or "explosives" when ever used in this act shall include gunpowder, blasting powder, dynamite, guncotton, nitroglycerine or any compound thereof, fulminate, and every explosive substance having an explosive power equal to or greater than black blasting powder, and any substance intended to be used by exploding or igniting the same to produce a force to propel missiles, or rend apart substances, but does not include said substances, or any of them, in the form of fixed ammunition for small arms. The term "person" whenever used herein shall be held to include corporations as well as natural persons; words used in the singular number to include the plural and the plural the singular. The words "explosive manufacturing plant" shall be understood to include all the land used in connection with the manufacture and storage of explosives thereat. Defin-
itions.

SEC. 2. Except only at an explosive manufacturing plant, no person shall have, keep or store, at any place within this state, any explosives, unless such explosives are completely enclosed and encased in tight metal, wooden or fibre containers, and, except while being transported, or within the custody of a common carrier pending delivery to consignee, shall be kept and stored in a magazine constructed and operated as hereinafter described, and no person having in his possession or control, any explosives, shall under any circumstances permit or allow any grains or particles thereof to be or remain on the outside or about the containers, in which such explosives are contained. Enlosure
and
storage.

SEC. 3. Magazines in which explosives may lawfully be stored or kept shall be two classes, as follows: Magazines.

(a) Magazines of the first class shall consist of those containing explosives exceeding fifty pounds, and shall be constructed wholly of brick, wood covered with iron, or other fireproof material, and must be fireproof, and, except magazines where gunpowder or black blasting powder only is stored, must be bullet proof, and shall have no openings except for ventilation and entrance. The doors of such magazine must be fireproof and bullet proof, and at all times kept closed and locked, except when necessarily opened for the purpose of storing or removing explosives therein or therefrom, by persons lawfully entitled to enter the same. Every such magazine shall have sufficient openings for ventilation thereof, which must be screened in such manner as to prevent the entrance of sparks or fire through the same. Upon each side 1st class.

of such magazine there shall at all times be kept conspicuously posted a sign, with the words, "Magazine," "Explosives," "Dangerous," legibly printed thereon in letters not less than six inches high. No matches, fire or lighting device of any kind shall at any time be permitted in any such magazine. No package of explosives shall at any time be opened in any magazine, nor shall any open package of explosives be kept therein. No blasting caps, or other detonating or fulminating caps, or detonators, or electric fuzees, shall be kept or stored in any magazine in which explosives are kept or stored, but such caps, detonators or fuzees may be kept or stored in a magazine constructed as above provided which must be located at least one hundred feet from any magazine in which explosives are kept or stored. Magazines in which explosives are kept or stored must be detached, and must be located at least one hundred feet from any other structure.

2d class.

(b) Magazines of the second class shall consist of a stout wooden box, covered with sheet iron, and not more than fifty pounds of explosives shall at any time be kept or stored therein, and, except when necessarily opened for use by authorized persons, shall at all times be kept securely locked. Upon each such magazine there shall at all times be kept conspicuously posted a sign with the words, "Magazine," "Explosives," "Dangerous," legibly printed thereon.

Storage in tunnels.

Nothing in this section contained shall be held to prohibit the keeping or storing of explosives in any tunnel, where no person or persons are employed; *provided, always,* that any tunnel so used for the storage of explosives shall have fire-proof doors, which must at all times be kept closed and locked, except when necessarily opened for the purpose of storing or removing explosives therein or therefrom, by persons lawfully entitled to enter the same. The door of such tunnel magazine shall at all times have legibly printed thereon the words, "Magazine," "Explosives," "Dangerous."

Penalty for violating.

SEC. 4. Any person violating or failing to comply with any of the provisions of sections two and three of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars, and not more than one thousand dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Transporting.

SEC. 5. It shall be unlawful to transport, carry or convey, any explosives between any places within this state, on any vessel, car or other vehicle of any description, operated by common carrier, which vessel, car or vehicle is carrying passengers for hire; *provided,* that it shall be lawful to transport on any such vessel, car or vehicle, small arms ammunition in any quantity, and such fuses, torpedoes, rockets or other signal devices, as may be essential to promote safety in operation, and properly packed and marked samples for laboratory examination, not exceeding a net weight of one half pound each, and not exceeding twenty samples at one time, in a single vessel, car or vehicle, but such samples shall not be carried in that part of

the vessel, car or vehicle, which is intended for the transportation of passengers for hire; *provided, further*, that nothing in this section shall be construed to prevent the transportation of military or naval forces with their accompanying munitions of war on passenger equipment vessels, cars or vehicles; *provided, further*, that the transportation of explosives on any freight train in this state that carries passengers for hire in a car or caboose attached to the rear of such train, shall not be held or construed to violate the provisions of this act.

SEC. 6. The railroad commission of this state is hereby empowered to make, publish and promulgate such regulations as are not in conflict with this act and as in the judgment of said commission may tend to the safe packing, loading, storage and transportation of the explosives defined by section one of this act.

Regulations of railroad commission.

SEC. 7. It shall be unlawful to transport, carry or convey liquid nitroglycerine, fulminate in bulk, in dry condition, or other like explosive, between any places within this state, on any vessel, car or vehicle of any description, operated by common carrier in the transportation of passengers or articles of commerce by land or water.

Nitro-glycerine.

SEC. 8. Every package containing explosives or other dangerous articles when presented to a common carrier for shipment shall have plainly marked on the outside thereof, the contents thereon, and it shall be unlawful for any person to deliver for transportation to any common carrier engaged in commerce by land or water, or to cause to be delivered or to carry any explosive or other dangerous article, under any false or deceptive marking, description, invoice, shipping order or other declaration, or without informing the agent of such carrier of the true character thereof, at, or before the time of such delivery or carriage is made.

Packages to be marked.

SEC. 9. Any person who wilfully violates or causes to be violated any of the foregoing provisions of sections 5, 6, 7 and 8 of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished for each offense by fine not exceeding two thousand dollars, or by imprisonment not exceeding eighteen months, or by both such fine and imprisonment in the discretion of the court.

Penalty for violating.

SEC. 10. Every person selling, giving away, or delivering explosives within this state, shall keep at all times an accurate journal or book of record, in which must be entered from time to time, as it is made, each and every sale, delivery, gift, or other disposition made by such person in the course of business, or otherwise, of any quantity of such explosive substance. Such journal or record book must show in a legible handwriting, to be entered therein at the time, a complete history of each transaction, stating name and quantity of explosives sold, delivered, given away, or otherwise disposed of; name, place of residence, and business of the purchaser or transferee, name of individual to whom delivered, with his or her address.

Record of sales.

Such journal or record book must be kept by the person so selling, delivering or otherwise disposing of such explosives, in his or their principal office or place of business, at all times subject to the inspection and examination of the police authorities of the state, county or municipality where same is situated, on proper demand therefor. In addition to keeping the record above provided, it shall be unlawful for any person to sell, give away or deliver any explosives within this state, without taking from the person to whom such explosives are sold, given away or delivered within this state, a statement in writing, showing the name and the address of the person to whom such explosives are sold, given away or delivered, and the place where and the purpose for which such explosives are intended for use, which statement shall be signed by the person to whom such explosives are sold, given away or delivered, or his agent, and be witnessed by two witnesses, known to the person selling, giving away or delivering such explosives, to be residents of the county where such explosives, as shown by such statement, are intended for use, who shall certify that the person to whom such explosives are to be sold, given away or delivered is personally known to each of said witnesses, and that to the best of his knowledge and belief, the explosives are required by such person for the uses and purposes set forth in the statement, which said statement shall at all times be kept on file in the principal office or place of business of the person so selling, giving away or delivering such explosives, subject to the inspection of the police authorities of the state, county or municipality where the same is situated, on proper demand made therefor; *provided*, that nothing in this section shall be held to apply to the delivery of explosives to any person or carrier for the purpose of being transported from a place within this state to any other place within this state, *and provided, further*, that nothing in this section contained shall apply to interstate commerce.

Statement
from
purchaser.

Not
applicable
to carrier.

Penalty.

Every person selling, giving away or delivering any explosives without complying with all the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars and not more than two thousand dollars, or by imprisonment of not less than six months, or by both such fine and imprisonment in the discretion of the court.

Cumulative
penalty.

In addition to such imprisonment and as cumulative penalty such person so offending shall forfeit for each offense the sum of two hundred and fifty dollars, to be recovered in any court of competent jurisdiction, and the party instituting the action for such forfeiture shall not be entitled to dismiss same, without the consent of the court before which the suit has been instituted; nor shall any judgment recovered be set aside, satisfied or discharged save by order of such court, after full payment into court, and all moneys so collected must be paid to the party bringing suit.

SEC. 11. No explosives in excess of an amount sufficient for one day's operations shall be taken into any mine or underground workings in this state, and any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding five hundred dollars.

Explosives
in mines.

SEC. 12. No person, except a peace officer or a person authorized so to do by the owner thereof, or his agent, shall enter any explosive manufacturing plant, magazine or car containing explosives in this state; and any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding one thousand dollars or by imprisonment not exceeding three months, or by both such fine and imprisonment.

Entering
explosives
factory.

SEC. 13. No person shall discharge any firearms within five hundred feet of any magazine or of any explosive manufacturing plant, and any person wilfully violating any of the provisions of this section shall be deemed guilty of a misdemeanor and fined not exceeding one thousand dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

Discharg-
ing fire-
arms near
magazine.

SEC. 14. No person shall wilfully carry any explosive on his person within this state in any car, vessel or vehicle that carries passengers for hire, or place or carry any explosive while on board any such car, vessel or vehicle, in any hand baggage, roll or container, or place any explosive in any baggage thereafter checked with any common carrier, and any person violating any of the provisions of this section shall be deemed guilty of a felony and upon conviction thereof shall be punished by imprisonment in the penitentiary not exceeding two years.

Carrying
explosives
on person.

SEC. 15. Nothing in this act contained shall prevent the operation of, or modify, alter, set aside or supersede the provisions of any municipal ordinance respecting the delivery, storing and handling of explosives.

Municipal
ordinance.

SEC. 16. Nothing in this act contained shall regulate or apply to any shipment of explosives from a point within this state, consigned to a point without this state, over a line or lines of one or more common carriers.

Interstate
shipments.

[Became a law, under constitutional provision, without Governor's approval, March 21, 1911.]

CHAPTER 214.

An act to amend the Political Code of the State of California by adding thereto a new section to be known as and numbered section 2185c, relating to arrest, hearing and commitment of inebriates and drug habitués to a state hospital for the insane.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby added to the Political Code of the State of California a new section to be known as and numbered 2185c, and which shall read as follows:

Arrest,
hearing
and com-
mitment of
inebriates
and drug
habitués.

2185c. Whenever it appears by affidavit to the satisfaction of a magistrate of a county, or city and county, that any person is so far addicted to the intemperate use of narcotics or stimulants as to have lost the power of self-control, or is subject to dipsomania or inebriety, he must issue and deliver to some peace officer for service, a warrant directing that such person be arrested and taken before a judge of the superior court for a hearing and examination on such charge. Such officer must thereupon, arrest and detain such person until a hearing and examination can be had. At the time of the arrest a copy of said affidavit and warrant of arrest must be personally delivered to said person. Such affidavit and warrant of arrest must be substantially in the form provided by section 2168 of the Political Code for the arrest of a person charged with insanity. He must be taken before a judge of the superior court, to whom said warrant and affidavit of arrest must be delivered to be filed with the clerk. The judge must then inform him of the charge against him, and inform him of his rights to make a defense to such charge and produce any witnesses in relation thereto. The judge must by order fix such time and place for the hearing and examination in open court as will give a reasonable opportunity for the production and examination of witnesses. Such order must be entered in the minutes of the court by the clerk and a certified copy of the same served on such person. The judge may also order that notice of the arrest of such person and the hearing of the charge be served on such relatives of said person known to be residing in the county, as the court may deem necessary or proper. The hearing and examination shall be had in compliance with the provisions of sections 2169 and 2170 of the Political Code. The judge, after such hearing and examination, if he believes the person is so far addicted to the intemperate use of narcotics or stimulants as to have lost the power of self-control, or is subject to dipsomania or inebriety, must make an order that he be confined in a hospital for the care and treatment of the insane, designated in such order, and the order must be accompanied by a written statement of the judge as to the

financial condition of the patient and of the persons legally liable for his maintenance, as far as can be ascertained. Such order and statement shall be in substantially the form provided by section 2171 of the Political Code for the commitment of insane persons. The court shall commit such person for a definite period, not to exceed two years, but provided that he may be paroled by the medical superintendent under the same rules and conditions that the insane are paroled. Such person shall be delivered to the state hospital for the insane to which he has been committed in compliance with the provisions of section 2172 of the Political Code, providing for the commitment and deliverance of an insane person.

SEC. 2. This act shall take effect and be in force from and after July 1, 1911.

[Became a law, under constitutional provision, without Governor's approval, March 21, 1911.]

CHAPTER 215.

An act to provide for the erection of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

[Approved March 20, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of twenty-four thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be expended as follows: For the erection of one group of cottages for female patients on the lands of the Southern California State Hospital at Patton.

Appropriation:
cottages.
Southern
California
State
Hospital.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrant for the amount herein made payable in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1912.

CHAPTER 216.

An act to provide for the erection of one group of cottages for male patients at the Southern California State Hospital, and making an appropriation therefor.

[Approved March 20, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
cottages,
Southern
California
State
Hospital.

SECTION 1. The sum of twenty-four thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be expended as follows: For the erection of one group of cottages for male patients on the lands of the Southern California State Hospital at Patton.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrant for the amount herein made payable in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1911.

CHAPTER 217.

An act to amend section nine hundred of the Code of Civil Procedure of California, relating to the recording in the recorder's office of abstracts of judgments rendered in the justices' courts.

[Approved March 20, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section nine hundred of the Code of Civil Procedure is hereby amended to read as follows:

Judgment
no lien
unless
recorded.

900. A judgment rendered in a justice's court creates no lien upon any lands of the defendant, unless such an abstract is filed in the office of the recorder of the county in which the lands are situated. When so filed, and from the time of filing, the judgment becomes a lien upon all the real property of the judgment debtor, not exempt from execution, in such county, owned by him at the time, or which he may afterwards, and before the lien expires, acquire. The lien continues for two years, unless the judgment be previously satisfied.

At any time before the expiration of two years from the time of filing such abstract of judgment, and while the judgment is yet in force or unsatisfied, a successive abstract of such judgment may be likewise filed, and it shall have the effect of continuing such lien for a further period of two years from the time of filing the subsequent abstract of judgment; *provided, however*, that no such lien shall continue or be in force after five years from the time of the rendition of such judgment.

CHAPTER 218.

An act to amend section eight hundred and sixty-six of the Code of Civil Procedure of the State of California, relating to attachments.

[Approved March 20, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section eight hundred and sixty-six of the Code of Civil Procedure is hereby amended to read as follows:

866. A writ to attach the property of the defendant must be issued by the justice at the time of, or after issuing summons in actions in which the sum claimed exclusive of interest exceeds ten dollars, on receiving an affidavit by or on behalf of the plaintiff, showing the same facts as are required to be shown by the affidavit specified in section five hundred and thirty-eight.

Issue of writ of attachment.

CHAPTER 219.

An act to amend sections 1714 and 1715 of the Code of Civil Procedure, relative to new trials and appeals.

[Approved March 20, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1714 of the Code of Civil Procedure of the State of California is hereby amended so as to read as follows:

1714. The provisions of part two of this code, relative to new trials and appeals, except in so far as they are inconsistent with the provisions of this title, apply to the proceedings mentioned in this title; *provided*, that hereafter a motion for a new

New trials and appeals.

trial in probate proceedings can be made only in cases of contests of wills, either before or after probate and in proceedings under section one thousand six hundred and sixty-four of this code.

SEC. 2. Section 1715 of the Code of Civil Procedure of the State of California is hereby amended so as to read as follows:

Appeal,
when
taken.

1715. The appeal may be taken at any time after the order, decree, or judgment is made or rendered, but not later than sixty days after the same is entered in the minute book of the court as provided in section one thousand seven hundred and four.

CHAPTER 220.

An act to amend the Code of Civil Procedure, title IX, chapter I, relative to executions, by adding a new section thereto, to be known as section 681a.

[Approved March 20, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The Code of Civil Procedure of the State of California, title IX, chapter I, is hereby amended by adding a new section thereto, to be known as section 681a, so as to read as follows:

Stay of
executions.

681a. The court or the judge thereof shall not have the power, without the consent of the adverse party, to stay, for a longer period than thirty days, the execution of any judgment or order the execution whereof would be stayed on appeal only by the execution of a stay bond.

CHAPTER 221.

An act to amend section 650 of the Code of Civil Procedure of the State of California, relating to exceptions.

[Approved March 20, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 650 of the Code of Civil Procedure is hereby amended so as to read as follows:

Bill of
exceptions.

650. When a party desires to have exceptions taken at a trial settled in a bill of exceptions, he may, at any time thereafter, and within ten days after the entry of judgment, if the action was tried with a jury, or after receiving notice of the

entry of judgment, if the action was tried without a jury, or such further time as the court in which the action is pending, or a judge thereof, may allow, prepare the draft of a bill, and serve the same, or a copy thereof, upon the adverse party. Such draft must contain all the exceptions and proceedings taken upon which the party relies. It may also contain a statement of any matters occurring upon the trial, in the presence of the court, showing any of the matters mentioned in subdivisions one and two of section six hundred and fifty-seven of this code. Within ten days after such service the adverse party may propose amendments thereto, and serve the same, or a copy thereof, upon the other party. The proposed bill and amendments must, within ten days thereafter be presented by the party seeking the settlement of the bill, to the judge who tried or heard the case, upon five days' notice to the adverse party, or be delivered to the clerk of the court for the judge. When received by the clerk he must immediately deliver them to the judge, if he is in the county; if he is absent from the county, and either party desires the paper to be forwarded to the judge, the clerk must, upon notice in writing of such party, immediately forward them by mail, or other safe channel; if not thus forwarded the clerk must deliver them to the judge immediately after his return to the county. When received from the clerk, the judge must designate the time at which he will settle the bill, and the clerk must immediately notify the parties of such designation. At the time designated the judge must settle the bill. The bill must thereupon be engrossed and presented to the judge to be certified, by the party presenting it, within ten days. If the action was tried before a referee, the proposed bill, with the amendments, if any, must be presented to such referee for settlement within ten days after service of the amendments, upon notice of five days to the adverse party, and thereupon the referee must settle the bill. If no amendments are served or if served are allowed, the proposed bill may be presented with the amendments, if any, to the judge or referee for settlement without notice to the adverse party.

Present-
ment of
bill.

It is the duty of the judge or referee, in settling the bill, to strike out of it all redundant and useless matter so that the exceptions and proceedings may be presented as briefly as possible. When settled, the bill must be signed by the judge or referee, with his certificate to the effect that the same is allowed, and must then be filed with the clerk.

Duty of
judge to
strike out
useless
matter.

No bill of exceptions, statement on motion for a new trial, notice of appeal, or notice or paper, other than amendments to the pleadings or an amended pleading, need be served upon any party whose default has been duly entered, or who has not appeared in the action or proceeding.

CHAPTER 222.

An act to amend section 649 of the Code of Civil Procedure, relative to exceptions.

[Approved March 20, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 649 of the Code of Civil Procedure of the State of California is hereby amended so as to read as follows:

Bill of exceptions, when to be presented, etc.

649. A bill containing the exception to any decision may be presented to the court or judge, for settlement at any time after the decision is made, but the same must be presented within ten days after written notice of making such decision, and after having been settled must be signed by the judge and filed with the clerk. When the decision excepted to is made by a tribunal other than a court, or by a judicial officer, the bill of exceptions must be presented to and settled and signed by such tribunal or officer.

CHAPTER 223.

An act to amend section 500 of the Political Code, relating to clerks in the register's office and their salaries.

[Approved March 20, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 500 of the Political Code is hereby amended so as to read as follows:

Register of state land office, clerks.

500. The register of the state land office may appoint three clerks, all of whom shall be civil executive officers. The annual salary of each clerk in the register's office is eighteen hundred dollars. Said salary shall be paid in the same manner and at the same time as the salaries of other state officers.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect immediately from and after its passage.

CHAPTER 224.

An act authorizing owners of land or their grantees or assigns to sue the State of California, for damages done to real property by reason of the construction and maintenance of jetties in the Sacramento river, known as "Newtown jetties" and repealing an act entitled "An act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907.

[Approved March 20, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Within thirty days from the passage of this act any owner of land or the grantee or assignee thereof is hereby authorized to commence an action in the superior court of the State of California in and for the county of Sacramento against the State of California, for damages done to real property, caused by the construction and maintenance in the Sacramento river, near Wood island in the county of Sacramento, of certain jetties known as "Newtown jetties" by the State of California.

Damages done by "Newtown jetties."

SEC. 2. Summons in said action or actions shall be served by delivering a copy thereof attached to a copy of the complaint to the attorney general and it shall be his duty to defend said action or actions.

Summons.

SEC. 3. All costs in any suit brought under this act shall be paid by the plaintiff and in case judgment therein be for the plaintiff it shall be for the amount actually found due, without interest thereon and said judgment shall bear no interest.

Costs.

SEC. 4. If it appears upon the trial of said action that damage has been done to plaintiff by any act for which the state is legally liable, the jury, or in case a jury trial be waived, the court shall ascertain from the evidence and find the amount of damages and thereupon judgment shall be entered for the amount of damages so found.

Amount of damages.

SEC. 5. Either party may appeal from any judgment or appealable order from the superior court.

Appeal.

SEC. 6. An act entitled "An act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907, is hereby repealed.

SEC. 7. This act shall take effect immediately.

CHAPTER 225.

An act to amend sections 1196, 1197, 1205 and 1211 of the Political Code relating to election ballots, the manner of voting and the conduct of elections.

[Approved March 20, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1196 of the Political Code is hereby amended to read as follows:

1196. Except as in this code otherwise provided, it shall be the duty of the county clerk of each county to provide printed ballots for every election of public officers, except elections for city or town officers, in which electors, or any of the electors, within the county, participate, and to cause to be printed in the appropriate ballot the name of every candidate whose name has been certified to or filed with the county clerk, in the manner provided for by law, together with the names certified by the secretary of state to have received in the respective parties, the highest number of votes for United States senator. Ballots other than those printed by the respective county clerks, or the clerk or secretary of the legislative body of any incorporated city or town, according to the provisions of this code, shall not be cast nor counted at any election. It shall be the duty of the county clerk of any consolidated city and county to provide separate ballots for every election for city and county officers in which the electors, or any of the electors, of such city and county, participate, and to cause to be printed on such separate ballots the name of every candidate for a city and county office whose name has been filed with the proper officer in the manner provided by law. It shall be the duty of the clerk or secretary of the legislative body of any incorporated city or town to provide separate ballots for every election for city or town officers in which the electors, or any of the electors, of such city or town, participate, and to cause to be printed in such separate ballots the name of every candidate whose name has been filed with such clerk or secretary in the manner provided for by law. All ballots shall be not to exceed twenty-four inches in length, and shall be of sufficient width to contain in parallel columns four inches in width the names of all candidates nominated, and below the printed list of candidates for each office, the necessary blank space or spaces to permit an elector to write in the names of persons whose names are not printed on the ballot, and to contain in a separate column or columns of sufficient width statements of all questions, propositions or constitutional amendments to be submitted to vote of the electors, and shall be printed on tinted paper furnished by the secretary of state. It shall be the duty of the secretary of state to obtain and keep on hand, a sufficient

County
clerk to
provide
ballots.

Separate
ballots.

Size of
ballots.

supply of paper for ballots, and to furnish the same in quantities ordered, to any county clerk, or clerk or secretary of the legislative body of any incorporated city or town, upon payment by them of the cost of such paper. Such paper shall be watermarked with a design to be furnished by the secretary of state, in such manner that the said watermark shall be plainly discernible on the outside of such ballot when folded according to law. Such design shall be kept secret from all persons not engaged in the preparation, printing or distribution of the paper or ballots, until the day of election. Such design shall be changed for each general election, and the same design shall not be used again at any general election within the space of fourteen years; but at any special or separate local election, paper marked with the design used at the previous election may be used. Nothing in this code contained shall prevent any voter from writing upon his ballot the name of any person for whom he desires to vote for any office and such vote shall be counted the same as if printed upon the ballot, and marked as voted for.

Ballot
paper.Water-
mark.Secret
design.When
changed.Voter may
write in
name.

SEC. 2. Section 1197 of the Political Code is hereby amended to read as follows:

1197. There shall be provided at each polling place, at each election at which public officers are voted for, but one form of ballot for all the candidates for public office, and every ballot shall contain the names of all the candidates whose nominations for any office specified on the ballot have been duly made and not withdrawn, as provided by law, together with the title of the office arranged to conform as nearly as practicable to the plan hereinafter set forth.

One form
of ballot.

2. The order in which the list of offices shall appear on the ballot shall, as to state offices and district offices, when the district includes more than one county, be determined by the secretary of state, and shall as nearly as may be practicable be the same for all counties. The order in which the list of county offices or district offices embracing one county or less, shall appear on the ballot, shall be determined by the county clerk.

Order of
offices.

The order in which the list of candidates for any office shall appear upon the ballot shall be determined as follows:

(a) If the office is an office the candidates for which are to be voted on throughout the entire state, including United States senator in congress, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for the first assembly district; and thereafter for each succeeding assembly district, the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged; *provided, however,* that the names of candidates for the office of electors for president and vice-president shall be arranged in groups as presented in the several certificates of nomination, and the voter may vote for the whole of such group by stamping one cross (X) at the right of such group.

Order of
candidates
to be
voted on
through-
out state.

In more than one county.

If the office is that of representative in congress, or is an office the candidates for nomination to which are to be voted on in more than one county or city and county, but not throughout the entire state, except the office of state senator or assemblyman, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be voted on; and thereafter for each succeeding assembly district in which such candidates are to be voted on the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged.

Secretary of state to transmit list.

In certifying to each county clerk or registrar of voters the list of names as required in section 23 of the primary election law, the secretary of state shall certify and transmit the list of candidates for each office according to assembly districts, in the order of arrangement as determined by the above provisions; and in the case of each county or city and county containing more than one assembly district, he shall transmit separate lists for each assembly district. Except for the office of state senator or assemblyman, the order in which the names so certified shall appear upon the ballot, shall be for each assembly district the order as determined by the secretary of state in accordance with the above provisions, and as certified and transmitted by him to each county clerk or registrar of voters.

In one county.

(b) If the office is an office to be voted on wholly within one county or city and county, except the office of representative in congress or state senator or assemblyman, the county clerk of such county or the registrar of voters of such city and county, shall arrange the names of all candidates for such office in alphabetical order, which order shall be the order of names upon the ballots; *provided*, there is no more than one assembly district in such county, or city and county. If there is more than one assembly district in such county or city and county, the county clerk or registrar of voters shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that assembly district in such county, or city and county, which is lowest in numerical order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

State senator and assemblyman.

(c) If the office is that of state senator or assemblyman, the names of all candidates for such office shall be placed upon the ballot in alphabetical order.

Municipal office.

(d) If the office is a municipal office in any city or town whose charter does not provide for the order in which names shall appear on the ballot, the names of candidates for such office shall be placed upon the ballot in alphabetical order.

If the nomination of a candidate for any office shall be made by petition, filed within the time and manner provided by law, but subsequent to the determination of the order in which names of candidates shall appear on the ballot, the name of such candidate with the word "Independent" printed to the right thereof, shall be placed on the ballot next below the names of the other candidates for the same office; *provided, however,* that in the case of judicial officers and school officers the word "Independent" shall be omitted.

3. All ballots shall be not to exceed twenty-four inches in length, and shall be four inches in width, and as many times such width as may be necessary to contain the names of all candidates nominated, with proper blank spaces to allow the voter to write in names not printed on the ballot, and also a separate column or columns of sufficient width for statements of all questions, propositions or constitutional amendments submitted to vote of the electors. Each group of candidates to be voted on shall be headed by the designation of the office and the words "Vote for One" or "Vote for Two" or more, according to the number to be elected to such office; such designation of the office and of the number of candidates to be voted for shall be printed in heavy-faced gothic type, not smaller than ten point. The word or words designating the office shall be printed flush with the left-hand margin and the words "Vote for One" or "Vote for Two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the directions for voting shall be separated from the names of the candidates by a light line. The names of the candidates for such office shall be printed in eight point Roman type (capitals) in proper order below the designation of the office, and in the same line in which the name of the candidate is printed and at the right of the name, or immediately below the name if there shall not be sufficient space to the right thereof, shall be printed in eight point Roman type (lower case) the designation of the political party or parties by or on behalf of which such candidate has been nominated; *provided,* that when a candidate has been nominated by petition, the word, "Independent," shall be printed to the right of his name, and *provided, also,* that as to candidates for judicial offices, and school offices the designation of the political party or parties, or the word "Independent," if there be an independent candidate, shall be omitted. The name of the candidate, and the designation of the political party or parties by which he has been nominated shall be printed in a space one half inch in depth, and shall be defined by light horizontal ruled lines, with a blank space on the right thereof one half inch square, which blank space (called the voting square) shall be made use of by the voter to designate, by stamping a cross (X) therein and after the name of the candidate, his choice of particular candidates.

"Independent."

Size of ballot.

How printed.

Party designation.

Names of candidates not to be separated.

4. The names of the candidates for an office shall not be separated from each other on the ballot by names of candidates for any other office, and the list of candidates for each office shall be separated from the lists of candidates for other offices by a double rule, above and below such list. Each series of the lists of candidates for the several offices shall be headed by the word "State," "Congressional," "Legislative," "County," or "Municipal" or other proper general classification, as the case may be, printed in heavy-faced gothic capital type, not smaller than twelve point, each such word being separated from the names of the candidates beneath by a three point line.

Border on ballot.

5. The left-hand side of each column of names on the ballot and also the right-hand side of each column of voting squares, shall be bordered by a broad printed line one twelfth of an inch wide, and the edge of the ballot on the left-hand side thereof shall be trimmed off up to the first border or solid line, on the left-hand side of the ballot, and on the right-hand side of the ballot shall be perforated along the border, or solid line above described. The ballot shall be so printed as to give each voter a clear opportunity to designate by stamping a cross (X) in a blank inclosed space, hereinbefore designated as the voting square, on the right of and after the name of each candidate whose name is printed on the ballot, his choice of particular candidates. The ballot shall be printed on the same leaf with a stub and separated therefrom by a perforated line across the top of the ballot. On each ballot a perforated line shall extend from top to bottom, along the border or solid line hereinbefore described, one half inch from the right-hand side of the ballot, and upon the half-inch strip thus formed there shall be no printing except the number of the ballot, which shall be upon the back of such strip in such position that it will appear on the outside when the ballot is folded. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county. All ballots printed by county clerks or registrars of voters other than the separate ballots containing the names only of candidates for city and county offices, printed by the county clerks or registrars of voters of consolidated cities and counties, shall have printed on the back, below the stub, and immediately at the left of the center of the ballot, in eighteen point gothic capitals, the words "General Ticket," and underneath the respective number of congressional, senatorial and assembly districts in which each ballot is to be voted; and all ballots printed by county clerks or registrars of voters of consolidated cities and counties containing the names of candidates for city and county offices, and also all ballots printed by the clerks, registrars of voters or secretary of a legislative body of any incorporated city or town, shall have printed in the same manner, on the back, the words, "Municipal Ticket."

Stub.

Number.

"General ticket."

"Municipal ticket."

All municipal ballots shall be printed upon paper of a different tint from that of the general ballot.

5. All of the ballots of the same sort prepared by any county clerk or registrar of voters, or clerk or secretary of a legislative body, or other person having charge of the preparing of such ballots, for the same polling place, shall be precisely the same size, arrangement, quality and tint of paper, and kind of type, and shall be printed with black ink of the same tint, so that without the numbers on the stubs it shall be impossible to distinguish any one of the ballots from the other ballots of the same sort; and the names of all candidates printed upon the ballot shall be in type of the same size and character.

All ballots to be same size, style, etc.

6. If two or more officers are to be elected for the same office for different terms, the term for which each candidate for such office is nominated shall be printed on the ballot as a part of the title of the office. If at a general election an office is to be filled for a full term, and also for a vacancy in another term the list of candidates for the full term shall be placed on the ballot under the designation of the office with the words "Full Term" printed immediately thereafter, and the list of candidates to fill the vacancy shall be placed on the ballot under the designation of the office with the words "Short Term" printed immediately thereafter.

Term of office.

7. Whenever any question, proposition or constitutional amendment is to be submitted to the vote of the electors, there shall be printed at the right of the last column of names of candidates, another column, or columns of sufficient width, with voting squares, in which such question, proposition or constitutional amendment shall be designated, and opposite such question, proposition or constitutional amendment to be voted on, in separate lines, the words "Yes" and "No" shall be printed. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the question, proposition or constitutional amendment; if he shall stamp a cross (X) after the printed word "No," his vote shall be counted against the adoption of the same.

Constitutional amendments, etc.

8. On the top of the face of the ballot the following directions shall be printed:

INSTRUCTIONS TO VOTERS:

To vote for a candidate of your selection, stamp a cross (X) in the voting square next to the right of the name of such candidate. Where two or more candidates for the same office are to be elected, stamp a cross (X) after the names of all the candidates for that office for whom you desire to vote, not to exceed, however, the number of candidates who are to be elected. If the ballot does not contain the names of candidates for all offices for which you may desire to vote, you may vote for candidates for such offices so omitted, by writing the name of the candidate for whom you wish to

Instruction to voters

vote in the blank space left for that purpose. To vote for a person not on the ballot, write the name of such person under the title of the office in the blank space left for that purpose.

To vote on any question, proposition or constitutional amendment, stamp a cross (X) in the voting square after the word "Yes" or after the word "No." All marks, except the cross (X) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void.

Defaced
ballot.

Form of
ballot.

If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another.

9. Except as to the order of the names of candidates, the ballots shall be printed substantially in the following form:

(Indorsement on back of ballot)

GENERAL TICKET.

SEVENTH CONGRESSIONAL DISTRICT.

THIRTY-EIGHTH SENATORIAL DISTRICT.

SEVENTY-SECOND ASSEMBLY DISTRICT.

SEC. 3. Section 1205 of the Political Code is hereby amended to read as follows:

1205. On receiving his ballot, the elector shall forthwith, and without leaving the inclosed space, retire alone to one of the places, booths or compartments provided, to prepare his ballot. In voting he shall stamp a cross (X) in the voting square after the name of every candidate for whom he intends to vote and this shall be counted as a vote for each person after whose name the voter has stamped such cross, or he may vote for a candidate or person whose name is not printed on the ballot by writing a name for such office in the blank space left therefor, in which latter case the vote of such voter for that office shall be counted for the person whose name is so written. Where two or more candidates for the same office are to be elected and the voter desires to vote for candidates for that office, he must stamp a cross (X) after the names of all the candidates for that office for whom the voter desires to vote, not exceeding, however, the number of candidates who are to be elected. In case of a question, proposition or constitutional amendment submitted to the vote of the electors, the voter shall mark his ballot by stamping in the appropriate voting square a cross (X) opposite the answer he desires to give as to such question, proposition or constitutional amendment. All crosses shall be made only with a stamp, which, with necessary pads and ink, shall be provided by the officers who by law are required to furnish election supplies for each booth or compartment provided for the marking and preparation of ballots. Before leaving such booth or compartment the elector shall fold his ballot in such a manner that the number of the ballot and the indorsement on the back shall appear on the outside thereof, without displaying the marks on the face thereof, and shall keep it folded until he has voted. Having folded his ballot, the voter shall deliver it folded to the inspector who shall announce in an audible tone of voice the name of the voter and the number of his ballot. If the ballot clerk having in charge the register or affidavits of registration finds such number to correspond with the number marked opposite the voter's name on the register or affidavit of registration, he shall, in like manner, repeat the name and number, and shall write opposite the name the word "voted." The inspector shall then separate the slip containing the number from the ballot, deposit the ballot in the box and immediately destroy such numbered slip.

SEC. 4. Section 1211 of the Political Code is hereby amended to read as follows:

1211. 1. In canvassing the votes any ballot which is not made as provided in this act shall be void; but such ballot must be preserved and returned with the other ballots; *provided, however,* that two or more impressions of the voting stamp in one voting square, or a cross (X) made partly within and partly without a voting square or space, shall not make such ballot void. Any name written upon a ballot shall be

How voter shall prepare ballot.

Folding ballot.

Void ballots.

counted for such name for the office under which it is written; *provided*, it is written in the blank space therefor, whether or not a cross (X) is stamped in the voting square after the name so written.

Marking
for multiple
names.

2. If a voter marks more names than there are persons to be elected to an office, or if, for any reason, it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office.

3. If a voter stamps in the voting square after the name of any candidate and also writes the name of a person for such office in the blank space, such act does not invalidate his ballot, but his vote shall not be counted for any person for that office, but as to all other offices the ballot must be counted for the candidates opposite whose names the ballot is stamped in the voting squares.

4. No mark upon a ballot which is unauthorized by this act shall be held to invalidate such ballot, unless it shall appear that such mark was placed thereon by the voter for the purpose of identifying such ballot.

CHAPTER 226.

An act adding a new section to the Code of Civil Procedure to be numbered section 1057a relating to justification by corporate surety on bonds or undertakings.

[Approved March 20, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered 1057a to read as follows:

Justifica-
tion by
corporate
surety
on bonds.

1057a. Whenever the surety on a bond or undertaking authorized or required by any law of this state is a corporation of the state or a foreign corporation, authorized to become surety on bonds or undertakings in the state, and exception is taken to the sufficiency of such surety as required by law, such corporate surety may justify on such bond or undertaking as follows:

Procedure.

Any agent, attorney in fact, or officer of such corporation shall submit to the court, judge, officer, board or other person before whom the justification is to be made:

First—The original, or a certified copy of, the power of attorney, by-laws or other instrument showing the authority of the person or persons who executed the bond or undertaking to execute the same;

Second—A certified copy of the certificate of authority issued by the insurance commissioner as required by section 596 of the

Political Code, showing that the corporation is authorized to transact business;

Third—A certificate from the county clerk of the county or city and county in which the bond or undertaking is filed, showing that the said certificate of authority has not been surrendered, revoked, canceled, annulled or suspended, or in the event that it has been, that renewed authority to act under such certificate has been granted, as provided for in section 625a of the Political Code;

Fourth—A financial statement showing the assets and liabilities of such corporation at the end of the quarter calendar year next preceding the date of the execution of the bond or undertaking; such financial statement must be verified under oath by the president, or a vice-president and attested by the secretary or an assistant secretary of such corporation.

Upon complying with the foregoing provisions and it appearing that the bond or undertaking was duly executed, that the corporation is authorized to transact business in the state, and that its assets exceed its liabilities in an amount equal to or in excess of the amount of the bond or undertaking, the justification of the surety shall be complete and it shall be accepted as the sole and sufficient surety on the bond or undertaking.

The county clerk of any county or city and county shall, upon request, issue the certificate hereinbefore provided for, which certificate shall state whether or not the certificate of authority of such corporation has been surrendered, revoked, canceled, annulled or suspended, and in the event that it has, whether or not renewed authority to act under such certificate of authority has been granted as provided in section 625a of the Political Code. For each certificate issued the county clerk shall receive a fee of fifty cents to be paid by the person obtaining the certificate.

County clerk to issue certificate.

Fee.

All laws and parts of laws and all sections of either of the codes in conflict herewith are hereby expressly repealed.

SEC. 2. This act shall take effect immediately.

CHAPTER 227.

An act to amend section one of an act entitled "An act to enable municipal corporations of the sixth class to elect officers," approved March 14, 1885.

[Approved March 20, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of an act entitled "An act to enable municipal corporations of the sixth class to elect officers," approved March fourteenth, eighteen hundred and eighty-five, is hereby amended to read as follows:

Appoint-
ment of
election
commis-
sioners in
municipal-
ities of
6th class.

SECTION 1. Whenever a corporation of the sixth class shall have failed, from any cause, to elect officers in accordance with its charter, and there are no officers to carry on the city government, or call an election for officers, in any such case citizens of such corporation may present a petition to the governor for the appointment of three commissioners of election. Such petition shall set forth:

First—The name of the corporation, and when and how organized;

Second—When the last election for officers took place, and whether any of such officers are performing their duties, and if not, how long since they ceased to perform their duties;

Third—The provision of the charter as to the qualifications of voters;

Fourth—That the persons signing the petition possess the qualifications provided by the charter for voters, and that each of said signers is a householder and freeholder in said corporation.

The petition shall be signed by not less than a majority of all persons in said corporation possessing all the qualifications mentioned in the body of the petition, and shall be verified by at least two of the signers, that, of their own knowledge, the petition is true, and that all the signers possess all the qualifications set forth in the petition. Upon the presentation of the petition to the governor, he may either act upon the petition or require additional evidence of the matters set forth in the petition. Upon being satisfied of the truth of the matters set forth in the petition, the governor is authorized and empowered to appoint three persons as commissioners of election for such corporation. Such commission shall be known and styled board of election commissioners for (here give name of corporation).

SEC. 2. This act shall take effect immediately.

CHAPTER 228.

An act to appropriate money for the further development and extension of the water and sewer systems of the California Polytechnic School.

[Approved March 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of three thousand dollars or so much thereof as may be necessary, for the purpose of further developing the water supply and extending the water and sewer systems of the California Polytechnic School.

Appropriation: water system, California Polytechnic School.

The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same. Of the amount hereby appropriated one thousand dollars shall be available July 1, 1911, and two thousand dollars July 1, 1912.

CHAPTER 229.

An act to appropriate money for the purchase of equipment for shops and laboratories at the California Polytechnic School.

[Approved March 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of seven thousand dollars or so much thereof as may be necessary, for the purpose of purchasing equipment for shops and laboratories at the California Polytechnic School.

Appropriation: equipment, California Polytechnic School.

The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same. The amount hereby appropriated shall be available July 1, 1911.

CHAPTER 230.

An act to protect the owners of bottles, boxes, siphons and kegs used in the sale of olives, olive oil, salad oil, soda waters, mineral or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer or other beverages, repealing "An act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891, also repealing "An act to amend an act entitled an act to protect the owners of bottles, boxes, siphons, and kegs, used in the sale of soda waters, mineral and aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages (approved March 31, 1891) by adding thereto a new section after section 1 thereof relating to deposits, to be numbered as section 5 of said act, by renumbering section 5 of said act as section 6 thereof, and amending the same relating to assignments, and by renumbering section 6 of said act as section 7 thereof." approved March 5, 1903.

[Approved March 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Name or device filed with secretary of state.

SECTION 1. Any and all persons engaged in manufacturing, bottling, or selling olives, olive oil, salad oil, soda waters, mineral or aerated waters, porter, ale, beer, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer, or other beverages or Worcestershire or other sauce or sauces in bottles, siphons, or kegs, with his, her, its or their name or names, or other marks or devices, branded, stamped, engraved, etched, and blown, impressed, or otherwise produced upon such bottles, siphons, or kegs, or the boxes used by him, her, it, or them, may file in the office of the clerk of the county in which his, her, its, or their principal place of business is situated, and also in the office of the secretary of state, a description of the name or names, marks, or devices, so used by him, her, it, or them, respectively, and cause such description to be printed once in each week for three weeks successively, in a newspaper published in the county in which said notice may have been filed as aforesaid.

Refilling bottles, etc.

SEC. 2. It is hereby declared to be unlawful for any person or persons, corporation or corporations, to fill with olive oil, salad oil, or any substitution for, or similar to olive oil, ripe or green olives, soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, beer, small beer, lager beer, weiss beer, white beer, or other beverages, or Worcestershire or other sauce or sauces, or with medicine, compounds, or mixtures, any

bottle, box, siphon or keg, so marked or distinguished as aforesaid, with or by any name, mark or device, of which a description shall have been filed and published, as provided in section one of this act, or deface, erase, obliterate, cover up, or otherwise remove or conceal any such name, mark or device thereon, or to sell, buy, give, take or otherwise dispose of or traffic in the same, without the written consent of, or unless the same shall have been purchased from the person or persons, corporation or corporations, whose mark or device shall be or shall have been in or upon the bottle, box, siphon, or keg so filled, trafficked in, used, or handled as aforesaid. It is hereby declared to be unlawful for any person, firm, or corporation engaged in the manufacture, preparation or selling of drugs, or food products to use bottles, in bottling or packing their products that have been previously used for other purposes.

Used bottles not to be used for other purposes.

Any person or persons or corporation offending against the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished for the first offense by imprisonment of not less than ten days nor more than six months or by a fine of fifty cents for each and every such bottle, box, siphon or keg so filled, sold, used, disposed of, bought, or trafficked in, or by both such fine and imprisonment; and for each subsequent offense by imprisonment not less than twenty days nor more than one year, or by a fine of not less than one dollar nor more than five dollars for each and every bottle, box, siphon, and keg so filled, sold, used, disposed of, bought or trafficked in, or by both such fine and imprisonment, in the discretion of the magistrate before whom the offense shall be tried.

Penalty.

SEC. 3. The use by any person other than the person or persons, corporation or corporations, whose device, name or mark shall be or shall have been upon the same, without such written consent or purchase, as aforesaid, or any such mark or distinguished bottle, box, siphon, or keg, a description of the name, mark or device whereon shall have been filed and published, as herein provided, for the sale therein of olives, olive oil, salad oil, soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, beer, small beer, lager beer, weiss beer, white beer, or other beverages, or Worcestershire or other sauce or saucers or any article of merchandise, medicines, compounds, or preparations, or for the furnishing of such or similar beverages to customers, or the buying, selling, using, disposing of, or trafficking in of any such bottles, boxes, siphons, or kegs, by any person other than said persons or corporations having a name, mark, or device thereon, or such owner, without such written consent, or the having by any junk dealer, or dealer in secondhand articles, possession of any such bottles, boxes, siphons, or kegs, a description of the marks, names, or devices wherein shall have been so filed and published as aforesaid, without such written consent, shall and is hereby declared to be presumptive evidence of the said unlawful use, purchase or traffic in of such bottles, boxes, siphons, or kegs.

Use and traffic in such bottles without consent, prohibited.

Search
warrant to
discover
bottles,
etc.

SEC. 4. Whenever any person, persons, or corporations, mentioned in section one of this act, or his, her, its or their agent, shall make oath before any magistrate that he, she or it has reason to believe, and does believe, that any of his, her, or their bottles, boxes, siphons, or kegs, a description of the names, marks or devices, whereon has been so filed and published, as aforesaid, are being unlawfully used or filled, or had by any person or corporation manufacturing or selling olives, olive oil, salad oil, soda, mineral, or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer, and other beverages, or Worcestershire or other sauce or sauces or that any junk dealer, or dealer in second-hand articles, vendor of bottles, or any other person or corporation, has any such bottles, boxes, siphons, or kegs, in his, her, or its possession, or secreted in any place, the said magistrate must thereupon issue a search warrant to discover and obtain the same and may also cause to be brought before him the person in whose possession such bottles, boxes, siphons, or kegs may be found, and then inquire into the circumstances of such possession, and if said magistrate finds that such person has been guilty of a violation of section two of this act, he must impose the punishment therein prescribed, and he shall also award possession of the property taken upon such search warrant to the owner thereof.

Deposit
not
deemed
sale.

SEC. 5. The requiring, taking, or accepting of any deposit for any purpose, upon any bottle, box, siphon, or keg, shall not be deemed or constitute a sale of such property, either optional or otherwise, in any proceeding under this act.

One filing
sufficient.

SEC. 6. Any person or persons, corporation or corporations that has or have heretofore filed in the offices mentioned in section one of this act, a description of the name or names, marks, or devices, upon his, her, their or its property therein mentioned, and has caused the same to be published according to the laws existing at the time of such filing and publications, shall not be required to again file and publish such description to be entitled to the benefits of this act; and any person or persons, corporation or corporations, having complied with the provisions of this act, may as a part of the sale, assignment or transfer of all his, her, their, or its said bottles, boxes, siphons, or kegs, used as aforesaid, with his, her, their or its name or names or other marks or devices, branded, stamped, engraved, etched, and blown, impressed or otherwise produced upon such bottles, boxes, siphons, and kegs, to any other person or persons, corporation or corporations, engaged in manufacturing, bottling or selling of olives, olive oil, salad oil, soda waters, mineral or aerated waters, porter, ale, beer, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer, or other beverages, or Worcestershire or other sauce or sauces sell, assign, and transfer the sole and exclusive right of using said name or names, mark or devices in said business. And in the event of such sale, transfer or assignment as aforesaid, or in the event of the transfer by

Transfer
of right.

operation of law or by sale under order of any court of the entire business of such person or persons, corporation or corporations, of the entire stock of bottles, boxes, siphons or kegs, belonging to them, him, her or it, to any person or persons, corporation or corporations, engaged in the manufacturing, bottling, or selling olives, olive oil, salad oil, soda waters, mineral or aerated waters, porter, ale, beer, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer or other beverages, such person or persons, corporation or corporations, shall not be again required to file and publish a description of said name or names, marks, or devices, hereunder, but shall be entitled to all the benefits of this act immediately upon acquiring such bottles, boxes, siphons or kegs or such business as aforesaid.

SEC. 7. An act entitled "An act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891, also an act entitled "An act to amend an act entitled an act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral and aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages (approved March 31, 1891) by adding thereto a new section after section 4 thereof relating to deposits, to be numbered as section 5 of said act, by renumbering section 5 of said act as section 6 thereof, and amending the same relating to assignments, and by renumbering section 6 of said act as section 7 thereof," approved March 5, 1903, and all acts or parts of acts, inconsistent with the provisions of this act, are hereby repealed. Acts repealed.

CHAPTER 231.

An act to appropriate money to be used in the purchase of furniture for the main building of the Whittier State School.

[Approved March 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of two thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be expended in the purchase of furniture for the main building of the Whittier State School. Appropriation: furniture, Whittier State School.

SEC. 2. The state controller is hereby directed to draw his warrant in favor of the board of trustees of the Whittier State School for the amount herein appropriated, and the state treasurer is hereby directed to pay the same.

CHAPTER 232.

An act appropriating money for the purchase of a standpipe and water pipes to repipe grounds and buildings of the Whittier State School.

[Approved March 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
water
pipes,
Whittier
State
School.

SECTION 1. The sum of four thousand five hundred dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be expended in the purchase of standpipe and water pipes to repipe the grounds and buildings of the Whittier State School.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants for the amount herein appropriated in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

CHAPTER 233.

An act to appropriate money to be expended in the erection and equipment of a dairy barn on the grounds of the Whittier State School.

[Approved March 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
dairy
barn,
Whittier
State
School.

SECTION 1. The sum of four thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be expended in the erection and equipment of a dairy barn on the grounds of the Whittier State School.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same. The amount hereby appropriated shall be available July 1, 1912.

CHAPTER 234.

An act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of not less than two thirds of the electors of such municipalities voting upon the question of incurring such indebtedness.

[Approved March 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. In all cases where the legislative branch of any municipality in the State of California has deemed it necessary to incur any indebtedness in excess of the money in the treasury applicable to the purpose for which said indebtedness is to be incurred, and has called a special election for the purpose of submitting to the qualified electors of such municipality the question whether the indebtedness specified in the resolution or ordinance calling such election shall be incurred, and where at such election not less than two thirds of all the qualified electors voting at such election shall have voted in favor of incurring such indebtedness, and such legislative branch of such municipality shall have passed an ordinance or resolution providing for the mode of creating such indebtedness and of paying the same, and the mode of creating such indebtedness has been by the proposed issuance of the bonds of such municipality, the power of such municipality to issue such bonds and all the acts and proceedings of such municipality leading up to and including the issuance and sale or the proposed issuance and sale of such bonds are hereby legalized, ratified, confirmed and declared valid to all intents and purposes; and all such bonds, sold either before or after the passage of this act for not less than their par value are hereby legalized and declared to be legal and valid obligations of and against such municipality so issuing and selling the same, and the faith and credit of such municipality is hereby pledged for the prompt payment and redemption of the principal and interest of such bonds; *provided*, that this act shall not operate to legalize any bonds of any municipality that have not, at the time of the passage of this act, been authorized by the votes of not less than two thirds of the qualified electors of such municipality voting at any such election, or any bonds which have been sold for less than their par value.

Legalizing
bonds is-
sued by
municipal-
ities.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 235.

An act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa county, California, and to make an appropriation therefor.

[Approved March 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
storage
house,
Veterans'
Home.

SECTION 1. The sum of two thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa county, California, to be used as a storage house for ice and salt meat.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable in favor of the person or persons authorized by law to receive the same, in such amounts and at such times as may be approved by the state board of examiners, and the state treasurer is directed to pay the same.

SEC. 3. This act shall take effect from and after July 1st, 1911.

CHAPTER 236.

An act to provide for fire escapes for the buildings at the Veterans' Home of California, located at Yountville, Napa county, California, and to make an appropriation therefor.

[Approved March 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
fire
escapes,
Veterans'
Home.

SECTION 1. The sum of two thousand five hundred and forty-two dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose of constructing and arranging fire escapes for the buildings at the Veterans' Home of California, located at Yountville, Napa county, California.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the person or persons authorized by law to receive the same, and the state treasurer is hereby authorized and directed to pay the same.

SEC. 3. This act shall take effect from and after July 1st, 1911.

CHAPTER 237.

An act to amend the Code of Civil Procedure by adding a new section thereto to be known as section 1928, relating to deeds purporting to have been executed in pursuance of legal process of the courts of this state, making such deeds, their record and certified copies of such record prima facie evidence of title.

[Approved March 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be known as section 1928 and to read as follows:

1928. A deed of conveyance of real property, purporting to have been executed by a proper officer in pursuance of legal process of any of the courts of record of this state, acknowledged and recorded in the office of the recorder of the county wherein the real property therein described is situated, or the record of such deed, or a certified copy of such record is prima facie evidence that the property or interest therein described was thereby conveyed to the grantee named in such deed.

Deed, evidence of transfer.

CHAPTER 238.

An act appropriating money for the purchase of supplies for the school of letters and musical instruments for the band at the Preston School of Industry.

[Approved March 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of two thousand dollars, to be used by the trustees of the Preston School of Industry for the purchase of supplies for the school of letters and musical instruments for the band at said school.

Appropriation: supplies, Preston School.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the state board of examiners and the treasurer is directed to pay the same. Of the total amount hereby appropriated one thousand dollars shall be available July 1, 1911, and one thousand dollars July 1, 1912.

SEC. 3. This act shall take effect July 1st, 1911.

CHAPTER 239.

An act making an appropriation for the further development of the water supply at the Sonoma State Home at Eldridge, California.

[Approved March 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
water
supply,
Sonoma
State
Home.

SECTION 1. The sum of two thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of managers of the Sonoma State Home for the purpose of further developing the water supply at said home.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1911.

CHAPTER 240.

An act to amend section 1490 of the Code of Civil Procedure of California, relating to notice to creditors of deceased persons.

[Approved March 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1490 of the Code of Civil Procedure of California is hereby amended to read as follows:

Notice to
creditors
of de-
ceased
persons.

1490. Every executor, or administrator, must, immediately after his appointment, cause to be published in some newspaper of the county, if there be one, if not, then in such newspaper as may be designated by the judge or court, a notice to the creditors of the decedent, requiring all persons having claims against him to exhibit them, with the necessary vouchers, to the executor or administrator, at the place of his residence or business, to be specified in the notice; *provided*, that said residence or place of business shall be in the county in which said proceeding is had. Such notice must be published as often as the court or judge shall direct, but not less than once a week for four weeks. The court or judge may also direct additional notice by publication or posting. In case such executor or administrator resigns, or is removed, before the time expressed in the notice, his successor must give notice only for the unexpired time allowed for such presentation.

CHAPTER 241.

An act to divide the State of California into six fish and game districts.

[Approved March 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The State of California is hereby divided into six fish and game districts to be known as and designated the first fish and game district, the second fish and game district, the third fish and game district, the fourth fish and game district, the fifth fish and game district and the sixth fish and game district. six fish and game districts.

SEC. 2. The first fish and game district shall consist of and include the counties of Del Norte, Siskiyou, Modoc, Lassen, Shasta, Trinity, Humboldt, Tehama.

SEC. 3. The second fish and game district shall consist of and include the counties of Mendocino, Glenn, Colusa, Lake, Sonoma, Napa, Yolo, Solano, Marin.

SEC. 4. The third fish and game district shall consist of and include the counties of Plumas, Butte, Sierra, Yuba, Sutter, Nevada, Placer, El Dorado, Sacramento, Amador, Alpine, Calaveras, Tuolumne, Mariposa, Mono.

SEC. 5. The fourth fish and game district shall consist of and include the counties of San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, Kern.

SEC. 6. The fifth fish and game district shall consist of and include the counties of Contra Costa, Alameda, San Francisco, San Mateo, Santa Clara, Santa Cruz, San Benito, Monterey, San Luis Obispo.

SEC. 7. The sixth fish and game district shall consist of and include the counties of Santa Barbara, Ventura, Los Angeles, Orange, San Diego, Imperial, Riverside, San Bernardino and Inyo.

SEC. 8. This act shall take effect and be in force from and after its passage.

CHAPTER 242.

An act to amend sections two hundred and sixty-nine a and two hundred and sixty-nine b of the Penal Code, relating to cohabitation and adultery.

[Approved March 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section two hundred and sixty-nine a of the Penal Code is hereby amended to read as follows:

Adultery.

269a. Every person who lives in a state of cohabitation and adultery is guilty of a misdemeanor and punishable by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding one year, or by both.

SEC. 2. Section two hundred and sixty-nine b of the Penal Code is hereby amended to read as follows:

Adultery of married persons.

269b. If two persons, each being married to another, live together in a state of cohabitation and adultery, each is guilty of a felony, and punishable by imprisonment in the state prison not exceeding five years.

A recorded certificate of marriage or a certified copy thereof, there being no decree of divorce, proves the marriage of a person for the purpose of this action.

CHAPTER 243.

An act to amend section 485 of the Political Code, relating to appointments of surveyor general.

[Approved March 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 485 of the Political Code is hereby amended so as to read as follows:

Appoint-
ments of
surveyor
general.

485. The surveyor general may appoint a deputy surveyor general, who shall be ex officio deputy register of the state land office, and one assistant surveyor general, who shall be ex officio assistant register of the state land office, and three clerks, all of whom shall be civil executive officers. The annual salary of the deputy surveyor general, including his services as ex officio deputy register of the state land office, is three thousand dollars. The annual salary of the assistant surveyor general, including his services as ex officio assistant register of the state land office, is two thousand two hundred and fifty dollars. The annual salary of each clerk to the surveyor gen-

eral is eighteen hundred dollars. The said salaries shall be paid in the same manner and at the same time as the salaries of other state officers.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect immediately from and after its passage.

CHAPTER 244.

An act to amend the Political Code of California by adding thereto a new section to be numbered 4156b, and prohibiting district attorneys of counties or cities and counties to defend, assist in the defense of, or act as counsel for, any person or persons, association or corporation accused of a crime in any county or city and county in the state, during their incumbency.

[Approved March 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code of California to be numbered 4156b and to read as follows:

4156b. No district attorney of any county, or city and county of the State of California, shall, during his incumbency, defend or assist in the defense of, or act as counsel for, any person or persons, association or corporation, accused of any crime in any county or city and county in the State of California.

District attorney not to defend.

CHAPTER 245.

An act to amend sections three thousand one hundred and ninety-seven and three thousand one hundred and ninety-nine of the Political Code of the State of California, relating to trade-marks.

[Approved March 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section three thousand one hundred and ninety-seven of the Political Code is hereby amended so as to read as follows:

3197. Any person may record any trade-mark or name by filing with the secretary of state his claim to the same, and a copy or description of such trade-mark or name, with his affidavit attached thereto, certified to by any officer authorized to

Recording trade-marks.

take acknowledgments of conveyances, setting forth that he (or the firm or corporation of which he is a member) is the exclusive owner, or agent of the owner of such trade-mark or name.

SEC. 2. Section three thousand one hundred and ninety-nine of the Political Code is hereby amended so as to read as follows:

Ownership
of trade-
mark.

3199. Any person who has first adopted and used a trade-mark or name, whether within or beyond the limits of this state, is its original owner. Such ownership may be transferred in the same manner as personal property, and is entitled to the same protection by suits at law: and any court of competent jurisdiction may restrain, by injunction, any use of trade-marks or names in violation of this chapter.

CHAPTER 246.

An act to add a new section to the Penal Code of the State of California, to be numbered 590b relating to riding and driving over public bridges, and to repeal section 2741 of the Political Code of the State of California.

[Approved March 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code of the State of California to be numbered section 590b and to read as follows:

Driving
over
public
bridge.

590b. Every person who rides or drives faster than a walk across any bridge on a public highway, upon which bridge there is displayed a sign or notice stating that it is illegal to ride or drive faster than a walk across the same, is guilty of a misdemeanor.

SEC. 2. Section number 2741 of the Political Code of the State of California is hereby repealed.

CHAPTER 247.

An act to amend section 1181 of the Civil Code relating to proof and acknowledgment of instruments.

[Approved March 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1181 of the Civil Code is hereby amended to read as follows:

1181. The proof or acknowledgment of an instrument may be made in this state, within the city, county, city and county, township or district for which the officer was elected, or appointed, before either: By whom acknowledgments may be taken.

1. A clerk of a court of record;
2. A county recorder;
3. A court commissioner;
4. A notary public;
5. A justice of the peace.

CHAPTER 248.

An act to amend section 2712 of the Political Code of California, relating to the cost of construction of roads and bridges.

[Approved March 22, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2712 of the Political Code of California is hereby amended to read as follows:

2712. Whenever it appears to the board of supervisors that any road district is or would be unreasonably burdened by the expense of constructing, or by the maintenance and repairs of any road, bridge or tunnel connecting or forming a part of a road, or the purchase of toll-roads, they may, in their discretion, cause a portion of the aggregate cost or expense to be paid out of the general road fund of the county, or by vote of the majority of the board of supervisors, said board may, in their discretion, order a portion of the cost of construction and repairs of bridges and tunnels connecting or forming a part of a road, or a portion of the cost of the purchase of toll-roads, or cost of material for road construction to be paid out of the county general fund, as well as the general road fund; *provided, however,* said board shall not take any money out of the county general fund for cost of material for road construction except by unanimous vote of the board of supervisors. When aid may be given by county.

SEC. 2. This act shall take effect immediately after its passage.

CHAPTER 249.

An act to amend section 1665a of the Political Code of the State of California, relating to teaching of various languages in at least one public school in cities of the first class.

[Approved March 22, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1665a of the Political Code of the State of California is hereby amended to read as follows:

Teaching
languages
in cities of
first class.

1665a. The board of education in every city of the first class shall establish and maintain in each of said cities of the first class at least one public school in which shall be taught the French, Italian, Spanish and German languages in conjunction with the studies in the English language prescribed to be taught by section sixteen hundred and sixty-five of the Political Code of the State of California. Such schools shall be designated as cosmopolitan schools, and shall be subject to such rules and regulations as may be prescribed by said boards of education of said cities of the first class wherein said school or schools shall be established and maintained.

SEC. 2. All acts and parts of acts so far as they are in conflict with the provisions of this act, are hereby repealed.

CHAPTER 250.

An act to amend section two thousand nine hundred and seventy-nine a of the Political Code of the State of California, relating to the preservation of the public health.

[Approved March 22, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section two thousand nine hundred and seventy-nine a of the Political Code of the State of California is amended to read as follows:

Duties of
coroner
regarding
contagious
diseases.

2979a. It is the duty of each coroner, and of every county, city and county, city or town health officer, and every member of the local board of health, knowing, or having reason to believe, that any case of cholera, plague, yellow fever, leprosy, diphtheria, scarlet fever, smallpox, typhus fever, typhoid fever, anthrax, glanders, epidemic cerebro-spinal meningitis, tuberculosis, pneumonia, dysentery, erysipelas, uncinariasis or hookworm, trachoma, dengue, tetanus, measles, German measles, chickenpox, whooping-cough, mumps, pellagra, beriberi, syphilis, gonococcus infection, rabies, poliomyelitis, or

any other contagious or infectious disease exists, or has recently existed, within the city, county, city and county, town, or township of which he is such officer, to take such measures as may be necessary to prevent the spread of such disease, and to report at once in writing such cases to the secretary of the state board of health at Sacramento.

It is also the duty of every attending or consulting physician, nurse, or other person having charge of or caring for any person afflicted with any of said contagious diseases, to report at once in writing to the local board of health or local health officer the nature of the disease, the name of the person afflicted and the place of his or her confinement; *provided, however,* that syphilis and gonococcus infection shall be reported by office number only. Duties of physician.

The state board of health, or its secretary, upon being informed of any such contagious or infectious disease, may thereupon take such measures as may be necessary to ascertain the nature of such disease and prevent the spread of such contagion, and to that end, said state board of health, or its secretary, may, if deemed proper, take possession or control of the body of any living person, or the corpse of any deceased person, and may direct and take such means as may be deemed expedient to arrest or prevent the further spread of such disease. Duties of state board of health.

CHAPTER 251.

An act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, by amending section 8 thereof and by adding a new subdivision thereto to be known as subdivision 16.

[Approved March 22, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section twelve hundred and thirty-eight of the Code of Civil Procedure is hereby amended to read as follows:

1238. Subject to the provisions of this title, the right of eminent domain may be exercised in behalf of the following public uses: Right of domain. domain.

1. Fortifications, magazines, arsenals, navy yards, navy and army stations, lighthouses, range and beacon lights, coast surveys, and all other public uses authorized by the government of the United States. United States.

2. Public buildings and grounds for the use of the state and all other public uses authorized by the legislature of the state. State.

3. Public buildings and grounds for the use of any county, incorporated city, or city and county, village, town or school districts; ponds, lakes, canals, aqueducts, reservoirs, tunnels, County and city.

flumes, ditches or pipes for conducting or storing water for the use of the inhabitants of any county, incorporated city, or city and county, village or town, or for draining any county, incorporated city, or city and county, village or town; raising the banks of streams, removing obstructions therefrom, and widening and deepening or straightening their channels; roads, streets and alleys; public mooring places for water craft; public parks, including parks and other places covered by water, and all other public uses for the benefit of any county, incorporated city, or city and county, village or town, or the inhabitants thereof, which may be authorized by the legislature; but the mode of apportioning and collecting the costs of such improvements shall be such as may be provided in the statutes by which the same may be authorized.

Wharves,
railroads,
etc.

4. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, by-roads, plank, and turnpike roads; paths and roads either on the surface, elevated, or depressed, for the use of bicycles, tricycles, motorcycles and other horseless vehicles, steam, electric, and horse railroads, canals, ditches, dams, poundings, flumes, aqueducts and pipes for irrigation, public transportation, supplying mines and farming in neighborhoods with water, and draining and reclaiming lands, and for floating logs and lumber on streams not navigable.

Roads,
ditches,
etc.

5. Roads, tunnels, ditches, flumes, pipes and dumping places for working mines; also outlets, natural or otherwise, for the flow, deposit, or conduct of tailings or refuse matter from mines; also an occupancy in common by the owners or possessors of different mines of any place for the flow, deposit, or conduct of tailings or refuse matter from their several mines.

By-roads.

6. By-roads leading from highways to residences, farms, mines, mills, factories and buildings for operating machinery, or necessary to reach any property used for public purposes.

Telegraph.

7. Telegraph and telephone lines.

Sewers.

8. Sewerage of any incorporated city, city and county, or of any village or town, whether incorporated or unincorporated, or of any settlement consisting of not less than ten families, or of any buildings belonging to the state, or to any college or university; also the connection of private residences and other buildings, through other property, with the mains of an established sewer system in any such city, city and county, town or village.

9. Roads for transportation by traction engines or road locomotives.

10. Oil pipe lines.

11. Roads and flumes for logging or lumbering purposes.

Canals,
aqueducts,
etc.

12. Canals, reservoirs, dams, ditches, flumes, aqueducts and pipes and outlets natural or otherwise for supplying, storing, and discharging water for the operation of machinery for the purpose of generating and transmitting electricity for the supply of mines, quarries, railroads, tramways, mills, and factories with electric power; and also for the applying of electricity to light or heat mines, quarries, mills, factories, incorporated cities

and counties, villages or towns; and also for furnishing electricity for lighting, heating or power purposes to individuals or corporations, together with lands, buildings and all other improvements in or upon which to erect, install, place, use or operate machinery for the purpose of generating and transmitting electricity for any of the purposes or uses above set forth.

13. Electric power lines, electric heat lines, and electric light, heat and power lines. Electric lines.

14. Cemeteries for the burial of the dead, and enlarging and adding to the same and the grounds thereof. Cemeteries.

15. The plants, or any part thereof or any record therein of all persons, firms or corporations heretofore, now or hereafter engaged in the business of searching public records, or publishing public records or insuring or guaranteeing titles to real property, including all copies of, and all abstracts or memoranda taken from, public records, which are owned by, or in the possession of such persons, firms or corporations, or which are used by them in their respective business; *provided, however*, that the right of eminent domain in behalf of the public uses mentioned in this subdivision may be exercised only for the purpose of restoring or replacing, in whole or in part, public records, or the substance of public records, of any city, city and county, county or other municipality, which records have been, or may hereafter be, lost or destroyed by conflagration or other public calamity; *and provided, further*, that such right shall be exercised only by the city, city and county, county or municipality, whose records, or part of whose records, have been, or may be, so lost or destroyed. Public records.

16. Expositions or fairs in aid of which the granting of public moneys or other thing of value has been authorized by the constitution. Expositions.

CHAPTER 252.

An act to amend section 891 of the Penal Code relating to grand juries.

[Approved March 22, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 894 of the Penal Code is hereby amended to read as follows:

894. Before accepting a person drawn as a grand juror, the court must be satisfied that such person is duly qualified to act as such juror, but when drawn and found qualified he must be accepted unless the court, on the application of the juror and before he is sworn, shall excuse him from such service for any of the reasons prescribed in chapter I, title III, part I (sections 190-254) of the Code of Civil Procedure. Accepting grand juror.

CHAPTER 253.

An act to amend section 895 of the Penal Code and to repeal sections 164, 896, 897, 898, 899, 900 and 901 of the Penal Code, all relating to grand juries.

[Approved March 22, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 895 of the Penal Code is hereby amended to read as follows:

Allowing
challenge.

895. No challenge shall be made or allowed to the panel from which the grand jury is drawn, nor to an individual grand juror, unless when made by the court for want of qualification, as prescribed in the next preceding section.

SEC. 2. Sections 164, 896, 897, 898, 899, 900 and 901 of the Penal Code are hereby repealed.

CHAPTER 254.

An act to amend section 925 of the Penal Code relating to proceedings before the grand jury, the persons who may be present at the sessions of such jury, and the records of testimony taken at such sessions.

[Approved March 22, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 925 of the Penal Code is hereby amended to read as follows:

Advice to
grand
jury.

925. The grand jury may, at all times, ask the advice of the court, or the judge thereof, or of the district attorney; but unless such advice is asked, the judge of the court must not be present during the sessions of the grand jury. The district attorney of the county may at all times appear before the grand jury for the purpose of giving information or advice relative to any matter cognizable by them, and may interrogate witnesses before them whenever he thinks it necessary; the grand jury, on the demand of the district attorney, whenever criminal causes are being investigated before them, must appoint a competent stenographic reporter to be sworn and to report the testimony that may be given in such causes in shorthand, and to transcribe the same in all cases where an indictment is returned. If an indictment has been found against a defendant, a copy of the testimony given in his case before the grand jury, shall be served upon him within five days after the discharge of the grand jury, or if the

Report of
testimony.

Service on
defendant.

grand jury has not been discharged, at least five days before the cause is set for trial. The services of such stenographic reporter constitute a charge against the county. No person other than those specified in this and the succeeding section is permitted to be present during the session of the grand jury, except the members and witnesses actually under examination, and no person must be permitted to be present during the expression of their opinions, or giving their votes upon any matter before them. The grand jury or district attorney may require by subpoena the attendance of any person before the grand jury as interpreter, and such interpreter may, while his services are necessary, be present at the examination of witnesses before the grand jury. The services of such interpreter constitute a charge against the county.

Who may
be present.

CHAPTER 255.

An act to amend section 988 of the Penal Code, relating to the arraignment of defendants.

[Approved March 22, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 988 of the Penal Code is hereby amended to read as follows:

988. The arraignment must be made by the court, or by the clerk or district attorney under its direction, and consists in reading the indictment or information to the defendant and delivering to him a true copy thereof, and of the endorsements thereon, including the list of witnesses, and asking him whether he pleads guilty or not guilty to the indictment or information.

Arraign-
ment of
defendant.

CHAPTER 256.

An act to amend section 995 of the Penal Code relating to motions to set aside indictments or informations.

[Approved March 22, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 995 of the Penal Code is hereby amended to read as follows:

995. The indictment or information must be set aside by the court in which the defendant is arraigned, upon his motion, in either of the following cases:

When in-
dictment
must be
set aside.

If it be an indictment—

1. Where it is not found, indorsed, and presented as prescribed in this code.

2. When it appears by the testimony of the foreman or secretary of the grand jury that the names of the witnesses examined before the grand jury, or whose depositions may have been read before them, are not inserted at the foot of the indictment, or indorsed thereon.

3. When a person is permitted to be present during the session of the grand jury, and when the charge embraced in the indictment is under consideration, except as provided in section nine hundred and twenty-five.

When information.

If it be an information—

1. That before the filing thereof the defendant had not been legally committed by a magistrate.

2. That it was not subscribed by the district attorney of the county, or city and county.

CHAPTER 257.

An act to amend section 1008 of the Penal Code, relating to amendment of an indictment or information.

[Approved March 22, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1008 of the Penal Code is hereby amended to read as follows:

Amendment of indictment.

1008. An indictment or information may be amended by the district attorney without leave of court, at any time before the defendant pleads. Such amendment may be made at any time thereafter, in the discretion of the court where it can be done without prejudice to the substantial rights of the defendant. An indictment can not be amended so as to change the offense charged, nor an information so as to charge an offense not shown by the evidence taken at the preliminary examination.

When demurrer is sustained.

If a demurrer is sustained and an amendment is not allowed, or if allowed, is not made, within such reasonable time as the court may fix, the court shall give a judgment of dismissal, which shall be a bar to another prosecution for the same offense. The defendant shall thereupon be discharged, unless the court directs the case to be submitted to the same or another grand jury, or directs a new information to be filed; *provided*, that after such order or resubmission, the defendant may be examined before a magistrate, and discharged or committed by him, as in other cases.

CHAPTER 258.

An act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman or other agent of any such employer to violate the provisions of this act.

[Approved March 22, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. No female shall be employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company in this state more than eight hours during any one day or more than forty-eight hours in one week. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than eight hours during the twenty-four hours of one day, or forty-eight hours during any one week; *provided, however*, that the provisions of this section in relation to the hours of employment shall not apply to nor affect the harvesting, curing, canning or drying of any variety of perishable fruit or vegetable.

Hours of
work for
females.

SEC. 2. Every employer in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or other establishment employing any female, shall provide suitable seats for all female employees, and shall permit them to use such seats when they are not engaged in the active duties of their employment.

Seats for
females.

SEC. 3. Any employer who shall require any female to work in any of the places mentioned in section one more than the number of hours provided for in this act during any day of twenty-four hours, or who shall fail, neglect, or refuse to so arrange the work of females in his employ so that they shall not work more than the number of hours provided for in this act during any day of twenty-four hours, or who shall fail, neglect, or refuse to provide suitable seats as provided in section two of this act, or who shall permit or suffer any overseer, superintendent, foreman, or other agent of any such employer

Penalty.

to violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense not less than fifty dollars nor more than two hundred dollars, or imprisoned in the county jail not less than five nor more than thirty days, or both fined and imprisoned.

CHAPTER 259.

An act authorizing the regents of the University of California to hold farmers' institutes, and making an appropriation therefor.

[Approved March 23, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Farmers'
institutes.

SECTION 1. The board of regents of the University of California is hereby authorized to hold institutes for the instruction of citizens of this state in the various branches of agriculture. Such institutes shall be held at such times and at such places in this state as said board may direct. The said board shall make such rules and regulation as it may deem proper for organizing and conducting such institutes, and may employ an agent or agents to perform such work in connection therewith as they deem best. The course of instruction at such institutes shall be so arranged as to present to those in attendance the results of the most recent investigations in theoretical and practical agriculture.

Appropriation.

SEC. 2. The sum of thirty thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the use of the regents of the University of California as herein provided, and for the purposes of this act, during the two fiscal years following the passage of this act. Fifteen thousand dollars shall be paid on the first day of July, nineteen hundred and eleven, and fifteen thousand dollars on the first day of July, nineteen hundred and twelve.

SEC. 3. The controller shall draw his warrants for said sums in favor of the treasurer of said board of regents, and the state treasurer shall pay the same.

SEC. 4. This act is hereby exempted from the provisions of section 672 of the Political Code.

SEC. 5. This act shall take effect immediately.

CHAPTER 260.

An act to amend section fifteen of an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and the creation of ex officio boards of supervisors," approved March 20, 1909, said amendment referring to the levy of taxes.

[Approved March 23, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section fifteen of an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and the creation of ex officio boards of supervisors," approved March 20, 1909, is hereby amended to read as follows:

Section 15. When such estimate shall have been made, the board of supervisors of any county wherein a lighting district has been established, must, at the time of levying county taxes, levy a special tax upon all of the taxable property within the limits of such lighting district at the equalized value thereof, sufficient in amount to maintain the said lighting system, and to install any additional lights, or for any or all of the purposes of this act. When a lighting district is organized subsequent to the time of levying county taxes in any year, the board of supervisors may authorize the immediate installation of said lighting system in such district, and shall include in the levy of taxes for said lighting district for the ensuing fiscal year, a sum sufficient to pay the cost of the installation and maintenance of said lighting system in said district for that portion of the preceding fiscal year for which no levy of taxes was made in such year, for said purpose.

Lighting
district
tax levy.

CHAPTER 261.

An act to amend section 2470 of the Civil Code relating to register of persons and firms to be kept by the county clerk.

[Approved March 23, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section twenty-four hundred and seventy of the Civil Code is hereby amended to read as follows:

Register
of firms.

2470. Every county clerk must keep a register of the names of firms and persons mentioned in the certificates filed with him pursuant to this article, entering in alphabetical order the name of every such person who does business under a fictitious name, and the fictitious name, and the name of every such partnership, and of each partner therein.

CHAPTER 262.

An act to amend section 2466 of the Civil Code relating to the use of fictitious names, and duties of those using them.

[Approved March 23, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section twenty-four hundred and sixty-six of the Civil Code is hereby amended to read as follows:

Fictitious
names to
be regis-
tered with
county
clerk.

2466. Except as otherwise provided in the next section every person transacting business in this state under a fictitious name and every partnership transacting business in this state under a fictitious name, or a designation not showing the names of the persons interested as partners in such business, must file with the clerk of the county in which his or its principal place of business is situated, a certificate, stating the name in full and the place of residence of such person and stating the names in full of all the members of such partnership and their places of residence. Such certificate must be published once a week for four successive weeks, in a newspaper published in the county, if there be one, and if there be none in such county, then in a newspaper in an adjoining county.

CHAPTER 263.

An act to amend section 2168 of the Civil Code relating to certificates of partnership and the execution and filing thereof.

[Approved March 23, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section twenty-four hundred and sixty-eight of the Civil Code is hereby amended to read as follows:

2468. The certificate filed with the clerk as provided in section twenty-four hundred and sixty-six must be signed by the person therein referred to, or by the partners, as the case may be, and acknowledged before some officer, authorized to take the acknowledgment of conveyances of real property. Where a business is hereafter commenced by a person under a fictitious name or a partnership is hereafter formed, the certificate must be filed and the publication designated in that section must be made within one month after the commencement of such business, or after the formation of the partnership, or within one month from the time designated in the agreement of its members for the commencement of the partnership. Where the business has been heretofore conducted under a fictitious name or where the partnership has been heretofore formed, the certificate must be filed and the publication made within six months after the passage of this act. No person doing business under a fictitious name, or his assignee or assignees, nor any persons doing business as partners contrary to the provisions of this article, or their assignee or assignees, shall maintain any action upon or on account of any contract or contracts made, or transactions had, under such fictitious name, or in their partnership name, in any court of this state until the certificate has been filed and the publication has been made as herein required.

Certificates
of part-
nership,
execution,
filing, etc.

CHAPTER 264.

An act to amend the Code of Civil Procedure by adding six new sections thereto to be numbered sections 99, 100, 101, 102, 102a, and 102b, relating to justices' courts in townships having a population of more than 250,000 and less than 400,000.

[Approved March 23, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered 99, to read as follows:

Justices in townships of 250,000.

99. There shall be in each township having a population of more than 250,000 and less than 400,000 one justices' court composed of four justices of the peace, which shall have the powers and jurisdiction prescribed and conferred by law upon justices of the peace. Said justices shall choose one of their number to be presiding justice, and in case of his disability or temporary absence he may designate any one of the other justices to act in his stead. Any of said justices may hold court and there may be as many sessions of said court at the same time as there are justices thereof. The supervisors shall provide in a convenient locality a suitable office for the presiding justice, justices' clerk, and rooms suitable for holding sessions of said court, separate from each other, for each of said justices of the peace. The said justices, justices' clerk and deputy clerk shall be in attendance at their respective offices for the dispatch of official business daily from nine o'clock A. M. until five P. M.

SEC. 2. A new section is hereby added to the Code of Civil Procedure to be numbered section 100, to read as follows:

Authority of Justices.

100. The original process in all actions or proceedings begun in said justices' court shall be returnable, and the parties summoned required to appear before the presiding justice or before one of the other justices of the peace to be designated by the presiding justice, and each of the justices shall have power, jurisdiction and authority to hear, try and determine any action or proceeding so commenced and which may have been made returnable before him or may be assigned or transferred to him.

SEC. 3. A new section is hereby added to the Code of Civil Procedure to be numbered section 101, to read as follows:

Justices' clerks.

101. Said justices shall appoint a justices' clerk who shall hold office at the pleasure of said justices and shall give such bond for the faithful performance of the duties of his office as said justices may require. Each justice shall also appoint one deputy clerk who shall hold office at the pleasure of the justice appointing him and perform such duties as shall be required by said justice or justices' clerk. Said justices' clerk,

and said deputy clerks shall be authorized to administer oaths and take and certify affidavits and to issue writs, summons and all other processes in any action or proceeding in said justices' court.

SEC. 4. A new section is hereby added to the Code of Civil Procedure to be numbered section 102, to read as follows:

102. All legal processes of every kind in actions or proceedings in said justices' court shall be issued by the said justices' clerk upon the order of the presiding justice. The said justices' clerk shall issue, sign and certify to any and all papers, transcripts or records which are required to be issued, signed or certified by the said justice of the peace. All complaints, answers and other pleadings and papers required to be filed in the justices' court, shall be filed with the said justices' clerk, who shall keep a permanent record of all such actions and proceedings in the justices' docket, now provided by law to be kept.

Duties of clerks.

SEC. 5. A new section is hereby added to the Code of Civil Procedure to be numbered section 102*a*, to read as follows:

102*a*. The fees for issuance of all processes and all other fees, which are allowed by law for any official service of the justices of the peace shall be exacted and paid in advance into the hands of said justices' clerk and be by him accounted for in detail under oath at such times as may be required by the board of supervisors, and paid into the treasury of the county, and all fees, fines and penalties received or collected in said justices' court shall be and become the property of the county.

Fees.

SEC. 6. A new section is hereby added to the Code of Civil Procedure to be numbered 102*b*, to read as follows:

102*b*. Said justices of the peace shall receive a salary of three thousand dollars per year, and said justices' clerk shall receive a salary of eighteen hundred dollars per year, and said deputy clerks shall each receive a salary of one thousand two hundred dollars per year, each payable in like manner and out of the same funds and at like times as county officers are paid, and such salaries provided to be paid to said justices of the peace shall be in lieu of all fees due and to become due such justices of the peace for the performance of any official act.

Salaries of justices and clerks.

SEC. 7. Nothing in this act shall in any way interfere with or terminate the term of office of any person now holding the office of either justice of the peace or clerk of the justices' court, but immediately upon this act taking effect said justice of the peace shall organize said court under the provision of this act.

Term of office-holders not changed.

CHAPTER 265.

An act to amend section 4300a of the Political Code of the State of California, relating to the county clerk's fees.

[Approved March 23, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4300a of the Political Code of the State of California, is hereby amended to read as follows:

County
clerk's
fees.

4300a. The county clerk, in addition to the charges provided for in section 4190 of this code on the commencement of any action or proceeding in the superior court, except probate proceedings, or on an appeal thereto, to be paid by the party commencing such action or proceeding, or taking such appeal, five dollars.

On the filing of a petition for letters of administration, testamentary, or guardianship, five dollars, to be paid by the petitioner; *provided*, that when the public administrator, in his official capacity is the petitioner, he shall be required to pay said fee only out of the assets of the estate coming into his possession.

On filing the petition to contest any will or codicil, three dollars.

On the appearance of any defendant, or any number of defendants answering jointly, to be paid upon filing the first paper in the action by him or them, two dollars.

On placing any action, except a probate proceeding or default case, on the calendar for trial or hearing, to be paid by the party at whose request such action or proceeding is so placed, two dollars.

For every additional defendant appearing separately, one dollar.

The foregoing fees shall be in full for all services rendered by such clerk in the cause, to and including the making up of the judgment roll.

On the filing of any notice of motion to move for a new trial of any civil action or proceeding, the party filing the same shall pay to the clerk, in full for all services to be rendered in connection with said motion, except as hereinafter in this section provided, two dollars.

For issuing an execution or order of sale in any action, one dollar.

In all proceedings begun or acts performed prior to this section becoming a law, such fees and charges as were provided by law at the time such proceedings were begun or acts performed.

The clerk shall also charge and collect the following fees and compensation not above provided for:

For any copy of any record, proceeding, or paper on file in the office of the clerk relating to any civil action pending in said court, when such copy is made by him, per folio, ten cents.

For each certificate of the clerk, under the seal of the court, twenty-five cents.

No fees shall be allowed or charged by the clerk for services rendered in any criminal case.

For services rendered by the clerk, not in connection with civil actions or proceedings in court, he shall charge and collect, for the benefit of the county, the following fees:

For issuing marriage license, one half to be paid to the county recorder, two dollars.

For filing and indexing articles of incorporation, one dollar.

For filing and indexing certificates of copartnership, one dollar.

For filing and indexing all papers to be kept by him, other than papers filed in actions or proceedings in court, and official bonds and certificates of appointment, each, twenty-five cents.

For issuing any license required by law, other than marriage license, one dollar.

For examining and certifying to a copy of any paper, record or proceeding prepared by another, and presented for his certificate, fifty cents, and one cent per folio for comparing the said copy with the original.

For making satisfaction of or credit on judgment, twenty-five cents.

For receiving and filing remittitur from supreme court, fifty cents.

For administering each oath, without certificate, except in pending action or proceeding, ten cents.

For taking any affidavit, except in criminal cases, twenty-five cents.

For taking and approving each undertaking, and the justification thereof, except in criminal cases, fifty cents.

For searching records or files, for each year, fifty cents.

For taking acknowledgment of any deed or other instrument, including the certificate, fifty cents.

For filing notices of appeal and appeal bonds, each, twenty-five cents.

CHAPTER 266.

An act to amend sections one, two, three, four, six, fifteen, sixteen, eighteen, twenty-one and twenty-seven of an act entitled, "An act to provide for the formation of protection districts in the various counties of this state, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof by widening, deepening, and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895.

[Approved March 28, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of an act entitled, "An act to provide for the formation of protection districts in the various counties of this state, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof by widening, deepening, and straightening and otherwise improving the same and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, is hereby amended to read as follows:

Section 1. Whenever the board of supervisors of any county in this state deem it proper, for the purpose of protecting property from damage, to widen, deepen, change, straighten or otherwise improve the channel of any innavigable stream, water course or wash within the county, or to construct a new channel therefor, in whole or in part, or to erect levees, or dikes upon or along the banks thereof, or otherwise to prevent the same from overflow, or to do any one or more or all of said things, said board may, upon petition of ten landowners, setting forth the general character of the improvements desired by them, and the boundaries of the district to be benefited by such proposed improvement, and that their land is within the same, and asking for the formation of a district under this act, pass a resolution declaring their intention to form a protection district under this act. Said resolution shall describe the exterior boundaries of the proposed district, and the general character of the improvements contemplated, either of which need not be the same as those set forth in the petition, and shall

Formation
of protection
district.

Boundaries.

Hearing.

fix a time and place for the hearing of the matter, not less than thirty days after the passage thereof, and direct the clerk of said board to publish a notice of the intention of the board of supervisors to form such protection district, and of the time and

place fixed for the hearing, and shall designate some newspaper of general circulation, published and circulated in said proposed district, or, if there is no newspaper so published and circulated, then some newspaper of general circulation published and circulated in the county.

SEC. 2. Section two of said act is hereby amended to read as follows:

Section 2. Thereupon said clerk shall cause to be published in the newspaper so designated, for a period of twenty days before the date fixed for the hearing, a notice, which notice shall be headed, "notice of intention of the board of supervisors to form a protection district." Said notice shall set forth the fact of the passage of such resolution, with the date thereof, the general character of the improvements contemplated, the boundaries of the proposed district, and the time and place for the hearing, and shall state that it is proposed to assess all property embraced in said proposed protection district, for the purpose of paying the damages, costs, and expenses of constructing the proposed improvements, and the necessary expense of maintaining and repairing the said works and improvements, and shall refer to the resolution for further particulars. Said clerk shall send a copy of said notice by mail, postage prepaid, to each owner of land in the proposed district whose name appears as such on the last completed assessment roll of the county or counties in which said proposed district lies, addressed to such owner at his address given on such assessment roll, or if no address is so given, then to his last known address, or if it be not known then at the county seat of the county in which his land lies. Said clerk shall make and file in his office an affidavit of such mailing, showing the names and addresses of the persons to whom such notices were sent, which shall be prima facie evidence that said notices were mailed as herein required. Failure of the clerk to mail said notices as herein required shall not invalidate subsequent proceedings.

Publi-
cation of
notice.

Copy to
such
owner
of land.

SEC. 3. Section three of said act is hereby amended to read as follows:

Section 3. Any person interested objecting to the formation of such proposed district, or to the extent thereof, may, at or before the time fixed for the hearing of the matter, file a written objection thereto, stating briefly his ground of objection, with the clerk of said board of supervisors, who shall indorse thereon the date of its reception by him, and shall at the time fixed for the hearing, place all such objections filed with him before said board of supervisors.

Written
objections.

SEC. 4. Section four of said act is hereby amended to read as follows:

Section 4. At the time fixed for the hearing, or to which the hearing may be adjourned, the board of supervisors shall hear the objections filed, if any, and pass upon the same. Said board may, in its discretion, overrule or sustain, in whole or in part, any or all of the objections filed, and may change or

Super-
visors to
hear ob-
jections.

alter the boundaries of such proposed district to conform to the needs of the district; *provided*, that they shall include therein only such land as will, in their judgment, be benefited by the proposed work or improvements; and *provided, further*, that if they deem it proper to include therein any territory not included in the boundaries mentioned in the resolution of intention, they shall first cause notice of their intention so to do to be published and mailed to land owners in such additional territory, as in case of the original notice, and shall, for that purpose, adjourn the hearing to some time and place to be stated in such new notice, and shall hear and pass upon any objections made by such owners as in case of other land owners in the proposed district. Said board may, in their discretion, declare such protection district formed with the boundaries designated by them and shall designate such district by name as the protection district of county (or counties).

SEC. 5. Section six of said act is hereby amended to read as follows:

Section 6. Each protection district shall be governed and controlled by the board of supervisors of the county in which it is situated. Said board shall have power, in the name of the county and in behalf of the district, to purchase, receive by donation, or acquire by condemnation any rights of way or other real or personal property necessary to carry out the purposes for which the district was formed, and for that purpose all the provisions of the Code of Civil Procedure relating to eminent domain are hereby made applicable to proceedings in behalf of such district to condemn property. The said board shall also have power to employ such engineers, surveyors and others as may be necessary to survey, plan or locate, or supervise the construction or repair of, the improvements necessary to carry out the purposes for which the district was formed; to construct, maintain and keep in repair any and all improvements, and do all other things requisite or necessary to carry out the purposes of the district; and to employ the services of any person, legal or otherwise, which, in the judgment of said board, may be necessary to carry out said purposes. As soon as said district is formed, the board shall cause a survey of the contemplated improvements to be made, or adopt a survey already made, and shall also cause a map of such survey, and plans and specifications showing such improvements in detail, to be prepared, and they shall adopt such survey, maps, plans and specifications, and thereafter all such improvements shall be made in accordance with the survey, maps, plans and specifications so adopted; *provided*, that at any time after the adoption of said survey, map, plans and specifications, and before the commissioner's report of assessment of benefits and award of damages has been finally adopted and confirmed by the board, said board may rescind their action in adopting said survey, map, plans and specifications, and may modify the same or adopt others in place thereof, in which case a new

District
governed
by super-
visors.

Powers.

Maps,
plans,
survey.

assessment shall be made, or may, by a four-fifths vote of the members thereof, abandon the contemplated improvement and dissolve the said protection district, in which case the expenses already incurred in behalf of such district shall be a county charge.

SEC. 6. Section fifteen of said act is hereby amended to read as follows:

Section 15. The report of such commissioners and the plat accompanying it shall be filed with the clerk of the board of supervisors, and said board shall thereupon fix a time for the hearing thereof, which shall not be less than four weeks after the filing thereof, and thereupon the clerk of said board shall give notice of such hearing by publication for at least three weeks in a newspaper of general circulation published and circulated in the said district, if such there be, or if there is no such newspaper, then in some newspaper of general circulation published in one of the counties in which said district is situated, said newspaper to be designated by the board. Such notice shall be substantially in the following form:

Report.

Publication of.

NOTICE OF THE FILING OF THE COMMISSIONER'S REPORT OF PROTECTION DISTRICT OF THE COUNTY OF

Form of notice.

Notice is hereby given that the commissioners of the protection district of the county of, did on the day of, 19.., file their report of the assessment of benefits and award of damages with the clerk of the board of supervisors of said county, which said report is now on file in the office of said board of supervisors in the city of, said county, and that said report will be heard by said board at their office on the day of, 19.., at the hour of M. Said report and the survey, map, plans and specifications of the improvements mentioned therein are hereby referred to for further particulars. All persons interested are hereby required to show cause, if any they have, at the time fixed for said hearing, why such report should not be adopted and confirmed by said board of supervisors, and the improvements therein referred to constructed. All objections shall be in writing, signed by the person objecting, and filed with the clerk of said board at or before the time above mentioned.

(Signed)

Clerk of the board of supervisors of county.

SEC. 7. Section sixteen of said act is hereby amended to read as follows:

Section 16. Any person interested may file with the clerk of said board, at or before the time fixed for the hearing, a written objection to said report or any part thereof, or to the survey, map, plans, or specifications for the proposed improvements, or to the making of such proposed improvements. At the time fixed for such hearing or at any other time to which the hearing may be adjourned, the board of supervisors shall

Objections to report.

hear all objections so filed, if any, and pass upon the same, and shall proceed to pass upon such report, and may confirm, correct or modify the same, or may take such action in regard to the survey, map, plans and specifications as is authorized by section 6 of this act, or may order the commissioners to make a new assessment, report and plat, which shall be filed, heard and acted upon in the same manner and on like notice, as in the case of an original report. The action of the board upon the report and objections thereto, and upon the survey, map, plans and specifications, shall be final and conclusive as to all matters which they might have remedied or avoided; and no assessment shall be set aside, except upon such hearing, for any error, defect or informality therein or in the proceedings prior thereto, where the district has been legally formed and notice of the hearing of the report has been given as herein prescribed. When such report has been adopted and confirmed, said board may by order entered upon its minutes discharge said commissioners, and their authority shall thereupon cease.

Action of
super-
visors
final.

SEC. 8. Section eighteen of said act is hereby amended to read as follows:

Special
fund.

Section 18. All moneys paid upon such assessments either by property owners or by the county or counties affected, shall be placed in the county treasury of the county in which such protection district was organized, to the credit of a special fund to be known as the protection district improvement fund; and shall be used only to pay the expense and cost of constructing the improvements described in the survey, map, plans and specifications adopted by the board of supervisors; provided, that any surplus remaining after the construction thereof shall be paid into the current expense fund. Payments from said fund shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the county.

Payments
from.

SEC. 9. Section twenty-one of said act is hereby amended to read as follows:

Protection
district
tax levy.

Section 21. The board of supervisors shall, at the time of making the levy of taxes for county purposes for each year, levy a tax upon the real estate in each protection district in their county sufficient in amount to raise the amount of money which will be needed for the current year for maintaining and repairing the works and improvements of said district. Said tax, when levied, shall be entered upon the assessment roll and collected in the same manner as state and county taxes. When the same is collected, it shall be placed in the treasury of the county to the credit of the current expense fund of said district, and shall be used only for the purpose for which it was raised. Payments shall be made from said fund in the same manner as from the improvement fund of the district.

SEC. 10. Section twenty-seven of said act is hereby amended to read as follows:

Section 27. The improvements made under this act may include the widening, deepening, changing and straightening of the channels of innavigable streams, water courses or washes, the construction of new channels therefor, and the construction of levees, banks, dikes, conduits, ditches and canals for the conveyance of the waters of such streams, water courses or washes, or for confining such streams, water courses, or washes to their channels; and said work may be done either within or without the boundaries of the district, as may be necessary in order to properly prevent the overflow of said water and protect the land in said district from damage and secure a free outlet for such streams, water courses and washes.

What improvements may be made.

SEC. 11. This act shall take effect and be in force immediately; *provided, however,* that the same shall not apply to or affect any proceedings that may be pending for the organization of a protection district under the provisions of the act which is hereby amended; but, as to any proceedings so pending at the time this act takes effect, the provisions of said act hereby amended as existing prior to this amendment shall continue in force until such district is formed, or the board of supervisors have refused to form the same.

In effect immediately.

CHAPTER 267.

An act to amend section four thousand and forty-nine of the Political Code of the State of California, relating to the publication of the proceedings of boards of supervisors.

[Approved March 23, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four thousand and forty-nine of the Political Code of the State of California is hereby amended to read as follows:

4049. Within ten days after each session of the board of supervisors, it must cause to be published a fair statement of all its proceedings. Any violation of this section or failure to comply with its provisions is punishable by a fine of not less than five hundred dollars nor more than one thousand dollars, or by forfeiture of office, or by both.

Publication of proceedings of supervisors.

CHAPTER 268.

An act to amend section one hundred and seventy-two of the Penal Code, relating to selling, giving away, or exposing for sale, intoxicating, vinous or alcoholic liquors within or contiguous to certain state buildings and grounds.

[Approved March 23, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one hundred and seventy-two of the Penal Code is hereby amended to read as follows:

Selling
liquor
near state
institutions.

172. Every person who, within half a mile of the land belonging to this state upon which any state prison, or within nineteen hundred feet of the land belonging to this state upon which any reformatory, is situated, or within one mile of the grounds belonging to the University of California, at Berkeley, or within three miles of the university farm at Davis, or within one and one half miles of the lands occupied by any home, retreat, or asylum for disabled volunteer soldiers or sailors, established or to be established by this state, or by the United States within this state, or within the state capitol, or within the limits of the grounds adjacent and belonging thereto, sells, gives away, or exposes for sale, any intoxicating, vinous or alcoholic liquors, is guilty of a misdemeanor.

SEC. 2. This act shall take effect on and after September 1, 1911.

CHAPTER 269.

An act to add a new section to the Penal Code to be numbered section 907, relating to the duties of grand juries.

[Approved March 23, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code to be numbered section 907 and to read as follows:

Permitting
prejudiced
juror to
retire.

907. Before considering a charge against any person, the foreman of the grand jury shall state to those present the matter to be considered and the person to be charged with an offense in connection therewith, and direct any member of the grand jury who has a state of mind in reference to the case or to either party which will prevent him from acting impartially and without prejudice to the substantial rights of the party to retire. Any violation of this section by the foreman or any member of the grand jury is punishable by the court as a contempt.

CHAPTER 270.

An act to appropriate money for the enlargement and improvement of the power, heat and lighting plant of the California Polytechnic School.

[Approved March 23, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of six thousand five hundred dollars, or so much thereof as may be necessary, for the purpose of enlarging and improving the power, heat and lighting plant of the California Polytechnic School. Appropriation: power plant, California Polytechnic School.

The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same. The amount hereby appropriated shall be available July 1, 1911.

CHAPTER 271.

An act to appropriate money for the construction of a heating system for the California Polytechnic School.

[Approved March 23, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of three thousand dollars, or so much thereof as may be necessary, for the purpose of constructing a heating system at the California Polytechnic School. Appropriation: heating system, California Polytechnic School.

The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same. The amount hereby appropriated shall be available July 1, 1911.

CHAPTER 272.

An act to appropriate money for the purchase of live stock for the California Polytechnic School.

[Approved March 23, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation: live stock. California Polytechnic School.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of three thousand five hundred dollars, or so much thereof as may be necessary, for the purpose of purchasing live stock for the California Polytechnic School.

The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same. Of the amount hereby appropriated one thousand dollars shall be available July 1, 1911, and two thousand five hundred dollars July 1, 1912.

CHAPTER 273.

An act to appropriate money for the purchase of farm machinery and implements for the California Polytechnic School.

[Approved March 23, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation: machinery. California Polytechnic School.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of two thousand dollars, or so much thereof as may be necessary, for the purpose of purchasing farm machinery and implements for the California Polytechnic School.

The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same. The amount hereby appropriated shall be available July 1, 1911.

CHAPTER 274.

An act to make an appropriation for the construction and completion of a state highway connecting the counties of Trinity, Tehama and Shasta with the road system of Humboldt county.

[Approved March 23, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of fifty thousand dollars (\$50,000.) for the construction and completion of a state highway connecting the counties of Trinity, Tehama and Shasta with the road system of Humboldt county, which will most conveniently accommodate the citizens of said counties. Appropriation: state highway.

SEC. 2. The work of continuing the construction and completion of the said highway from the point to which it has been completed, under the management and control of the department of engineering, and it shall be the duty of the said department of engineering to continue to complete the construction of said road, from the point to which said road has been completed, to its terminus, upon the best ground and grades consistent with the country traversed. Department of engineering to control.

SEC. 3. The money appropriated under this act shall become available at the following times: Twenty-five thousand dollars (\$25,000.) on and after May 1, 1911, and twenty-five thousand dollars (\$25,000.) on and after July 1, 1912. The state controller is directed and instructed to draw his warrants in such amounts and at such times as the department of engineering may present claims therefor, and the state treasurer is directed to pay the same.

SEC. 4. This act shall take effect immediately.

CHAPTER 275.

An act making an appropriation to pay the deficiency in the contingent appropriation of the governor's office for the sixty-first and sixty-second fiscal years.

[Approved March 23, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of fifteen hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the deficiency in the contingent appropriation of the governor's office for the sixty-first and sixty-second fiscal years. Appropriation: deficiency, governor's office.

SEC. 2. The state controller is hereby directed to draw his warrant upon proper demands audited by the state board of examiners for the amount herein appropriated, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 276.

An act to amend section four thousand two hundred and thirty-two of the Political Code of the State of California, relating to the salaries and fees of officers in counties of the third class.

[Approved March 23, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four thousand two hundred and thirty-two of the Political Code of the State of California is hereby amended to read as follows:

Salaries in
counties of
3d class.

4232. In counties of the third class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries:

County
clerk.

1. The county clerk, four thousand dollars per annum: *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one chief deputy, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; one judgment clerk, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; one assistant judgment clerk, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; six court room deputies, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; one index clerk, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one document clerk, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one clerk to the board of supervisors, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one registration clerk, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one deputy, who shall also act as court room clerk, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; four deputies, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; four copyists, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each, and two stenographers, whose salaries are hereby fixed at the sum of nine hundred dollars per annum each; all the foregoing deputies, clerks, copyists and stenographers, herein provided for, shall be appointed by the clerk of said county, and

their salaries shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the county clerk; *provided, further*, that in such years as the compilation of a great register of voters is required by law to be made, the county clerk in counties of this class shall be, and he is hereby allowed the following additional help: Ten clerks for a period of and not exceeding six months, whose salaries are hereby fixed at one hundred dollars per month each; ten clerks for a period of and not exceeding one month, whose salaries are hereby fixed at one hundred dollars per month each; *and provided, further*, that if no help is allowed to county clerks under the direct primary law, the county clerk in counties of this class, in such years as a general state direct primary election is held, shall be and he is hereby allowed the following additional help: Ten clerks for a period of and not exceeding two months immediately next preceding the direct primary election day, whose salaries are hereby fixed at one hundred dollars per month each; such clerks shall be appointed by the county clerk of said county, and during their respective periods of employment their salaries shall be paid by such county in equal monthly installments, at the same time and in the same manner and out of the same fund as is the salary of the county clerk of such county.

2. The sheriff, four thousand dollars per annum; *provided*, Sheriff. that in counties of this class there shall be, and there hereby is, allowed to the sheriff one under-sheriff, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; one deputy, who shall be bookkeeper for the sheriff's office, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; one deputy, who shall be assistant bookkeeper for the sheriff's office, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one deputy for office, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; two deputies, who shall be detectives for the sheriff, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; two deputies, who shall be transportation-men, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; six deputies, who shall be bailiffs, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; one deputy, who shall also act as bailiff, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one stenographer, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one deputy, who shall be chief jailer, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; two deputies, who shall be assistant jailers, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; six deputies, who shall be turnkeys at the jail, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; one matron for the jail, whose salary is hereby fixed at the sum of nine hundred dollars per annum; one engineer for the jail, whose salary is

hereby fixed at the sum of fifteen hundred dollars per annum; one assistant engineer for the jail, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; *provided, further*, that the under-sheriff, all deputies, bookkeepers, office deputy, detectives, transportation-men, bailiffs, stenographer, chief jailer, assistant jailers, turnkeys, matron for the jail, engineer and assistant engineer herein provided for, shall be appointed by the sheriff and their salaries shall be paid by the said county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the sheriff; the sheriff shall also receive the amount of money necessarily expended by him in serving all process and notices, and all expenses necessarily incurred by him in the pursuit of criminals, and the same shall be a charge against the county, and allowed as such by the board of supervisors, and paid as other county charges are paid.

Recorder. 3. The recorder, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the recorder the following deputies and copyists, who shall be appointed by the recorder of such county, and shall be paid salaries and compensations as follows: One chief deputy, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; three deputies, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each, and five deputies whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; two deputies, who shall be comparers, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; two deputies, who shall be comparers, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; *provided, further*, that the salary of the chief deputy, and the salaries of the deputies and comparers herein provided for shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the recorder; *provided, further*, that in counties of this class the recorder shall be entitled to the actual cost incurred by him for the recording of all papers and documents and records in his office at the rate of six and three fourths cents per folio for each paper or document so recorded; and *provided, further*, that said recorder shall file monthly with the county auditor a verified statement showing in detail the persons and the amount paid to each for such recording.

Auditor. 4. The auditor, thirty-six hundred dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the auditor one chief deputy, who shall be appointed by the auditor of said county, and whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; one redemption deputy, who shall be appointed by the auditor of said county, and whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one deputy, who shall be appointed by the auditor of said county, and whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; two deputies, who shall be appointed by the auditor of said

county, and whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; and one stenographer, who shall be appointed by the auditor of said county, and whose salary is hereby fixed at the sum of nine hundred dollars per annum; and such additional assistants as the auditor may appoint, and whose compensation shall not in the aggregate exceed the sum of two thousand dollars per annum; *and provided*, that the auditor shall file with the county clerk a verified statement showing in detail the amounts paid, and the person to whom said compensation is paid for such extra assistance as aforesaid. The salaries herein provided for shall be paid by the said county in equal monthly installments, at the same time and in the same manner, and out of the same fund as is the salary of the auditor.

5. The treasurer, four thousand dollars per annum; *pro-* Treasurer.
vided, that in counties of this class there shall be, and there hereby is, allowed to the treasurer one chief deputy, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; one deputy, whose salary is hereby fixed at the sum of twenty-one hundred dollars per annum; two deputies, whose salaries are hereby fixed at the sum of eighteen hundred dollars per annum each, which sums shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the treasurer; *provided*, that the chief deputy and the three deputies herein provided for shall be appointed by the treasurer of said county.

6. The tax collector, four thousand dollars per annum; *pro-* Tax
vided, that in counties of this class there shall be and there collector.
hereby is allowed to the tax collector one chief deputy, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; one cashier, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; two assistant cashiers, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; one chief clerk, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; two correspondence clerks, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; one bookkeeper, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one state lands clerk, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one stenographer, whose salary is hereby fixed at the sum of nine hundred dollars per annum; *provided, further*, that there shall be and there hereby is allowed to the tax collector three extra deputies for a period not to exceed eight months in any one year, at a salary of one hundred dollars per month each; six extra deputies for a period not to exceed five months in any one year, at a salary of one hundred dollars per month each; six extra deputies for a period not to exceed four months in any one year, at a salary of one hundred dollars per month each; *provided, further*, that in counties of this class the tax collector shall appoint six persons to be known as

indexers, which office is hereby created, and whose duties it shall be under the supervision and direction of the tax collector to compile, make out, and complete an index of the assessment rolls of the county, and of the sanitary assessment rolls for each sanitary district in the county of Alameda, yearly, commencing with the year nineteen hundred and nine, as soon as said rolls are completed by the assessor of the county and each assessor of said sanitary districts and for each year thereafter. The said indexes to be a public record for use of the tax collector and the general public and to be kept in the office of the tax collector during the collection of taxes and to be turned over to the auditor at the same time as the assessment rolls are turned over in the final settlement of the tax collector with the county auditor. Such indexers shall be paid a salary of one hundred dollars per month each, payable at the same time and in the same manner as other county officers are paid, but such indexers shall not be employed to exceed four months in any one year; *provided, further*, that the chief deputy, the stenographer and all other deputies herein provided for shall be appointed by the tax collector of said county and the salaries of said chief deputy, stenographer, and all deputies herein provided for shall be paid by said county during the time which they shall hold office as herein provided at the same time and in the same manner and out of the same fund as the salary of the tax collector.

License
collector.

7. The license collector shall receive fifteen per cent of all licenses collected by him.

ASSESSOR.

8. The assessor, seven thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the assessor the following deputies, who shall be appointed by the assessor and shall be paid salaries as follows: One chief deputy, whose salary is hereby fixed at the sum of three thousand dollars per annum; one head deputy assessor, city department, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; one head deputy assessor, country department, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one record deputy assessor, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one mortgage deputy assessor, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one transfer deputy assessor, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one cashier, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; one bookkeeper, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; four outside field deputies for a period not to exceed six months in any one year, whose salaries are hereby fixed at the sum of one hundred and fifty dollars per month each; three outside field deputies for a period not to exceed six months in any one year, whose salaries are hereby fixed at the sum of one hundred and twenty-five dollars per month each; six field deputies, for a period not to exceed six months

in any one year, whose salaries are hereby fixed at the sum of one hundred dollars per month each; two building inspectors, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; six building inspectors for a period not to exceed six months in any one year, whose salaries are hereby fixed at the sum of one hundred and twenty-five dollars per month each; five extra deputies for a period not to exceed six months in any one year, at a salary of one hundred dollars per month each; ten copyists for a period not to exceed six months in any one year, at a salary of one hundred dollars per month each; two stenographers, whose salaries are hereby fixed at the sum of nine hundred dollars per annum each; and such additional deputies as the assessor may appoint, and whose compensation shall not, in the aggregate, exceed the sum of forty-five hundred dollars per annum; *and provided*, that the assessor shall file with the county auditor a verified statement showing, in detail, the amounts paid and the persons to whom such compensation is paid for such extra assistance as aforesaid. The salaries herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner, and out of the same fund as the salary of the assessor is paid; *provided, however*, that should the assessor be directed by any law, or by any order of the board of supervisors, or by any municipality within said counties of the third class, to prepare maps, plats, or block books for the use of the county, or assessment rolls for the use of any municipality, then said assessor shall make such maps, plats or block books, or assessment rolls for the use of any municipality, but shall only receive the actual cost by him incurred in making or preparing said maps, plats or block books; *and provided, further*, that he shall file with the county auditor a sworn statement showing the persons to whom, and the amounts paid to each for such maps, plats or block books, and he shall account forthwith and pay over to the county any difference between such costs and the amount allowed him for such work; *and provided, further*, that the salaries herein named shall be in full compensation for all services of every kind and description rendered by the assessor, his deputies and assistants; *and it is further provided*, that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes, nor shall the said assessor receive any compensation for making out the military roll of persons returned by him as subject to military duty as provided by section one thousand nine hundred and one of the Political Code; *provided, however*, that fifteen per cent of all moneys collected by him for poll taxes, and road poll taxes shall be allowed to such counties on their settlement with the state, and be and remain the property of such counties.

9. The district attorney, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there

District
attorney.

is hereby allowed to the district attorney the following assistant, deputies and employees, who shall be appointed by the district attorney of said county, and who shall be paid salaries as follows: One assistant district attorney, whose salary is hereby fixed at the sum of two hundred and seventy-five dollars per month; one chief deputy district attorney, whose salary is hereby fixed at the sum of two hundred and fifty dollars per month; two deputy district attorneys, whose salaries are hereby fixed at the sum of two hundred and twenty-five dollars per month each; two deputy district attorneys, whose salaries are hereby fixed at the sum of two hundred dollars per month each; two deputy district attorneys, whose salaries are hereby fixed at the sum of one hundred and seventy-five dollars per month each; two deputy district attorneys, whose salaries are hereby fixed at the sum of two hundred dollars per month each, whose duty it shall be, in addition to performing services as deputy district attorneys, to attend the sessions of the police courts in cities of the second class, and conduct, on behalf of the people, all prosecutions for public offenses of which said police courts shall have jurisdiction; one clerk, whose salary is hereby fixed at the sum of one hundred and twenty-five dollars per month; one process server, whose salary is hereby fixed at the sum of one hundred dollars per month; three stenographers, whose salaries are hereby fixed at the sum of seventy-five dollars per month each; one detective, who shall assist the district attorney in the detection of crime and prosecution of criminal cases, whose salary is hereby fixed at the sum of one hundred and seventy-five dollars per month; and *provided, further*, that nothing herein contained shall be construed to prevent the boards of supervisors of counties of this class from employing special counsel when in the judgment of said boards the interests of said county require it. The salaries of said assistants, deputies, clerk, detective, process server, stenographers and special counsel in this subdivision provided for shall be payable by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid.

Coroner. 10. The coroner, four thousand dollars per annum; and his actual and necessary expenses in traveling outside the county seat, which shall be in full compensation for all services rendered by him; *provided, further*, that in counties of this class there shall be and there is hereby allowed to the coroner one deputy, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum, and one stenographer, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum, and who shall be paid, in addition thereto, for transcribing all the testimony and proceedings taken by him at any inquest the sum of fifteen cents per one hundred words for one copy, and ten cents per one hundred words for two copies made at one time, and in every case where the death of any person shall have been caused by the criminal act of another, such stenographer shall make a copy of transcript of

the testimony and proceedings taken at such inquest for the use of the district attorney of such county; in all inquests so reported the fees for transcribing, as provided herein, shall be paid out of the county treasury upon the order of the coroner. When such testimony is taken down by such stenographer, as herein set forth, his transcription thereof duly certified to by him shall constitute the deposition of the witnesses testifying at such inquest so reported by such stenographer. The deputy and stenographer herein provided for shall be appointed by the coroner and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of county officers in counties of this class.

The coroner must hold inquests as prescribed by chapter two, title twelve, part two of the Penal Code, and he, or any other officer holding the inquest upon the body of a deceased person, may subpoena a chemist to make an analysis of the contents of the stomach or of the tissues of the body, or a physician or surgeon to inspect the body or hold a post-mortem examination of the body of the deceased and give a professional opinion as to the cause of death of such deceased or he may subpoena a physician and surgeon and chemist for the purposes aforesaid.

Inquests by coroner.

11. The public administrator, such fees as are now or may be hereafter allowed by law.

Administrator.

12. The superintendent of schools, four thousand dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the superintendent of schools, one assistant superintendent of schools, one chief deputy superintendent of schools and one deputy superintendent of schools all of whom shall be appointed by the superintendent of schools of said county, and whose salaries shall be as follows: The salary of the assistant superintendent of schools shall be two hundred dollars per month; the salary of the chief deputy superintendent of schools shall be one hundred and fifty dollars per month; and that of the deputy superintendent of schools shall be one hundred and twenty-five dollars per month. The salaries shall be paid out of the same fund and in the same manner as the salary of the superintendent of schools is paid.

Superintendent of schools.

13. The surveyor shall receive a salary of \$4,000 per annum and may appoint one deputy, which office is hereby created, at a salary of \$2,700 per annum, the salary of such surveyor and such deputy shall be paid by such county in equal monthly installments at the same time and in the same manner and out of the same funds as the salaries of other county officers are paid. All work which the surveyor is directed or charged to perform by law or by order of the board of supervisors of such county shall be performed by said surveyor at actual cost; *provided, however*, that on all such work, other than block book work hereafter provided for, transitmen and office-men, when actually engaged on such county work, shall receive

Surveyor.

a per diem of not to exceed six dollars, and chainmen when actually engaged on such county work, shall receive a per diem of not to exceed three dollars; and *provided, further*, that whenever the surveyor is charged or directed to make, plat, trace, or otherwise to prepare maps, plat, or block books for the use of a county, city and county, or any municipality within such county, the surveyor may employ one chief draughtsman on such block book work who shall receive a per diem of not to exceed six dollars, and all other employees on such block book work at a per diem not to exceed four dollars; and *provided, further*, that the surveyor shall be allowed all necessary expenses for work performed for the county by virtue of his office and all necessary expenses and transportation for work performed in the field. The said surveyor shall render to the auditor of said county a monthly sworn statement showing therein the time or nature of work performed, the dates, amount paid to assistants and paid for expenses. The salary herein fixed for said surveyor shall be in lieu of all other fees, commissions or compensations of whatsoever kind or nature for services performed by said surveyor for said county; *provided, however*, that the board of supervisors of such county shall have no power to direct the making, platting, tracing or otherwise preparing block books for the county except such as may be necessary to be so prepared to replace such as are worn out by usage or as shall be necessary to be made because of the subdivision of tracts of land contained in such block books.

Justices of
the peace.

14. Justices of the peace shall receive the following monthly salaries to be paid each month and in the manner and out of the same fund as other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than fifty thousand, two hundred and twenty-five dollars; in townships having a population of twenty-five thousand and less than fifty thousand, two hundred dollars; in townships having a population of fifteen thousand and less than twenty-five thousand, one hundred and fifty dollars; in townships having a population of less than fifteen thousand, seventy-five dollars.

In addition to the compensation received in criminal cases, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

Each justice of the peace must keep a book open for the inspection of the public during office hours in which must be entered at once and in detail the amount of all fines collected by him in criminal cases and on the first Monday of each and every month he must pay such fines so collected into the county treasury or city treasury, as provided by law.

For the purpose of this section, the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year A. D. 1910.

15. Constables shall receive the following monthly salaries Constables to be paid each month and in the same manner and out of the same fund as other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than fifty thousand, one hundred and fifty dollars; in townships having a population of fifteen thousand and less than fifty thousand, one hundred and twenty-five dollars; in townships having a population of less than fifteen thousand, eighty-five dollars. In addition to the compensation received in criminal cases, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases; *provided*, that in counties of this class constables shall be and they are hereby allowed such expenses as are actually and necessarily incurred by them in conveying prisoners to and from the county jail; such expenses to be itemized and presented as a claim against the county and to be audited and allowed by the board of supervisors and paid out of the county treasury in the manner as are other claims.

For the purpose of this section, the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year A. D. 1910.

16. Each supervisor, two hundred and twenty-five dollars Super-
visors. per month; *provided, however*, that no mileage of whatever kind or nature shall be charged against the county.

17. The fees of grand jurors and trial jurors in the superior Grand
jurors. courts of counties of the third class, in civil and criminal cases, shall be three dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only.

SEC. 2. This act shall take effect and be in force immediately from and after its passage and approval:

CHAPTER 277.

An act to add a new section to the Political Code of the State of California, to be known as section 2185b, relating to the admission of voluntary patients to state hospitals.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code of the State of California, to be known as section 2185b, said section to read as follows:

2185b. Pursuant to rules and regulations established by the state commission in lunacy, the medical superintendent or person in charge of any state hospital, except the Folsom State Hospital, may receive and detain in such state hospital, as a Voluntary
patient-
in state
hospitals.

boarder and patient, any person suffering from mental disease, who is a suitable person for care and treatment in such state hospital, and who shall voluntarily make a written application to the medical superintendent or person in charge thereof for admission into such hospital for care and treatment, and who is in such condition of mind, at the time of making such application for admission, as to render him competent to make such application. Any such person received and detained in a state hospital shall be deemed a voluntary patient. Any person received into a state hospital under such voluntary application shall not be detained therein for more than seven days after having given notice, in writing, to the medical superintendent or person in charge of such hospital of his desire to leave such hospital. The charges for the care and keeping of such person in such hospital shall be governed by the provisions of the the Political Code relating to the charges for the care and keeping of insane persons in state hospitals. Upon the admission of a voluntary patient to a state hospital, the medical superintendent or person in charge shall immediately forward to the office of the state commission in lunacy the record of such voluntary patient, showing the name, residence, age, sex, nativity, occupation, civil condition, date of admission of such patient to such hospital, and such other information as may be required by the rules and regulations of said commission. The state commission in lunacy shall establish such rules and regulations as may be necessary to properly carry out the provisions of this section.

SEC. 2. This act shall take effect immediately.

[Became a law, under constitutional provision, without Governor's approval, March 24, 1911.]

CHAPTER 278.

An act authorizing suits against the state concerning certain real property and regulating the procedure therein.

The people of the State of California, represented in senate and assembly, do enact as follows:

Suits to
quiet title
to lands
when deeds
are lost.

SECTION 1. In all cases where the State of California has sold any land or lands to any person or persons and the deed or patent from the State of California therefor has been lost or destroyed and was never recorded in the office of any county recorder in the State of California, the person or persons claiming or deraining title to any of such lands through any such lost or destroyed deed or patent is and are hereby authorized to bring suit against the State of California in any court of competent jurisdiction of said state to quiet title to said land or any portion thereof, and to prosecute the same to final judgment. The rules of practice in civil cases relating to suits to

quiet title shall apply to such suits as may be brought under this authorization except as otherwise provided. If judgment be given against the state in any such suit, no cost can be recovered from the state thereunder and before any judgment can be given against the state hereunder it must be made to appear to the court affirmatively that such deed or patent has been duly issued by the state.

SEC. 2. Any such suits to quiet title shall be commenced within one year after this act takes effect.

SEC. 3. Service of summons in such suits shall be made on the governor, surveyor general and attorney general. It shall be the duty of the attorney general to defend all such suits.

SEC. 4. This act shall take effect immediately.

[Became a law, under constitutional provision, without Governor's approval, March 21, 1911.]

CHAPTER 279.

An act to allow union high school districts to establish, equip and maintain public libraries; to provide for the formation, government and operation of such library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Any union high school district of this state may establish, equip and maintain a public library for the dissemination of a knowledge of the arts, sciences and general literature, in accordance with the provisions of this act.

Union high school district may establish public library.

SEC. 2. Upon the application, by petition, of fifty or more taxpayers and residents of any union high school district to the board of supervisors in the county in which said union high school district is located, praying for the formation of a library district, and setting forth the boundaries of the said proposed district; the said board of supervisors must, within ten days after receiving said petition, by resolution, order that an election be held in the said proposed district for the determination of the question and shall appoint three qualified electors thereof to conduct said election.

Petition to supervisors.

SEC. 3. Said election shall be called by posting notice thereof in three of the most public places in said proposed library district, and by publication in a daily or weekly paper therein, if there be one, at least once a week for not less than fifteen days. Said notices must specify the time, place and the purposes of said election, and the hours during which the polls will be kept open; *provided*, that in districts with a

Notice of election.

Polls open. population of ten thousand or over, the polls must be opened at eight o'clock A. M., and kept open until seven o'clock P. M., and in districts where the population is less than ten thousand, the polls must not be opened before one o'clock P. M., and must be kept open not less than six hours.

Election, how conducted. SEC. 4. Said election shall be conducted in accordance with the general election laws of this state, where applicable, without reference to form of ballot or manner of voting, except that the ballots shall contain the words, "For union high school library district," and the voter shall write or print after said words on his ballot the word "Yes," or the word "No."

Who may vote. SEC. 5. Every qualified elector, resident within the proposed district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the election above provided for.

Report of result. SEC. 6. It shall be the duty of the election officers to report the result of said election to the board of supervisors within five days subsequent to the holding thereof.

Two third vote for. SEC. 7. If two thirds of the votes at said election shall be in favor of a union high school library district, the said board of supervisors must, by resolution, establish said library district, and place the said district in the control of the trustees of said union high school district. Said trustees shall severally hold office during the term for which they shall have been elected as trustees of such union high school district.

One third vote against. SEC. 8. If one third of the votes cast shall be against a library district, the board of supervisors shall, by order, so declare; no other proceedings shall be taken in relation thereto until the expiration of one year from the date of presentation of the petition.

Record on minutes of supervisors. SEC. 9. The fact of the presentation of the petition, and the order establishing the library district shall be entered in the minutes of the board of supervisors and shall be conclusive evidence of the due presentation of a proper petition, and that each of the petitioners was, at the time of signature and presentation of the petition, a taxpayer and resident of the proposed district, and of the fact and regularity of all prior proceedings of every kind and nature provided for by this act, and of the existence and validity of the district.

Library trustees, meetings, etc. SEC. 10. Boards of library trustees shall meet at least once a month, at such time and place as they may fix by resolution. Special meetings may be called at any time by two trustees, by written notices served upon each member at least twelve hours before the time specified for the meeting. Three members shall constitute a quorum for the transaction of business. At its first meeting held after the first day of July the board shall organize by electing one of its number president, and another one of its number secretary, they shall serve as such for one year or until their successors are elected and qualified. Such board shall cause a proper record of its proceedings to be kept, and at the first meeting of the board of trustees of any library

formed under the provisions of this act, it must immediately cause to be made out and filed with the state librarian at Sacramento a certificate showing that such library has been established, with the date thereof, the names of the trustees, and the officers of the board chosen for the current fiscal year.

SEC. 11. The board of library trustees, as herein provided Powers. for, and their successors, shall be authorized and they are hereby empowered, and it shall be their duty:

First—To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the libraries under their management, and all property belonging thereto.

Second—To administer any trust declared or created for such libraries, and receive by gift, devise, or bequest, and hold in trust or otherwise, property situated in this state or elsewhere, and where not otherwise provided, dispose of the same for the benefit of such libraries.

Third—To prescribe the duties and powers of the librarian, secretary, and other officers and employees of any such libraries; to determine the number of and appoint all such officers and employees, and fix their compensation, which said officers and employees shall hold their offices and positions at the pleasure of said boards.

Fourth—To purchase necessary books, journals, publications and other personal property.

Fifth—To purchase such real property, and erect or rent and equip, such building or buildings, room or rooms, as in their judgment may be necessary to properly carry out the provisions of this act.

Sixth—To require the secretary of state and other state officials to furnish such libraries with copies of any and all reports, laws, and other publications of the state not otherwise disposed of by law.

Seventh—To borrow books from, lend books to and exchange the same with other libraries, and to allow non-residents to borrow books upon such conditions as the board may prescribe.

Eighth—To do and perform any and all other acts and things necessary or proper to carry out the provisions of this act.

Ninth—To file, through their secretary, on or before the last day in the month of July of each year, a report with the state librarian at Sacramento giving the condition of their library and the number of volumes contained therein on the thirtieth day of June preceding.

Tenth—To designate the hours during which the library shall be open for the use of the public; *provided, however,* that all public libraries established under the provisions of this act, shall be open for the use of the public at all reasonable times.

SEC. 12. In any library district formed under the provisions of this act, which is now maintaining a public library, or which shall have petitioned for and has been granted permission to establish, and intends to maintain, a public library in accordance with this act; it shall be the duty of the board

Yearly
estimate of
expenses.

of library trustees therein, to furnish to the board of supervisors of the county wherein said library district is situated, each and every year, on or before the first day of September; an estimate of the cost of leasing temporary quarters; purchasing a suitable lot; of procuring plans and specifications and erecting a suitable building; of furnishing and equipping the same, and of fencing and ornamenting the grounds, for the accommodation of the public library, and of conducting and maintaining the same for the ensuing fiscal year, or for any or all of said purposes; *provided, however*, that the board of library trustees, may when in its judgment it is deemed advisable, and upon the petition of fifty or more taxpayers residing within said library district; must, call an election and submit to the electors of the said library district whether the bonds of said library district shall be issued and sold for any or all of the purposes of this act.

Bond
election.

Tax levy.

SEC. 13. When such estimate shall have been submitted to the board of supervisors of any county in which a public library district has been established, the said board of supervisors, must, at the time of levying county taxes, levy a special tax upon all the taxable property within the limits of the said library district, sufficient in amount to maintain the said union high school library, or to purchase the site, erect and equip the building, improve the grounds or building, or for any or all of the purposes of this act. The taxes so levied shall be computed, entered upon the tax roll, and collected in the same manner as other taxes are computed, entered and collected.

Library
fund.

SEC. 14. The revenue derived from said tax, together with all money acquired by gift, devise, bequest, or otherwise, for the purposes of the library, shall be paid into the county treasury to the credit of the library fund of the district wherein said tax was collected, subject only to the order of the library trustees of said district. If such payment into the treasury should be inconsistent with the terms of conditions of any such gift, devise, or bequest, the board of library trustees shall provide for the safety and preservation of the same, and the application thereof to the use of the library, in accordance with the terms and conditions of such gift, devise or bequest.

Library
free to in-
habitants.

SEC. 15. Every union high school library established under the provisions of this act shall be forever free to the inhabitants and non-resident taxpayers of the library district, subject always to such rules, regulations, and by-laws as may be made by the board of library trustees; *also provided*, that for violations of the same a person may be fined or excluded from the privileges of the library.

Contracts
with neigh-
boring
districts.

SEC. 16. Boards of library trustees and the boards of trustees of neighboring library districts, or the legislative bodies of neighboring municipalities, or boards of supervisors of the counties in which public libraries are situated, may contract to lend the books of such libraries to residents of such counties or neighboring municipalities, or library districts; upon a reasonable compensation to be paid by such counties, neighboring municipalities, or library districts.

SEC. 17. The title to all property acquired for the purposes of such libraries, when not inconsistent with the terms of its acquisition, or not otherwise designated, shall vest in the district in which such libraries are, or are to be situated. Every library district must be designated by the name and style of library district, (using the name of the district), of county, (using the name of the county in which said district is situated); and in that name the trustees may sue and be sued, and may hold and convey property for the use and benefit of such district. A number must not be issued as a part of the designation of any library district.

Title to
property.Name of
district.

SEC. 18. The board of trustees of any library district may, when in their judgment it is deemed advisable, and must, upon a petition of fifty or more taxpayers and residents of said library district, call an election and submit to the electors of the district, whether the bonds of such district shall be issued and sold for the purpose of raising money for the purchase of suitable lots, of procuring plans and specifications and of erecting a suitable building, of furnishing and equipping the same, and of fencing and ornamenting the grounds, for the accommodation of the union high school library, or for any or all of the said purposes, or for any or all of the purposes of this act; for liquidating any indebtedness incurred for said purposes, and for refunding any outstanding valid indebtedness, evidenced by bonds or warrants of the district.

Bond
election.

SEC. 19. Voting must be by ballot (without reference to the general election law in regard to form of ballot, or manner of voting), except that the words to appear on the ballot shall be "Bonds—Yes," and "Bonds—No," and except further, that persons voting at such bond election shall put a cross (X) upon their ballots with pencil or ink, after the words, "Bonds—Yes," or "Bonds—No," (as the case may be) to indicate whether they have voted for or against the issuance of the bonds; which said ballot shall be handed by the elector voting to the inspector, who shall then, in his presence, deposit the same in the ballot box, and the judges shall enter the elector's name on the poll list. The polls must be open during said election from eight A. M. to five P. M.

Ballot and
voting.

SEC. 20. On the seventh day after said election, at eight o'clock P. M., the returns having been made to the board of trustees, the board must meet and canvass said returns, and if it appears that a two-thirds of the votes cast at said election was in favor of issuing such bonds, then the board shall cause an entry of such fact to be made upon its minutes and shall certify to the board of supervisors of the county, all the proceedings had in the premises, and thereupon said board of supervisors shall be and they are hereby authorized and directed to issue the bonds of said district, to the number and amount provided in such proceedings, payable out of the building fund of such district, naming the same, and that the money shall be raised by taxation upon the taxable property in said district, for the redemption of said bonds and the payment of the interest

Canvass
of votes.

Maximum
bonds.

thereon; *provided*, that the total amount of bonds so issued shall not exceed five per cent of the taxable property of said district, as shown by the last equalized assessment book of the county.

Bonds,
form, in-
terest, etc.

SEC. 21. The board of supervisors by an order entered upon its minutes shall prescribe the form of said bonds and of the interest coupons attached thereto, and must fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than forty years from the date thereof.

Maximum
interest.

SEC. 22. Said bonds must not bear a greater amount of interest than six per cent, said interest to be payable annually or semi-annually; and said bonds must be sold in the manner prescribed by the board of supervisors, but for not less than par. and the proceeds of the sale thereof must be deposited in the county treasury to the credit of the building fund of said library district, and be drawn out for the purposes aforesaid as other library moneys are drawn out.

Tax levy
for
interest,
etc., on
bonds.

SEC. 23. The board of supervisors, at the time of making the levy of taxes for county purposes, must levy a tax for that year upon the taxable property in such district, at the equalized assessed value thereof for that year, for the interest and redemption of said bonds, and such tax must not be less than sufficient to pay the interest of said bonds for that year, and such portion of the principal as is to become due during such year, and in any event must be high enough to raise, annually, for the first half of the term said bonds have to run, a sufficient sum to pay the interest thereon; and, during the balance of the term, high enough to pay such annual interest, and to pay, annually, a proportion of the principal of said bonds equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run, and all moneys so levied, when collected, shall be paid into the county treasury to the credit of the said library district, and be used for the payment of principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer, upon the warrant of the county auditor, out of the fund provided therefor; and it shall be the duty of the county auditor to cancel and file with the county treasurer the bonds and coupons as rapidly as they are paid.

Unsold
bonds.

SEC. 24. Whenever any bonds issued under the provisions of this act shall remain unsold for the period of six months after having been offered for sale in the manner prescribed by the board of supervisors; the board of trustees of the library district for or on account of which said bonds were issued; or of any library district composed wholly or partly of territory which, at the time of holding the election authorizing the issuance of such bonds, was embraced within the district for or on account of which such bonds were issued; may petition the board of supervisors to cause such unsold bonds to be

withdrawn from market and canceled. Upon receiving such petition, signed by a majority of the members of said board of trustees, the supervisors shall fix a time for hearing the same, which shall be not more than thirty days thereafter, and shall cause a notice, stating the time and place of hearing, and the object of the petition in general terms, to be published for ten days prior to the day of hearing, in some newspaper published in said library district, if there is one, and if there is no newspaper published in said library district, then in a newspaper published at the county seat of the county in which said library district or part thereof is situated. At the time and place designated in the notice for hearing said petition, or at any subsequent time to which said hearing may be postponed, the supervisors shall hear any reasons that may be submitted for or against the granting of the petition, and if they shall deem it for the best interests of the library district named in the petition that such unsold bonds be canceled, they shall make and enter an order in the minutes of their proceedings that said unsold bonds be canceled, and thereupon said bonds, and the vote by which they were authorized to be issued, shall cease to be of any validity whatever.

SEC. 25. The district may at any time be dissolved upon the vote of two thirds of the qualified electors thereof, upon an election called by the library trustees of such district, upon the question of dissolution. Such election shall be called and conducted in the same manner as other elections of the district. Upon such dissolution, the property of the district shall vest in any union high school district in which said library is situated; *provided, however,* that if, at the time of such election to dissolve such district, there be any outstanding bonded indebtedness of such district, the vote to dissolve such district shall dissolve the same for all purposes excepting only the levy and collection of taxes for the payment of such indebtedness; and from the time such district is thus dissolved until such bonded indebtedness, with the interest thereon, is fully paid, satisfied and discharged, and the board of supervisors is hereby constituted ex officio the library board of such district. And it is hereby made obligatory upon such board to levy such taxes and perform such other acts as may be necessary in order to raise money for the payment of such indebtedness and the interest thereon, as herein provided.

Dissolu-
tion of
district.

SEC. 26. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

SEC. 27. Where the words "trustees" or "library trustees" appear in this act the same shall be construed to mean the regularly elected union high school trustees, and where the words "library," "library district," or "library districts" appear in this act, the same shall be construed to mean "union high school library districts."

Defini-
tions.

SEC. 28. This act shall take effect immediately.

[Became a law, under constitutional provision, without Governor's approval, March 24, 1911.]

CHAPTER 280.

An act concerning tunnels, tubes and subways under navigable streams and bodies of water in the State of California.

[Approved March 23, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Construction of tunnels under navigable streams.

SECTION 1. Whenever, in the judgment of the board of supervisors of any county, it shall be deemed advisable in the interests of commerce, or for the benefit of the residents of said county, or for the purpose of expediting travel between points on opposite sides of any navigable stream or body of water, to build and construct tubes, tunnels or subways under such navigable streams or bodies of water for the public use, at such point or place under said navigable stream or body of water as shall be determined upon by the said board of supervisors, the said board of supervisors must call an election and submit to the electors of said county the question whether bonds of said county shall be issued and sold for the purpose of building and constructing said tube, tunnel or subway. The order calling such election shall be valid and effectual when signed by two thirds of said board of supervisors, and said election shall be held and said bonds issued, in accordance with the terms and provisions of title II, part IV, of the Political Code of the State of California.

Expenses of ascertaining cost of tunnel.

SEC. 2. The board of supervisors of any county in this state may, for the purpose of ascertaining the probable cost of any proposed tube, tunnel or subway, expend out of the general fund of said county not otherwise appropriated, a sum not exceeding thirty-five hundred dollars; *provided*, that when any such proposed tube, tunnel or subway shall reach partly in one county and partly in another, said counties shall equally divide the expenditure necessary to ascertain the probable cost of any such proposed tube, tunnel or subway, not exceeding in the aggregate the sum of thirty-five hundred dollars.

Division of cost between counties joined by tunnel.

SEC. 3. Whenever any such tube, tunnel or subway is proposed to be built or constructed under navigable streams or waterways forming the dividing line between counties, the boards of supervisors of each of the counties into which any of such tubes, tunnels or subways will reach shall first agree as to what portions of the cost of such tubes, tunnels or subways shall be paid by each of said counties, and thereafter the boards of supervisors of each of such counties shall have power to take such proceedings as they may deem proper under section 1 of this act: *provided, however*, that no such tube, tunnel or subway shall be built or constructed under navigable streams or waterways forming the dividing line between counties, unless all the counties into which such

tubes, tunnels or subways reach shall first authorize that such work be done and bonds therefor issued in the manner provided in section 1 of this act.

SEC. 4. Whenever any such tube, tunnel or subway, or any part thereof, shall reach within the limits of any incorporated town, or city, or city and county, and the governing body of each of such incorporated towns, or cities, or cities and counties, and the board of supervisors of the county in which such incorporated towns, or cities, are situated shall first so agree, the board of supervisors shall have the power to call an election and submit to the electors of said county the question whether bonds of said county shall be issued and sold for the purpose of building and constructing such tube, tunnel or subway in the manner prescribed in section 1 of this act: *provided, however,* that in the event of such bonds being authorized and sold, the construction of such tubes, tunnels or subways shall be under the direction and control of a commission which is hereby created, consisting of the chairman of said board of supervisors and the mayor of each of such incorporated towns, cities, or cities and counties, within the limits of which such tube, tunnel or subway, or any part thereof, shall reach.

When tunnel reaches within limits of city.

SEC. 5. This act shall take effect immediately.

CHAPTER 281.

An act to provide for the erection and equipment of one power plant, including gas and electric machinery, at the Southern California State Hospital, and making an appropriation therefor.

[Approved March 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of forty-three thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be expended as follows: For the erection of one power plant on the lands of the Southern California State Hospital at Patton, and to equip the same with all necessary machinery and fixtures, including gas and electric machinery.

Appropriation:
power
plant,
Southern
California
State
Hospital.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for the amount herein, made payable, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same. Of the total amount hereby appropriated thirty thousand dollars shall be available July 1, 1911, and thirteen thousand dollars July 1, 1912.

CHAPTER 282.

An act to add a new section to the Code of Civil Procedure to be numbered one thousand four hundred and ninety-one a, relating to filing a copy of printed notice to creditors.

[Approved March 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be known and numbered as 1491a. and to read as follows:

Filing copy of printed notice to creditors.

1491a. Within thirty days after the first publication of notice to creditors, the executor or administrator must file or cause to be filed in the court a printed copy of said notice to creditors accompanied by a statement setting forth the date of the first publication thereof and the name of the newspaper in which the same is printed.

CHAPTER 283.

An act to amend an act entitled "An act to amend an act entitled 'An act to provide for the classification of municipal corporations,' approved March 2, 1883, as amended by an act which became a law under constitutional provision without governor's approval, March 5, 1901," approved February 8, 1911, relating to the classifications of municipal corporations.

[Approved March 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1 of an act entitled "An act to provide for the classification of municipal corporations," "approved March 2, 1883, as amended by an act which became a law under constitutional provision without the governor's approval, March 5, 1901," is hereby amended to read as follows:

Classification of municipal corporations.

Section 1. All municipal corporations within the state are hereby classified as follows: Those having a population of more than 400,000 shall constitute the first class; those having a population of more than 250,000 and not exceeding 400,000 shall constitute the first and one-half class; those having a population of more than 100,000, and not exceeding 250,000 shall constitute the second class; those having a population of more than 35,000 and not exceeding 100,000 shall constitute the second and one-half class; those having a population of more than 23,000 and not exceeding 35,000 shall constitute the third class; those having a population of more than 20,000 and not exceeding 23,000 shall constitute the

fourth class; those having a population of more than 6,000 and not exceeding 20,000 shall constitute the fifth class; those having a population of not exceeding 6,000 shall constitute the sixth class; *provided*, that nothing herein shall change the classification of existing cities organized under the municipal corporation act.

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

CHAPTER 284.

An act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

[Approved March 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of twelve thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be expended as follows: Six thousand dollars for furnishing and equipping one group of cottages for male patients at said hospital. Six thousand dollars for furnishing and equipping one group of cottages for female patients at said hospital.

Appropriation: furnishing Southern California State Hospital.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same. Of the total amount hereby appropriated six thousand dollars shall be available July 1, 1911, and six thousand dollars July 1, 1912.

CHAPTER 285.

An act to amend section 1198 of the Political Code of the State of California, relating to the printing and binding of ballots.

[Approved March 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1198 of the Political Code of the State of California is hereby amended to read as follows:

1198. All ballots, when printed, shall be bound in stub books, each book to consist of fifteen, or some multiple of fifteen, ballots. A record of the number of ballots printed by them shall be kept by the respective county clerks, and by the clerk or secretary of the legislative body of each incorporated city or town.

Printing and binding of ballot.

CHAPTER 286.

An act giving and granting to the board of park commissioners of the city of San Diego the right to use and the right to authorize the use of Balboa Park in said city for exposition purposes.

[Approved March 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Use of San Diego park for exposition.

SECTION 1. The board of park commissioners of the city of San Diego, California, is hereby authorized and empowered to use, or authorize any exposition company to use, any part or portion of the lands set aside as a public park by resolution of the board of trustees of the city of San Diego and approved and ratified by an act of the legislature of the State of California, approved February 4, 1870, for the purpose of giving an exposition in the year 1915 to celebrate the completion of the Panama canal.

Powers of park commissioners.

SEC. 2. The board of park commissioners of the city of San Diego is hereby authorized and empowered to enclose any part or portion of said park which may be set aside for the use herein set forth and charge an entrance or admission fee to said exposition, and may sell, give, or graut, to any person or persons, association or associations, corporation or corporations, such rights, privileges and concessions as are usually granted by expositions, or such rights, privileges, and concessions as may be expedient or necessary to the success of said exposition, and said city may charge and collect compensation therefor. The power and authority conferred by this act on the said board of park commissioners of the city of San Diego may be by said city delegated to any exposition company or corporation now or hereafter organized for the purpose of promoting, financing, or giving said exposition.

Applies only to Balboa Park.

SEC. 3. This act shall not apply to any park lands owned by the city of San Diego other than Pueblo lots 1129, 1130, 1131, 1135, 1136, 1137, 1142, and a portion of Pueblo lot 1144, according to the official survey of the city of San Diego by Charles H. Poole, made in 1856, which pueblo lots are now and shall hereafter be known and designated as Balboa Park.

CHAPTER 287.

An act to amend an act entitled "An act to amend an act entitled 'An act to provide for the burial of ex-union soldiers, sailors and marines in this state who may hereafter die without leaving sufficient means to defray burial expenses,' approved March 15, 1889, and to extend the operation of said act to all honorably discharged soldiers, sailors and marines who served in the army and navy of the United States," approved March 23, 1901, by extending the operation of said act to widows of all such honorably discharged soldiers, sailors and marines who served in the army or navy of the United States.

[Approved March 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. An act entitled "An act to amend an act entitled 'An act to provide for the burial of ex-union soldiers, sailors and marines in this state who may hereafter die without leaving sufficient means to defray burial expenses,' approved March 15, 1889, and to extend the operation of said act to all honorably discharged soldiers, sailors and marines who served in the army and navy of the United States," approved March 23, 1901, is hereby amended to read as follows:

Section 1. It shall be the duty of the board of supervisors of each county in this state to designate a proper person in the county, whose duty it shall be to cause to be decently interred the body of any honorably discharged soldier, sailor or marine who shall have served in the army or navy of the United States, or the widow of any such honorably discharged soldier, sailor or marine, who may hereafter die without having sufficient means to defray funeral expenses. Such burial shall not be made in any cemetery or burial ground, or any portion of such cemetery or burial ground, used exclusively for the burial of the pauper dead. The expenses of each burial shall not exceed the sum of seventy-five dollars (\$75).

Section 2. The expenses of such burial shall be paid by the county in which said soldier, sailor or marine, or the widow of any such honorably discharged soldier, sailor or marine, dies; but if such deceased person has a residence in any other county in this state than the one paying the expenses, the county wherein said soldier, sailor or marine, or the widow of such soldier, sailor or marine shall have resided, shall refund the money advanced by the county where such person died. Expenses of such burial shall be audited and paid as other accounts are audited and paid by the county; *provided*, that this act shall not apply to such soldiers, sailors

Soldiers,
sailors and
marines
may be
buried at
county
expense.

A county
charge.

or marines who may hereafter die in the national or state soldiers' home in this state.

Duty of
person
appointed.

Section 3. It shall be the duty of the person appointed, as provided in section one of this act, before he assumes the charge and expenses of any such burial, to first satisfy himself, by a careful inquiry into and examination of all the circumstances in the case, that the family of such deceased soldier, sailor or marine, if said person had any at the time of his decease residing in such county, is unable for want of means to defray the expenses of such burial or funeral; and if he finds such inability to exist he shall cause such deceased soldier, sailor or marine, or the widow of such soldier, sailor or marine, to be buried as provided in this act, and he shall immediately report his action to the clerk of the board of supervisors of the county, stating forthwith, all the facts, and that he found the family of such deceased person, if he had any, in indigent circumstances, and unable to pay the expenses of such funeral or burial, together with the name, rank, and command to which he belonged as such soldier, sailor or marine, the date of his death, place where buried, and his occupation while living, and also an itemized statement of the expenses incurred by reason of such burial.

Clerk of
super-
visors to
keep
record,
etc.

Section 4. It shall be the duty of the clerk of the board of supervisors, upon receiving the report and statement of expenses provided for in this act, to transcribe in a book kept for that purpose, all the facts contained in such report respecting such deceased soldier, sailor or marine, or the widow of such soldier, sailor or marine. It shall also be the duty of said clerk, upon the death and burial of any such soldier, sailor or marine, to make application to the proper authorities under the government of the United States, for a suitable headstone, as provided by act of congress, and to cause the same to be placed at the head of such soldier, sailor or marine's grave, the expenses of which shall not exceed the sum of five dollars (\$5) for cartage and properly setting each stone. The expenses thus incurred shall be audited and paid as provided in section two of this act for burial expenses.

to receive
no com-
pensation.

Section 5. The person appointed as provided in section one of this act shall not receive any compensation for any duties he may perform in compliance with this act.

CHAPTER 288.

An act to amend section 308 of the Penal Code of the State of California relating to the sale or furnishing of tobacco or preparation of tobacco to persons under eighteen years of age.

[Approved March 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section three hundred and eight of the Penal Code is hereby amended so as to read as follows:

308. Every person, firm or corporation which sells or gives or in any way furnishes to another person who is in fact under the age of eighteen years any tobacco, cigarette or cigarette papers or any other preparation of tobacco is guilty of a misdemeanor, and upon conviction thereof shall be punished for the first offense by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment for not more than sixty days; and for the second offense by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment for not more than ninety days; and for each subsequent offense by a fine of not less than one hundred dollars and not more than three hundred dollars, or by imprisonment for not less than ninety days nor more than six months, or by both such fine and imprisonment.

Selling tobacco to minors.

Every person, firm or corporation which sells, or deals in tobacco or any preparation thereof, shall, within ninety days after this act becomes effective, post conspicuously and keep so posted in his or their place of business a copy of this act, and any such person failing to do so shall upon conviction be punished by a fine of five dollars for the first offense and twenty-five dollars for each succeeding violation of this provision, or by imprisonment for not more than thirty days.

Dealers to post copy of act.

The secretary of state is hereby authorized to have printed sufficient copies of this act to enable him to furnish dealers in tobacco with copies thereof upon their request for the same.

Secretary of state to furnish.

CHAPTER 289.

An act to amend sections one, three and seven of an act entitled "An act to authorize the deposit of state moneys in banks in this state, and to repeal all acts and parts of acts in conflict with this act," approved February 28, 1907.

[Approved March 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of an act entitled "An act to authorize the deposit of state moneys in banks in this state, and to repeal all acts and parts of acts in conflict with this act," approved February 28, 1907, is hereby amended so as to read as follows:

Money of state may be deposited in approved banks.

Section 1. All moneys under the control of the state treasurer, belonging to the state, may be deposited by the state treasurer to the credit of the state in such state or national bank, or banks, in the state as the treasurer, with the approval of the governor and state controller, shall select for the safe-keeping of such deposits, and any sum so deposited shall be deemed to be in the state treasury; *provided*, that the bank or banks in which such money is deposited shall furnish security as hereinafter provided; *and provided, further*, that such depositary bank or banks be selected from those agreeing to pay the highest rate of interest, not less than two per cent per annum, for such deposits, as may be determined by bids to be submitted at such times and in such manner as the treasurer, with the approval of the governor and the state controller, shall direct; *provided*, that not more than one tenth of the aggregate amount of state moneys available for deposit and on deposit shall be deposited in any one bank; *and provided, further*, that such deposit shall not exceed fifty per cent of the paid-up capital, exclusive of reserve and surplus, of any depositary bank. Any and all bids may be rejected by the treasurer, with the approval of the governor and state controller, and new bids asked for. The expense of transportation of moneys to and from the state treasury to such depositaries shall be borne by such depositaries. Said deposits, with interest thereon, shall be subject to withdrawal at any time upon the demand of the state treasurer, unless the treasurer, with the consent of the governor and controller, shall deposit any part of such moneys upon different terms; *provided*, that no agreement for the deposit of said money shall be for a longer period than one year.

SEC. 2. Section three of an act entitled "An act to authorize the deposit of state moneys in banks in this state, and to repeal all acts and parts of acts in conflict with this act," approved February 28, 1907, is hereby amended so as to read as follows:

Section 3. For the security of the funds deposited by the state treasurer under the provisions of this act, there shall be deposited with the treasurer bonds of the United States, or of this state, or of any county, municipality or school district within this state, which bonds shall be approved by the governor, controller and treasurer, to an amount in value at least ten per cent in excess of the amount of the deposit with such bank or banks; and if, in any case, or at any time, such bonds are not deemed satisfactory security to the governor, controller and treasurer, they may require such additional security as may be satisfactory to them. Said bonds, or any part thereof, may be withdrawn on the written consent of the governor, controller and treasurer; *provided*, that a sufficient amount of said bonds to secure said deposits shall always be kept in the treasury; and in the event that said bank or banks of deposit shall fail to pay such deposits or any part thereof on the demand of the state treasurer, then it shall be the duty of the state treasurer to forthwith convert said bonds into money and to disburse the same according to law.

Security of funds deposited in banks.

SEC. 3. Section seven of an act entitled "An act to authorize the deposit of state moneys in banks in this state, and to repeal all acts and parts of acts in conflict with this act," approved February 28, 1907, is hereby amended so as to read as follows:

Section 7. At the time of depositing state moneys in any bank, designated as a depository, the state treasurer shall take and preserve a receipt therefor, stating the amount deposited and referring to the contract made between the depository banks and the treasurer. The moneys so deposited may be drawn out by the check or order of the state treasurer.

Receipt for money deposited.

SEC. 4. This act shall take effect and be in force from and after June 30, 1911.

CHAPTER 290.

An act to amend section four hundred fifty-six of the Political Code, relating to the office of the treasurer of state, his deputy and assistants and the salaries of the deputy and assistants.

[Approved March 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four hundred fifty-six of the Political Code is hereby amended so as to read as follows:

456. The state treasurer may appoint one deputy state treasurer, one cashier, one bond officer, two bookkeepers and one stenographer, all of whom shall be civil executive officers. The annual salary of the deputy state treasurer is three thousand two hundred dollars; of the cashier, two thousand five hundred

State treasurer's deputy and assistants.

dollars; of the bond officer, two thousand five hundred dollars; of the bookkeepers, two thousand two hundred dollars each, and of the stenographer, one thousand two hundred dollars. All such salaries shall be paid in the same manner and at the same time as the salaries of other state officers.

SEC. 2. This act shall take effect from and after its passage.

CHAPTER 291.

An act requiring the transfer of funds from the general fund of the state treasury to the interest and sinking fund and to other funds to pay interest and principal of state bonds, and interest on diverted funds of the University of California.

[Approved March 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Transfer
of funds
to pay
interest
on state
bonds.

SECTION 1. Whenever and as often as there is about to become due and payable any interest on state bonds, or any part of the principal of said bonds or any interest on diverted funds of the University of California, referred to in chapter LXV, statutes of 1893, and chapter LXXVII, statutes of 1899, and there is not sufficient money in the interest and sinking fund, or any other special fund established by law for the purpose to pay the interest or principal so becoming due, the state controller and the state treasurer shall proceed to transfer from the general fund of the state treasury to the interest and sinking fund, or to any other fund provided by law for such purpose, sufficient money to meet said debt obligations.

CHAPTER 292.

An act to amend section 1111 of the Penal Code, relating to conviction upon the testimony of an accomplice.

[Approved March 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1111 of the Penal Code is hereby amended to read as follows:

Convic-
tion upon
testimony
of an ac-
complice.

1111. A conviction can not be had upon the testimony of an accomplice, unless he be corroborated by such other evidence as shall tend to connect the defendant with the commission of the offense; and the corroboration is not sufficient if it merely shows the commission of the offense or the circumstances thereof.

CHAPTER 293.

In act to add a new section to the Penal Code to be numbered section 1324, relating to the testimony of witness refusing to answer on the ground that such answer will incriminate himself.

[Approved March 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The Penal Code is hereby amended by the addition of a new section numbered 1324, to read as follows:

1324. A person hereafter offending against any of the provisions of this code, or against any law of this state, is a competent witness against any other person so offending, and may be compelled to attend and testify and produce any books, papers, contracts, agreements or documents upon any trial, hearing, proceeding or lawful investigation or judicial proceeding, in the same manner as any other person. If such person demands that he be excused from testifying or from producing such books, papers, contracts, agreements or documents on the ground that his testimony or that the production of such books, papers, contracts, agreements or documents may incriminate himself, he shall not be excused, but in that case the testimony so given and the books, papers, contracts, agreements and documents so produced shall not be used in any criminal prosecution or proceeding against the person so testifying, except for perjury in giving such testimony, and he shall not be liable thereafter to prosecution by indictment, information, or presentment, or to prosecution nor punishment for the offense with reference to which his testimony was given, or for or on account of any transaction, matter or thing concerning which he may have testified or produced evidence, documentary or otherwise.

Witness not to be prosecuted upon testimony of himself.

No such person shall be exempt from indictment, presentment by information, prosecution or punishment for the offense with reference to which he may have testified as aforesaid, or for or on account of any transaction, matter or thing concerning which he may have testified as aforesaid, or produced evidence, documentary or otherwise, where such person so testifying or so producing evidence, documentary or otherwise, does so voluntarily, or when such person so testifying or so producing evidence fails to ask to be excused from testifying or so producing evidence, on the ground that his testimony or such evidence, documentary or otherwise, may incriminate himself; but in all such cases, the testimony or evidence, documentary or otherwise, so given may be used in any criminal prosecution or proceeding against the person so testifying or producing such evidence, documentary or otherwise.

Person not exempt if testimony is voluntary.

Any person shall be deemed to have asked to be excused from testifying or producing evidence, documentary or otherwise,

Person
deemed
to have
asked to
be ex-
cused
unless
section
is read.

under this section, unless before any testimony is given or evidence, documentary or otherwise, is produced by such a witness, the judge, foreman or other person presiding at such trial, hearing, proceeding or investigation, shall distinctly read this section of this code to such witness, and the form of the objection by the witness shall be immaterial, if he in substance makes objection that his testimony or the production of such evidence, documentary or otherwise, may incriminate himself, and he shall not be obliged to object to each question, but one objection shall be sufficient to protect such witness from prosecution for any offense concerning which he may testify, or for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, upon such trial, hearing, proceeding or investigation.

CHAPTER 294.

An act to amend section one of an act entitled, "An act amending an act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885," approved March 16, 1889, and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the "revolving fund" provided for in said act.

[Approved March 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of an act entitled, "An act amending an act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885," (approved March 16, 1889), is hereby amended so as to read as follows:

Appropriation,
revolving
fund, San
Quentin.

Section 1. The sum of two hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to provide and maintain a permanent revolving fund for the purchase of jute for the state prison. All moneys taken therefrom to be used exclusively in payment for jute to be used in manufacturing in said state prison; and so much of the money received from the sale of any goods manufactured from said jute shall be returned to the said revolving fund, so that the fund shall contain two hundred thousand dollars before any of the proceeds from the sale of said manufactured goods are used for any other purpose than the purchase of jute. Whenever said "revolving fund"

shall be replenished and there shall be a surplus or balance over the amount appropriated, such surplus or balance shall be paid, not less frequently than semi-annually, into the state treasury to the credit of the fund to be known as "the prison fund of San Quentin prison" (which "fund" is hereby created), for the use and support of San Quentin prison and of the trades and industries conducted therein.

SEC. 2. This act shall take effect immediately.

CHAPTER 295.

An act to amend section 607c of the Civil Code of the State of California, relating to fines imposed in penal actions affecting children or animals.

[Approved March 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 607c of the Civil Code of the State of California is hereby amended to read as follows:

607c. All fines, penalties and forfeitures imposed and collected in any city or county, or city and county, of this state under the provisions of any law of this state, now or hereafter enacted, relating to or affecting children or animals, in every case where the prosecution was instituted, aided, or conducted by any corporation or society now or hereafter existing, incorporated or organized for the prevention of cruelty to animals or children must, except where otherwise provided, inure to such corporation or society in aid of the purposes for which it was incorporated or organized. In addition to said fines, penalties and forfeiture, every such society incorporated and organized for the prevention of cruelty to animals, or for the prevention of cruelty to children, may, in each city, or city and county or county where such society exists, while actively engaged in enforcing the provisions of the laws of this state, now or hereafter enacted, for the prevention of cruelty to animals or children, or arresting or prosecuting offenders thereunder, or preventing cruelty to animals or children, be paid, as compensation therefor, from the city or county or city and county general fund by the board of supervisors or other governing bodies, a sum not exceeding one hundred and fifty dollars per month in the same manner as other claims against said city or county, or city and county, are paid.

Fines imposed in penal actions affecting children to go to society.

CHAPTER 296.

An act to amend an act entitled "An act to regulate the sale of commercial fertilizers or materials used for manurial purposes and to provide penallies for the infraction thereof, and means for the enforcement of the act," approved March 20, 1903.

[Approved March 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2 of an act entitled "An act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the act," approved March 20, 1903, is hereby amended so as to read as follows:

Fertilizer
to be
plainly
labeled.

Section 2. No person shall sell, offer or expose for sale in this state any pulverized leather, hair, ground hoofs, horns or wool waste, raw, steamed, roasted, or in any form, street sweepings, or the dung or urine of any domestic animal, mixed with, or in combination with, water artificially added thereto, or with any sand, soil or other material not commonly used for bedding domestic animals, as a fertilizer or as an ingredient for fertilizer or manure without an explicit statement of the fact in printing or writing conspicuously placed thereon and affixed to every package, container, car or vehicle in which the same shall be transported or delivered to any purchaser thereof, said statement to go with every lot, parcel or package of the same.

CHAPTER 297.

An act to provide permanent headquarters in the capitol building for the Grand Army of the Republic, to designate the purposes for which the same shall be used.

[Approved March 25, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Quarters
for
G. A. R.

SECTION 1. There shall be set apart a suitable furnished room at the capitol in Sacramento, to be known as headquarters' room of the Grand Army of the Republic. Said room shall be under the charge of the commander of the Grand Army of the Republic for the department of California, to be used as headquarters, and for the care and storage of books and papers relating to the Grand Army of the Republic.

SEC. 2. This act shall take effect from and after its passage.

CHAPTER 298.

An act to amend section sixty-nine of an act entitled "An act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895.

[Approved March 25, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section sixty-nine of an act entitled "An act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March twenty-sixth, eighteen hundred and ninety-five, is hereby amended to read as follows:

Section 69. When an attachment has been made and is not dissolved before the commencement of proceedings in insolvency, or is dissolved by an undertaking given by the defendant, if the claim upon which the attachment suit was commenced is proved against the estate of the debtor, the plaintiff may prove the legal costs and disbursements of the suit, and of the keeping of the property, and if the levying of said attachment and the putting of the sheriff's keeper in charge has had the effect of preserving intact the assets of said insolvent, and the general creditors have been benefited thereby, the amount of costs allowed shall be a preferred debt. In all contested matters in insolvency the court may, in its discretion, award costs to either party, to be paid by the other, or to either or both parties, to be paid out of the estate, as justice and equity may require; and in awarding costs the court may issue execution therefor. In all involuntary cases under this act, the court shall allow the petitioning creditors, out of the estate of the debtor, if any adjudication of insolvency be made, as a preferred claim, all legal costs and disbursements incurred by them in that behalf.

Attach-
ment.

Costs a
preferred
debt.

Award
of costs.

CHAPTER 299.

An act to amend sections 2322, 2322b, 2322c, 2322d and 2322e of the Political Code of the State of California, said sections relating to orchards, trees, vines or plants of any variety infested with diseases or scale insects of any kind injurious to fruit, fruit trees, vines or other plants or vegetables, or noxious weeds and to the eradication of insect pests and diseases, and to the appointment and removal of a county horticultural commissioner in the several counties of the state, prescribing his duties and powers and fixing his compensation and term of office, also providing for a state board of horticultural examiners, prescribing the duties of said board and providing for examinations to be taken by persons desiring to qualify for position as county horticultural commissioners; providing for the dividing of the several counties of the state into districts by the respective county horticultural commissioners and providing for the appointment of deputy commissioners, local inspectors and quarantine guardians, prescribing their duties and powers and fixing their compensation.

[Approved March 25, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2322 of the Political Code of the State of California is hereby amended so as to read as follows:

2322. Whenever a petition is presented to the board of supervisors of any county, or city and county, and signed by twenty-five or more persons, each of whom is a resident freeholder and possessor of an orchard, or greenhouse or nursery, stating that certain or all orchards, or nurseries or trees or plants of any variety are infested with any serious infectious diseases, or insects of any kind injurious to fruit, fruit trees, vines, or other plants or vegetables, or that there is growing therein the Russian thistle or saltwort (*Salsola kali* var. *tragus*), Johnson grass (*Sorghum halepense*), or other noxious weeds, codlin moth or other insects that are destructive to trees or plants, and praying that a commissioner be appointed by them, whose duties shall be to supervise the destruction of said insects, diseases or Russian thistle or saltwort, Johnson grass or other noxious weeds, as herein provided, the board of supervisors shall immediately notify the state board of horticultural examiners to furnish them a list of eligibles or competent persons, as hereinafter provided, and from such list the said supervisors shall appoint a commissioner in accordance with the provisions of this chapter, whose term of office shall be for four years and until his successor shall be appointed and qualified, and who shall give a bond in the sum

Petition
to super-
visors.

List of
eligibles.

of one thousand dollars for the faithful performance of his duties. The said term of office of any and all county commissioners heretofore or hereinafter appointed shall commence on the date of appointment, and be for a period of four years and until his successor shall be appointed and qualified, at the end of which period the said term shall terminate, and said term shall run with and be attached to said office. In any case where such petition has already been presented or submitted, or is on file at the time of the passage of this act, as the basis for the appointment of a board of horticultural commissioners under this chapter as heretofore existing, such petition shall continue in full force and effect and the board of supervisors of any county, or city and county, with which any such petition has been filed, or in which any board of horticultural commissioners has heretofore existed, must appoint a county horticultural commissioner. The person appointed to such position must be specially qualified for his duties and must be chosen and appointed by the board of supervisors from a list of eligible persons, recommended and nominated to said board as hereinafter provided, such appointment to be made within thirty days after receipt of said list by said board of supervisors; and the said board of supervisors shall provide a suitable office for the said commissioner, and all necessary expenses in the maintenance of said office shall be paid by said board of supervisors. A state board of horticultural examiners is hereby created, consisting of the dean of the agricultural college of the University of California, the state commissioner of horticulture and the superintendent of the state insectary, who are ex officio members of said board. They shall serve without pay, and said board shall provide convenient means for the examination of candidates for appointment as horticultural commissioner. While in the performance of their duties as members of said board they shall be allowed all their necessary expenses for traveling, printing, postage and other incidental matters to be paid out of any appropriations made for the support of the office of the state commissioner of horticulture. At least thirty days before the date of the examination of candidates for the said appointments the state board of horticultural examiners shall post or cause to be posted in three public places in said county notice of the time and place at which such examination will be held, setting forth the conditions and subjects of said examination. At the time and place stated and agreed upon such examination shall be held. Said examination shall be in writing and the board of horticultural examiners may appoint one of their own number, or some other reliable, competent person to conduct the holding of such examination in each county and forward the papers of each applicant to the board for consideration. Within twenty days after the examination is held said examiners shall certify to the board of supervisors of the county, or city and county for which the examination was had, the names of such persons examined as they deem competent and

Term of county commissioner.

Petitions already presented.

Commissioner to be qualified.

Office and expenses.

Board of horticultural examiners.

Expenses.

Notice of examinations.

List of competent

qualified for the office and from the list of names so certified the supervisors shall within thirty days after the receipt of said list of names appoint a horticultural commissioner. As far as possible the board of horticultural examiners shall consult the resident horticulturists of the county in determining the responsibility and moral qualifications of candidates for appointment as commissioners and whose names they certify to the boards of supervisors of the several counties. If no person or persons present themselves for examination before said board of horticultural examiners, or if after such examination no person is found qualified, the state board of horticultural examiners shall name five competent persons and certify them to the board of supervisors and from these names the board of supervisors shall within thirty days after the receipt thereof appoint a county horticultural commissioner, and in such event the commissioner so appointed shall hold office for the term of one year. In case of a vacancy in the office of horticultural commissioner, the vacancy shall be filled first from the list of eligibles certified to the board of supervisors under the provision of this chapter, and if there be no person named on the said list of eligible persons as in this section first above provided, then said vacancy shall be filled from the list of competent persons named as in this section last above provided, and if said vacancy shall be filled from the said list of eligibles the said person so appointed shall hold for the balance of the unexpired term, but if the said vacancy be filled from the said list of competent persons, the said person shall hold for the balance of the unexpired term, if the said unexpired term be not longer than one year; but if said unexpired term be longer than one year, then such person shall not by virtue of such appointment hold longer than one year from the date of his appointment. Whenever elsewhere in the laws of this state reference is made to a county board of horticultural commissioners such reference must be understood to mean or relate to the county horticultural commissioner herein provided for and said county board of horticultural commissioners and the members thereof shall cease to exist as such; *provided*, that all county boards of horticultural commissioners existing at the time of the passage of this act shall continue in office, with full power as heretofore existing until the election or appointment to succeed them, of a county horticultural commissioner under the provisions of this act. Upon the petition of twenty-five resident freeholders who are possessors of an orchard, greenhouse or nursery, the board of supervisors may remove said commissioner for neglect of duty or malfeasance in office after hearing of the petition. In case of such removal upon such hearing, the board shall immediately proceed to fill said office for the unexpired term as in cases of vacancy as hereinbefore provided.

SEC. 2. Section 2322b of the Political Code of the State of California is hereby amended so as to read as follows:

When no one qualifies.

Vacancy.

County board of horticultural commissioners superseded.

Removal of commissioner.

2322b. Said county horticultural commissioner shall have power to divide the county into districts, and to appoint a local inspector, to hold office at the pleasure of the commissioner, for each of said districts, and may, with the consent and approval of the board of supervisors, appoint a deputy horticultural commissioner from a list of qualified persons certified to the board of supervisors by the state board of horticultural examiners, such deputy to hold office at the pleasure of the commissioner. The state commissioner of horticulture may issue commissions as quarantine guardians to the county horticultural commissioner, the deputy and inspectors appointed by him. The said quarantine guardians, local inspectors, deputies or the said county horticultural commissioner, have full authority to enter into any orchard, nursery, place or places where trees or plants or fruit are kept and offered for sale or otherwise, or any house, store-room, salesroom, depot, or any other such place in their jurisdiction, to inspect the same, or any part thereof.

Powers
of com-
missioner.

Deputy.

Quarantine
guardians.

SEC. 3. Section 2322c of the Political Code of the State of California is hereby amended so as to read as follows:

2322c. It is the duty of the said county horticultural commissioner to keep a record of his official doings and to make a report to the state commissioner of horticulture on or before the first day of October of each year of the condition of the horticultural interests in their several districts, what is being done to eradicate insect pests, also as to disinfecting, and as to quarantine against insect pests and diseases, and as to the carrying out of all laws relative to the greatest good of the horticultural interests, and to furnish from time to time to the state commissioner of horticulture such other information as he may require. Said state commissioner of horticulture may publish such reports in bulletin form or may incorporate so much of the same in his annual report as may be of general interest. It is also made the duty of the county horticultural commissioner to advise himself with reference to all infectious diseases, scale insects or codlin moth or other pests injurious to fruit, plants, vegetables, trees or vines, and with their eggs or larvæ and all noxious weeds or grasses that may exist in his county or be likely to exist therein and for the purpose of so advising himself and of eradicating and preventing injury from such causes, and for the purpose of advising himself on the best and most efficacious methods of performing his duties and conducting his office he shall attend the annual meeting of the state association of county horticultural commissioners, and such other meetings as the state commissioner of horticulture shall require, and he shall be paid his per diem compensation and traveling expenses while so engaged.

Record
and report
of com-
missioner.Diseases,
scale insects,
etc.Annual
meeting.

SEC. 4. Section 2322d of the Political Code of the State of California is hereby amended so as to read as follows:

2322d. The salary of all inspectors working under the county horticultural commissioner is three dollars and fifty cents per day. The salary of the deputy shall be five dollars

Salary of
inspectors,
deputy
and com-
missioner.

per day when in the actual performance of his duties and the necessary traveling expenses. In the case of the commissioner himself his compensation shall be six dollars per day when actually engaged in the performance of his duties, and the necessary traveling expenses incurred in the discharge of his regular duties as prescribed in this chapter.

SEC. 5. Section 2322e of the Political Code of the State of California is hereby amended so as to read as follows:

Report
to super-
visors.

2322e. It is the duty of the county horticultural commissioner to keep a record of his official acts, and make a monthly report to the board of supervisors; and the board of supervisors may withhold warrants for salary of said commissioner, deputy and inspectors until such time as such report is made.

SEC. 6. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 7. This act shall take effect immediately.

CHAPTER 300.

An act to protect the lives and property of the patrons of all public hotels, lodging and rooming houses in the State of California.

[Approved March 25, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Exit signs
in lodging
houses.

SECTION 1. Every owner, manager, proprietor, lessee or other person having the management, charge or control of any public hotel, lodging or rooming house, is hereby required to put up in conspicuous places in the halls of such hotel, lodging or rooming house, exit and stairway signs and permanently maintain the same. Said signs shall be made and placed where they will definitely direct the patrons thereof to the exits and stairways, so as to enable them to escape from such building in case of fire or other accident.

Penalty
for
violation.

SEC. 2. Every owner, manager, proprietor, lessee or other person, having the management, charge or control of any such hotel, lodging or rooming house who shall violate any of the provisions of this act or who shall refuse or neglect to comply therewith shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by fine not to exceed one hundred dollars or by imprisonment not to exceed three months, or by both such fine and imprisonment.

CHAPTER 301.

An act to provide for the construction of an oil tank at the Veterans' Home of California, located at Yountville, Napa county, California, and making an appropriation therefor.

[Approved March 25, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the construction of an oil tank at the Veterans' Home of California, at Yountville, Napa county, California.

Appropriation: oil tank, Veterans' Home.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the person or persons authorized by law to receive the same, and the state treasurer is hereby authorized and directed to pay the same.

SEC. 3. This act shall take effect from and after the 1st day of July, 1911.

CHAPTER 302.

An act to appropriate five thousand dollars for the construction of a temporary building for the use of the state normal school at Los Angeles, and to purchase additional tools and equipment for the use of said state normal school.

[Approved March 25, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. That there is hereby appropriated, out of any money in the state treasury not otherwise appropriated, the sum of five thousand dollars for the construction of a temporary building and for additional tools and equipment for the use of the state normal school at Los Angeles; of which sum twenty-five hundred dollars shall be appropriated and paid out for the construction of said temporary building and twenty-five hundred dollars is appropriated for said tools and equipment.

Appropriation: equipment, Los Angeles Normal.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants for the amount herein appropriated in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 303.

An act appropriating the sum of ten thousand dollars to be expended in making necessary repairs and improvements to the state normal school building at Los Angeles.

[Approved March 25, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation: repairs, Los Angeles Normal.

SECTION 1. The sum of ten thousand dollars is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, for making necessary repairs and improvements to the state normal school building at Los Angeles.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants for the amount herein appropriated in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 304.

An act making an appropriation to pay the claim of Marin county against the State of California.

[Approved March 25, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation: claim, Marin county.

SECTION 1. -The sum of eight hundred fifty-one dollars and ninety cents (\$851.90) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Marin county against the State of California for expenses of trials of criminals confined in the state prison at San Quentin, incurred during the years 1906 and 1907, said claims having been approved by the board of examiners.

SEC. 2. The state controller is hereby authorized to draw his warrant for the sum herein made payable and the state treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 305.

An act making an appropriation to pay the claim of R. S. Chatham against the State of California.

[Approved March 25, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of four hundred ninety-six dollars and forty-six cents (\$496.46) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of R. S. Chatham against the State of California for the transportation of criminals and insane in the fifty-ninth and sixtieth fiscal years, said claim having been approved by the board of examiners.

Appropriation:
claim,
R. S.
Chatham.

SEC. 2. The state controller is hereby authorized to draw his warrant for the sum herein made payable and the state treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 306.

An act to authorize the payment of the claim of Charles Denker against the State of California.

[Approved March 25, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The board of state harbor commissioners are hereby authorized to issue their draft against the San Francisco harbor improvement fund to the amount of one hundred and fifty dollars (\$150.00), in payment of the claim of Charles Denker against the State of California, the same having been approved by the board of examiners.

Appropriation:
claim,
Charles
Denker.

SEC. 2. The state controller is hereby directed to draw his warrant for the sum herein made payable and the state treasurer is directed to pay the same. It is provided, however, that before said warrant is issued there shall be filed with the state controller a receipt in full for all claims or demands against the board of state harbor commissioners and the State of California, signed by said Charles Denker.

SEC. 3. This act shall take effect immediately.

CHAPTER 307.

An act to amend section fourteen hundred sixty-nine of the Code of Civil Procedure relating to the administration and setting apart of estates which do not exceed fifteen hundred dollars in value.

[Approved March 25, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1469 of the Code of Civil Procedure is hereby amended to read as follows:

Adminis-
tration of
estates not
exceeding
\$1,500.00 in
value.

1469. If a deceased person leave a widow or minor child or minor children and upon the return of the inventory of the estate of such deceased person it shall appear to the court or a judge thereof by the verified petition of the personal representative of such deceased person or of his widow or of his minor children or child or of the guardian of such minor children or of any of them that the net value of the whole estate of said deceased over and above all liens or incumbrances of record at the date of the death of said deceased does not exceed the sum of fifteen hundred dollars, the court, or a judge thereof shall, by order, require all persons interested to appear on a day fixed to show cause why the whole of said estate should not be assigned for the use and support of the family of the deceased. Notice thereof shall be given and proceedings had in the same manner as provided in sections one thousand six hundred and thirty-three, one thousand six hundred and thirty-five and one thousand six hundred and thirty-eight of this code. If, upon the hearing, the court finds that the net value of the estate over and above all liens or incumbrances of record at the date of death of said deceased does not exceed the sum of fifteen hundred dollars, it shall, by decree for that purpose, assign to the widow of the deceased, if there be a widow, or if there be no widow, then to the minor children of the deceased, if there be minor children, the whole of the estate, subject to whatever mortgages, liens, or incumbrances there may be upon said estate at the time of the death of said deceased, after the payment of the expenses of the last illness of the deceased, funeral charges, and expenses of administration, and the title thereof shall vest absolutely in such widow, if there is a widow, or if there is no widow, in the minor children or child, subject to whatever mortgages, liens or incumbrances there may be upon said estate at the time of the death of the deceased, and there must be no further proceedings in the administration, unless further estate be discovered.

CHAPTER 308.

An act to amend section two hundred and seventy-four (a) of the Code of Civil Procedure of the State of California, relating to the duties and compensation of phonographic reporters for the superior court.

[Approved March 25, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section two hundred and seventy-four (a) of the Code of Civil Procedure of the State of California, is hereby amended to read as follows:

274a. Judges of the superior court may have any opinion given or rendered by such judge in the trial of any action or proceeding, pending in such court, or any instructions to be given by such court to the jury, or any necessary order, petition, citation, commitment or judgment in any insanity proceeding, probate proceeding, proceeding concerning new or additional bonds of county officials, or juvenile court proceeding, taken down in shorthand and transcribed by the official reporter of such court; but if there be no official reporter for such court, then by any competent stenographer or typewriter, the cost thereof to be a legal charge against the county, payable out of the general fund in the county treasury in the same manner as any other claims against the county, when properly approved by the said judge so ordering the same.

Matter to be taken down in shorthand.

By official reporter or other stenographer.

CHAPTER 309.

An act prohibiting the unnecessary wasting of natural gas into the atmosphere; providing for the capping or otherwise closing of wells from which natural gas flows; and providing penalties for violating the provisions of this act.

[Approved March 25, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. All persons, firms, corporations and associations are hereby prohibited from wilfully permitting any natural gas wastefully to escape into the atmosphere.

Waste of gas prohibited.

SEC. 2. All persons, firms, corporations or associations digging, drilling, excavating, constructing or owning or controlling any well from which natural gas flows shall upon the aban-

Wells to be capped.

donment of such well, cap or otherwise close the mouth of or entrance to the same in such a manner as to prevent the unnecessary or wasteful escape into the atmosphere of such natural gas. And no person, firm, corporation or association owning or controlling land in which such well or wells are situated shall wilfully permit natural gas flowing from such well or wells, wastefully or unnecessarily to escape into the atmosphere.

Penalty.

SEC. 3. Any person, firm, corporation or association who shall wilfully violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

Each day a violation.

SEC. 4. For the purposes of this act each day during which natural gas shall be wilfully allowed wastefully or unnecessarily to escape into the atmosphere shall be deemed a separate and distinct violation of this act.

SEC. 5. All acts or parts of acts in conflict herewith are hereby repealed.

SEC. 6. This act shall take effect immediately.

CHAPTER 310.

An act to amend section 3550 of the Political Code of California, relating to copy of decree to be filed.

[Approved March 25, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3550 of the Political Code of California, relating to copy of decree to be filed, is hereby amended to read as follows:

Copy of
decree to
be filed.

3550. Within twenty days after the entry of judgment, the district attorney must file in the office of the register, and in the recorder's office of the county in which the land is situated, certified copies thereof.

CHAPTER 311.

An act to amend sections four and nine of an act entitled "An act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the state, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, said amendment relating to elections in such sanitary districts.

[Approved March 25, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four of an act entitled "An act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the state, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, is hereby amended to read as follows:

Section 4. The board of supervisors, at least fifteen days prior to the election, shall select one, and may select two, polling places within the proposed district, and make all suitable arrangements for the holding of such election. They must appoint one inspector and two judges of election in each polling place, who shall constitute the officers of said election; if none are so appointed, or if those appointed are not present at the time of the opening of the polls, the electors present may appoint them and they shall conduct the election. The ballots shall contain the words, "For a Sanitary District," or "Against a Sanitary District," as the case may be, and also the names of the persons to be voted for at said election. At such election there shall be elected a sanitary assessor and five persons for members of the sanitary board. Such election, and all subsequent elections in said district, shall be conducted as nearly as practicable in accordance with the general election laws of the state, except that the provisions of said laws as to the form of ballots and the making of nominations shall not apply. Every qualified elector, resident within the proposed district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the

Polling places and officers of sanitary district elections.

Ballot.

Officers to be elected.

Electors.

Majority
of votes
in favor.

election above provided for. If a majority of the votes cast at such election shall be in favor of a sanitary district, the board of supervisors shall make and cause to be entered in the minutes of said board an order that a sanitary district of the name and with the boundaries stated in the petition (setting forth such boundaries) has been duly established, and said order shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided for by this act or by law, and of the existence and validity of the sanitary district. If a majority of the votes cast shall be against a sanitary district, the board shall, by order entered in its minutes, so declare; no other proceeding shall be taken in relation thereto until the expiration of one year from the date of the presentation of the petition to said board.

Majority
against.

Sec. 2. Section nine of said act is hereby amended to read as follows:

Election of
members of
sanitary
board.

Section 9. There shall be an election for two members of the sanitary board in every even-numbered year, beginning with the second even-numbered year after the election at which the district was organized, and the two members then to be elected shall hold office until the election and qualification of their successors in the next even-numbered year; and there shall be an election for three members of the sanitary board in every odd-numbered year, beginning with the second odd-numbered year, after the election at which the district was organized, and the three members then to be elected shall hold office until the election and qualification of their successors in the next odd-numbered year. The five members elected at the election at which the district was organized shall, at their first meeting, or as soon thereafter as may be practicable, so classify themselves, by lot, that two of them shall go out of office in the second even-numbered year after the election at which the district was organized, and upon the election and qualification of their successors, as provided by this act. The members of the sanitary board shall receive no compensation whatever, either for general or special services. All elections for officers after the formation of the district shall be held on the first Monday after the first Tuesday in the month of March. Not less than twenty days before the day of such election the sanitary board must give notice of said election by posting notice thereof in three public places in the sanitary district, which notices must specify the time and place of election, the hours during which the polls will be kept open, and the officers to be elected. They shall select one, and may select two polling places within the district; shall appoint one inspector and two judges of election in each polling place, and make all necessary and proper arrangements for holding the election. Said election officers shall constitute the election board. If no election officers are so appointed, or if those appointed are not present at the time of the opening of the polls, the electors present may appoint

Organ-
ization of
board.

Elections,
when held.

Polls.

Election
board.

them and they shall conduct the election. Such election shall be conducted as nearly as practicable in accordance with the general election laws of the state, except that the requirements of said laws as to the form of ballots and the making of nominations of candidates shall not apply. Every qualified elector resident within the district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the election. At such election the last great register of the county shall be used, and any elector whose name is not upon such great register shall be entitled to vote upon producing and filing with the board of election a certificate, under the hand and seal of the county clerk, showing that his name is registered and uncanceled upon the great register of such county; *provided*, that he is otherwise entitled to vote. The officers of the election must publicly canvass the votes immediately after the closing of the polls, and must certify the result within twenty-four hours after the closing of the polls to the sanitary board. Said board shall within five days after the day of election canvass said returns, and shall make, sign and deliver certificates of election to the person or persons elected.

Electors.

Canvass of votes.

CHAPTER 312.

An act to authorize the payment of the claims of R. B. Hale, Andrew M. Davis, James McNab, A. B. C. Dohrmann, Rufus P. Jennings, Burt L. Davis, M. K. Hathaway, W. E. Dennison, Edgar D. Peixotto, C. C. McDougall, A. J. Hetchman, and James Rolph, Jr., against the State of California and making an appropriation therefor.

[Approved March 25, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of seven hundred and fifty dollars, for the purpose of paying the claim of R. B. Hale, Andrew M. Davis, James McNab, A. B. C. Dohrmann, Rufus P. Jennings, Burt L. Davis, M. K. Hathaway, W. E. Dennison, Edgar D. Peixotto, C. C. McDougall, A. J. Hetchman, and James Rolph, Jr., against the State of California.

Appropriation: claim of R. B. Hale and others.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of R. B. Hale, Andrew M. Davis, James McNab, A. B. C. Dohrmann, Rufus P. Jennings, Burt L. Davis, M. K. Hathaway, W. E. Dennison, Edgar D. Peixotto, C. C. McDougall, A. J. Hetchman, and James Rolph, Jr., in the sum of seven hundred and fifty dollars, and the state treasurer is hereby authorized and directed to pay the same.

CHAPTER 313.

An act authorizing suits against the state concerning certain real property purchased under the provisions of an act entitled "An act to survey and dispose of certain marsh and tide lands belonging to the State of California, approved March 30, 1868, or any of the acts supplementary thereto and amendatory thereof, and regulating the procedure therein.

The people of the State of California, represented in senate and assembly, do enact as follows:

Suits to
quiet title
of salt
marsh and
tide land-

SECTION 1. In all cases where the State of California has sold any salt marsh and tide lands under the provisions of the following named acts, or any of them, to wit: An act entitled "An act to survey and dispose of certain salt marsh and tide lands belonging to the State of California," approved March 30, 1868; an act entitled "An act supplementary to and amendatory of an act entitled an act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight," approved April 1st, 1870; and an act entitled "An act supplementary to and amendatory of an act supplementary to and amendatory of an act entitled an act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight; also an act approved April first, eighteen hundred and seventy," approved March 30, 1874. to any person or persons, and the person or persons purchasing said lands paid all the installments required of him or them under the terms of said sale to be paid on the purchase price thereof prior to the enactment of an act entitled "An act to abolish the state board of tide land commissioners, and to repeal sections three hundred and sixty-five and six hundred and ninety-eight of the Political Code," approved February 4, 1876, and where no deed was ever executed and delivered to such purchaser or purchasers conveying to him or them the lands so purchased, by reason of there being no person or persons authorized by law to accept payments or issue deeds subsequent to the enactment of said last mentioned act approved February 4, 1876, the person or persons so purchasing said lands or his or their successor or successors in interest is and are hereby authorized to bring suit against the State of California in any court of competent jurisdiction of said state to quiet title to said land or any portion thereof, and to prosecute the same to final judgment. The rules of practice in civil cases relating to suits to quiet title shall apply to such suits as may be brought under this authorization except as herein otherwise provided. If judgment be given against the state in any such suit, no costs can be recovered from the state thereunder.

Complaint
to contain
full state-
ment.

SEC. 2. The complaint filed in any suit brought under the provisions of this act shall contain a complete statement of the time, place and conditions of the sale of the lands con-

cerning which title is sought to be quieted, together with a statement of all moneys paid under the terms of said sale and the date of such payment, and a further statement of the balance due and unpaid under the terms of said sale, and the date when such balance was required to be paid.

SEC. 3. At the time of the filing of the complaint in any suit brought under the provisions of this act the plaintiff shall pay into court all moneys shown in said complaint to be due and unpaid under the terms of said sale, together with interest thereon at the rate of ten per cent per annum from the date when such unpaid moneys became due and payable. In the event of judgment being rendered in favor of the plaintiff in such action, the court shall order such moneys paid into the state treasury; and in the event of judgment being entered in favor of the state, the court shall order such moneys returned to the plaintiff.

Balance and interest to be paid court.

SEC. 4. Any such suits to quiet title shall be commenced within one year after this act takes effect.

Limit of action.

SEC. 5. Service of summons in such suits shall be made on the governor, surveyor general and attorney general. It shall be the duty of the attorney general to defend all such suits.

Attorney general to defend.

[Became a law, under constitutional provision, without Governor's approval, March 27, 1911.]

CHAPTER 314.

An act to amend section two of an act entitled "An act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907, and amended March 6, 1909, the amendment relating to the commission provided for in said act, and prohibiting members of boards of supervisors serving thereon.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of an act entitled "An act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways

within their corporate limits and to issue and sell bonds therefor." approved March 19, 1907, and amended March 6, 1909, is hereby amended to read as follows:

Highway
commission.

Section 2. Said highway commission shall consist of three members, who shall be, and have been for two years, bona fide residents and freeholders of such county, and shall be especially qualified to have charge of the improvement of highways, one of whom shall be a competent engineer. Said commissioners shall be appointed to serve for the term of two years and until their successors are appointed and qualified, and any vacancy in the commission shall be filled by appointment for the unexpired term; *provided, however*, that when the proposition for the issuance of bonds fails to carry at the election held under section seven of this act, or when all the highway improvements for which bonds are voted under said section seven are completed, or if there is a surplus in the highway improvement fund after completion thereof, when said surplus has been expended on other highways, the existence of said highway commission shall cease. Thereafter another commission may be appointed under section one hereof. Each commissioner shall give a bond for the faithful performance of his duties, to be approved by the board of supervisors, in such amount as said board may require. No member of the board of supervisors can act or be appointed as a commissioner under this act.

Term.

Bond.

Super-
visors not
eligible.

[Became a law, under constitutional provision, without Governor's approval, March 28, 1911.]

CHAPTER 315.

An act to amend an act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts." approved March 21, 1907, the amendment relating to the powers of the board of supervisors in the appointment of officers and employees, and their eligibility to places under this act.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section fourteen of an act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys not within the territory of incorporated cities or towns: for the incidental establishment of grades

thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cess-pools, gutters, tunnels, curbing and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts, approved March 21, 1907, is hereby amended to read as follows:

Section 14. The board of supervisors is hereby vested with power as follows, to wit:

1. To appoint at any stage of the proceeding before calling for proposals or bids any competent engineer, to be designated "engineer of work" for the purpose of doing and furnishing all the civil engineering work or services, surveying, and similar work and services necessary to the proper doing of the work. His compensation or at least the rate or some basis for computing the same shall be fixed and stated in the order of his appointment, which said order shall be entered in the minutes of the board. Engineer of work.

2. To appoint, in and as a part of the resolution of intention, any competent person to be designated "superintendent of work," whose duty it shall be to perform the services for him in this act prescribed or indicated, and for the general actual supervision of the work. His compensation shall be fixed at the time and in the resolution of his appointment at a per diem not to exceed five dollars for all time actually devoted to the work. Superintendent of work.

3. To designate any competent person for the purpose of preparing and furnishing the specifications required by section two of this act, and with such designation to fix his compensation, or some basis for computing the same. Specifications.

4. To appoint and designate other competent persons in the places respectively of the persons so originally appointed, with compensation, so far as practicable, proportionately the same as fixed for the original appointee.

No part of such or any compensation for said officers or employees, or for services rendered by any of them shall be a charge against the county or any officer thereof, except that for furnishing specifications and posting the resolution of intention the county shall be liable in case the proceedings cease or are abandoned, before the award of the contract. Not charge against county.

No member of the board of supervisors shall be eligible to appointment to any office, position or employment under this act. Supervisors not eligible.

[Became a law, under constitutional provision, without Governor's approval, March 28, 1911.]

CHAPTER 316.

An act to amend section six hundred forty-seven of the Penal Code of the State of California, relating to vagrants.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section six hundred forty-seven of the Penal Code of the State of California, is hereby amended to read as follows:

Who is a
vagrant.

647. 1. Every person (except a California Indian) without visible means of living who has the physical ability to work, and who does not seek employment, nor labor when employment is offered him; or,

2. Every beggar who solicits alms as a business; or,

3. Every person who roams about from place to place without any lawful business; or,

4. Every person known to be a pickpocket, thief, burglar or confidence operator, either by his own confession, or by his having been convicted of either of such offenses, and having no visible or lawful means of support, when found loitering around any steamboat landing, railroad depot, banking institution, broker's office, place of amusement, auction-room, store, shop or crowded thoroughfare, car, or omnibus, or any public gathering or assembly; or,

5. Every idle, or lewd, or dissolute person, or associate of known thieves; or,

6. Every person who wanders about the streets at late or unusual hours of the night, without any visible or lawful business; or,

7. Every person who lodges in any barn, shed, shop, outhouse, vessel, or place other than such as is kept for lodging purposes, without the permission of the owner or party entitled to the possession thereof; or,

8. Every person who lives in and about houses of ill fame; or,

9. Every person who acts as a runner or capper for attorneys in and about police courts or city prisons; or,

10. Every common prostitute; or,

11. Every common drunkard,

Punish-
ment.

is a vagrant, and is punishable by a fine of not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

[Became a law, under constitutional provision, without Governor's approval, March 28, 1911.]

CHAPTER 317.

An act to amend sections one, two, fifteen, fifteen and one half, seventeen, thirty, thirty-two, thirty-four, thirty-nine, fifty-five and sixty-one of an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, and to add a new section thereto to be numbered section forty-seven and one half relating to the redemption of property sold for taxes.

[Approved March 26, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, is hereby amended to read as follows:

Section 1. A majority in number of the holders of title or evidence of title, including the holders of possessory rights under receipts or other evidence of the rights of entrymen or purchasers under any law of the United States or of this state, to lands susceptible of irrigation from a common source and by the same system of works, such holders of title, or evidence of title and of possessory rights, representing a majority in value of said lands, according to the equalized county assessment roll or rolls for the year last preceding, may propose the organization of an irrigation district, under the provisions of this act. Said equalized assessment roll or rolls shall be sufficient evidence of title and of such possessory rights, for the purposes of this act.

Organiza-
tion of
irrigation
district.

SEC. 2. Section two of the above entitled act is hereby amended to read as follows:

Section 2. In order to propose the organization of an irrigation district, a petition shall be presented to the board of supervisors of the county in which the lands within the proposed district, or the greater portion thereof, are situated, signed by the required number of holders of title, or evidence of title, including such aforesaid possessory rights, to lands within such proposed district, and representing the requisite majority in value of said lands, which petition shall set forth generally the boundaries of the proposed district, and also shall state generally the source or sources (which may be in the alternative) from which said lands are proposed to be

Petition
to super-
visors.

irrigated, and shall pray that the territory embraced within the boundaries of the proposed district may be organized as an irrigation district under the provisions of this act. The petition may consist of any number of separate instruments and must be accompanied with a good and sufficient undertaking, to be approved by said board of supervisors, in double the amount of the probable cost of organizing such district, conditioned that the sureties shall pay all of said costs, in case said organization shall not be effected. Said petition shall be presented at a regular meeting of said board, and shall be published for at least two weeks before the time at which the same is to be presented, in some newspaper of general circulation printed and published in the county where said petition is presented, together with a notice stating the time of the meeting at which the same will be presented; and if any portion of the lands within said proposed district lie within another county or counties, then said petition and notice shall be published, as above provided in a newspaper published in each of said counties. When contained upon more than one instrument, one copy only of such petition need be published, but the names attached to all of said instruments must appear in such publication. When such petition is presented, said board of supervisors shall hear the same, and may adjourn such hearing from time to time, not exceeding four weeks in all. No defect in the contents of the petition or in the title to or form of the notice or signatures, or lack of signatures, thereto, shall vitiate any proceedings thereon; *provided*, such petition or petitions have a sufficient number of qualified signatures attached thereto. On the final hearing said board shall make such changes in the proposed boundaries as may be deemed advisable, and shall define and establish such boundaries: but said board shall not modify said boundaries so as to exclude from such proposed district any territory which is susceptible of irrigation from any of the sources proposed; nor shall any lands which will not, in the judgment of said board, be benefited by irrigation, by means of any of said systems of works, be included within such proposed district. Any person whose lands are susceptible of irrigation from any of the proposed sources, may, upon his application, in the discretion of said board, have such lands included within said proposed district.

SEC. 3. Section fifteen of said act is hereby amended to read as follows:

Section 15. The board of directors shall have the power, and it shall be their duty, to manage and conduct the business and affairs of the district; make and execute all necessary contracts; employ and appoint such agents, officers, and employees as may be required, and prescribe their duties. The board and its agents and employees shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation works and the line for any canal or canals, and the necessary branches for the same, on any lands which may be deemed

Petition
to be published.

Hearing on
petition.

Changes
in boundaries.

Powers of
directors.

best for such location. Said board shall also have the right to acquire, by purchase, lease, contract, condemnation, or other legal means, all lands, and waters, and water rights, and other property necessary for the construction, use, supply, maintenance, repair and improvements of said canal, or canals, and works, including canals and works constructed and being constructed by private owners, lands for reservoirs for the storage of needful waters, and all necessary appurtenances, and also where necessary or convenient to said ends to acquire and hold the stock of other corporations owning waters, canals, water works, franchises, concessions or rights. But no purchase or lease of any waters, or water rights, or canals or reservoirs, or reservoir sites, or irrigation works, or other property of any nature or kind, or stock in any other corporation, for any price, aggregate rental or consideration, in excess of ten thousand dollars, shall be final or binding on the district, nor shall the purchase price, rental or consideration, or any part thereof, be paid or rendered until a petition of a majority of the holders of title, or evidence of title, and of possessory rights as aforesaid, to lands within the district, such holders of title, or evidence of title, and of possessory rights, representing a majority in value of said land, according to the last equalized assessment roll of the district, if such has theretofore been made, and if such has not been made, then according to the equalized county assessment roll covering lands of such district, shall have been filed with the board and an order of the board made thereon confirming such purchase. Said board may also construct the necessary dams, reservoirs, and works for the collection of water for said district, and do any and every lawful act necessary to be done, that sufficient water may be furnished to each landowner in said district for irrigation and domestic purposes. The said board is hereby authorized and empowered to take conveyances, leases, contracts or other assurances for all property acquired by it under the provisions of this act, in the name of such irrigation district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity necessary or proper in order to fully carry out the provisions of this act, or to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this act, or acquired in pursuance thereof. And in all courts, actions, suits or proceedings, the said board may sue, appear and defend in person or by attorneys, and in the name of such irrigation district. It shall be the duty of said board to establish equitable by-laws, rules and regulations for the distribution and use of water among the owners of said lands, which must be printed in convenient form for distribution in the district. Said board shall have power generally to perform all such acts as shall be necessary to fully carry out the purposes of this act.

Limit of purchase.

Dams.

Conveyances.

Suits at law.

Rules for use of water.

SEC. 4. Section fifteen and one half of said act is hereby amended to read as follows:

Change
election
precinct.

Section 15 $\frac{1}{2}$. The board of directors, when they deem it advisable for the best interests of the district, and the convenience of the electors thereof, may at any time, but not less than sixty days before an election to be held in the district, change the boundaries of the divisions and election precincts of the district; *provided*, such changes shall be made to keep each division as nearly equal in area and population as may be practicable. Such change of boundaries of the divisions must be shown on the minutes of the board. The board of directors of any irrigation district now or that may hereafter be organized in the state, shall also have the power, and such board is hereby vested with the authority, to lease the system of canals and works in the district, or any parts thereof, whenever such leasing may be for the benefit of the district; *provided*, that when the directors of any irrigation district contemplate the leasing of the canals and works of such district, they shall give notice of such contemplation by publishing the same in some newspaper published in the county in which such irrigation district lies, at least three weeks prior to the making of any lease, and such lease shall be made to the highest bidder. But such board shall have the right to reject any and all bids. Such lease shall in no way interfere with any rights that may have been established by law, at the time such lease is made; *and further provided*, that the board of directors shall require a good and sufficient bond to secure faithful performance of the lease by the lessees.

Lease
canals.

SEC. 5. Section seventeen of said act is hereby amended to read as follows:

Public use.

Section 17. The use of all water required for the irrigation of the lands of any district formed under the provisions of this act, or the act of which this is supplementary or amendatory, and for domestic and other incidental and beneficial uses, within such district, together with the rights of way for canals and ditches, sites for reservoirs, and all other property required in fully carrying out the provisions of this act is hereby declared to be a public use, subject to the regulation and control of the state, in the manner prescribed by law.

SEC. 6. Section thirty of said act is hereby amended to read as follows:

Bonds.

Section 30. For the purpose of constructing necessary irrigating canals and works, and acquiring the necessary property and rights therefor, and for the purpose of acquiring waters, water rights and other property necessary for the purposes of said district, and otherwise carrying out the provisions of this act, the board of directors of any such district must, as soon after such district has been organized as may be practicable, and also whenever thereafter the construction fund has been exhausted by expenditures herein authorized therefrom and it is necessary to raise additional money for said purposes, estimate and determine the amount of money necessary to be raised. And thereafter said board when petitioned by a majority of the holders of title, or evidence of title, and of pos-

sessory rights, to lands within the district, such holders of title, or evidence of title, and of such possessory rights, representing a majority in value of said lands according to the equalized assessment roll of the district, if such has theretofore been made, and if such has not been made, then according to the equalized county assessment roll covering the lands of such district, shall immediately call a special election, at which shall be submitted to the electors of such district, possessing the qualifications prescribed by this act, the question whether or not the bonds of said district in the amount as set forth in said petition shall be issued. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks. Such notices must specify the time of holding the election, the amount of bonds proposed to be issued; and said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act governing the election of officers; *provided*, that no informalities in conducting such an election shall invalidate the same if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds—Yes," or "Bonds—No," or words equivalent thereto. If a majority of the votes cast are "Bonds—Yes," the board of directors shall cause bonds in said amount to be issued; if a majority of the votes cast at any bond election are "Bonds—No," the result of such election shall be so declared and entered of record. Whenever thereafter a petition of the character hereinbefore provided for in this section is presented to the board it shall so declare of record in its minutes, and shall thereupon submit such questions to said electors in the same manner and with like effect as at such previous election.

Notice of election.

Ballots.

SEC. 7. Section thirty-two of said act is hereby amended to read as follows:

Section 32. The board may sell said bonds from time to time in such quantities as may be necessary and most advantageous, to raise money for the construction of said canals and works, the acquisition of said property and rights, or the acquisition of any water or water rights, and otherwise to fully carry out the objects and purposes of this act. Before making any sale the board shall, at a meeting, by resolution, declare its intention to sell a specified amount of the bonds, and the day and hour and place of such sale, and shall cause such resolution to be entered in the minutes, and notice of the sale to be given, by publication thereof at least three weeks, in some newspaper published in the county where the office of the board of directors is located, and in any other newspaper, at its discretion. The notice shall state that sealed proposals will be received by the board at their office, for the

Sale of bonds.

Notice of sale.

purchase of bonds, till the day and hour named in the resolution. At the time appointed the board shall open the proposals, and award the purchase of the bonds to the highest responsible bidder; *provided, however*, that they may reject all bids. Said board shall in no event sell any of the said bonds for less than the par value thereof.

SEC. 8. Section thirty-four of said act is hereby amended to read as follows:

Section 34. In case the money raised by the sale of bonds issued be insufficient, or in case the bonds be unavailable for the completion of the plan of canal and works adopted, and the acquisition of the necessary property, waters and water rights therefor, and additional bonds be not voted, it shall be the duty of the board of directors to provide for the completion of said plan, and the acquisition of such necessary property, waters and water rights, by levy of assessments therefor; *provided, however*, that such levy of assessments shall not be made except first an estimate of the amount required for such purposes has been made by said board, and the question as to the making of said levy submitted to a vote of the electors of the district. Before such question is submitted the order of submission shall be entered in the minutes of the board, stating the amount to be levied and the purpose therefor, and if submitted at a special election said order shall, in addition, fix the day of election.

Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept once a week for at least three successive weeks. Such notices must specify the time of holding the election, and the amount of assessment proposed to be levied. Said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act governing the election of officers; *provided*, that no informalities in conducting such an election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Assessment—Yes," or "Assessment—No," or words equivalent thereto. If a majority of the votes cast are "Assessment—Yes," the board of directors shall cause an assessment in the amount named in the order of submission to be levied; if a majority of the votes cast are "Assessment—No," the result of such election shall be so declared and entered of record.

SEC. 9. Section thirty-nine of said act is hereby amended to read as follows:

Section 39. The board of directors shall then levy an assessment sufficient to raise the annual interest on the outstanding bonds, and in any year in which any bond shall fall due must increase such assessment to an amount sufficient to raise a sum sufficient to pay the principal of the outstanding

Bills
opened.

Assess-
ments to
complete
works.

Notice of
election.

Ballots.

Assess-
ments for
interest,
etc.

bonds as they mature; also, sufficient to pay in full all sums due, or that shall become due from the district, before the time for levying the next annual assessment on account of rentals or charges for lands, waters or water rights acquired by said district under lease or contract; also sufficient to pay in full the amount of any other contract or obligation of the district which shall have been reduced to judgment. The secretary of the board must compute and enter in a separate column of the assessment book the respective sums in dollars and cents to be paid as an assessment on the property therein enumerated. When collected, the assessment shall be paid into the district treasury and be apportioned to the several proper funds.

Secretary
to compute
sums
necessary.

In case of the neglect or refusal of the board of directors to cause such assessment and levies to be made as in this act provided, then the assessment of property made by the county assessor and the state board of equalization shall be adopted and shall be the basis of assessment for the district; and the board of supervisors of the county in which the office of the board of directors is situated shall cause an assessment roll for said district to be prepared, and shall make the levy required by this act, in the same manner and with like effect as if the same had been made by said board of directors, and all expenses incident thereto shall be borne by such district. In case of the neglect or refusal of the collector or treasurer of the district to perform the duties imposed by law, then the tax collector and treasurer of the county in which the office of the board of directors is situated must, respectively, perform such duties, and shall be accountable therefor upon their official bonds as in other cases.

When
directors
neglect to
make as-
sessment.

In the event any land within said district subject to assessment for the purposes of the district, has not been assessed by the county assessor, or does not appear upon the county assessment roll adopted by said board of supervisors as the basis of assessment for the district, the land so omitted belonging to any person, association, corporation, or municipality shall be forthwith assessed by the county assessor upon an order of the board of supervisors, and a description of the property so omitted shall be written in the roll prepared for the purpose of district assessments. In such case, before any tax is levied, the board of supervisors must meet and equalize said assessment with that of the assessment of other lands in said district. The same notice shall be given by the board of supervisors of such meeting for the purpose of equalizing the assessment to be made as herein directed as is provided in this act to be given by the board of directors of an irrigation district when the said board is to meet for the purpose of equalizing assessments.

Land not
appearing
on assess-
ment rolls
to be as-
sessed by
county
assessor.

Equalizing
of assess-
ment.

All the powers and duties respecting the collection of taxes on all assessments of possession of, claim to, or right to the possession of land that are now provided in sections 3820, 3821, 3822, 3823, 3824, 3825 and 3829 of the Political Code as regards county assessors shall apply so far as applicable to irrigation district assessors.

Sections
applicable
to district
assessors.

SEC. 10. A new section is hereby added to said act, to be numbered section forty-seven and one half, and to read as follows:

Delinquent taxes not bar to dissolution.

Section 47½. The five-year period herein prescribed for the redemption of properties sold for delinquent taxes shall not operate as a bar to the dissolution of any irrigation district. If any land has been sold for delinquent taxes of a district in process of dissolution, or in a district which has been dissolved, and the time allowed for redemption has not expired, the owner of such property or any one in interest may redeem the same by paying the amount due thereon, computed as provided in section forty-six of this act, to the county treasurer, who must issue his receipt therefor, and upon the presentation of such receipt the county recorder must cancel the certificate of sale in the manner required in the preceding section. In the event any land has been sold for non-payment of taxes as herein provided, and no redemption has been made within five years from the date of purchase in any district which may have been dissolved before the expiration of said redemption period, then a deed for the property sold and described in the certificate of sale must be made to the purchaser upon demand by the county treasurer of the county in which said irrigation district is or was situated. Such deed shall contain all the recitals of the certificate of sale, and in addition thereto, a recital that the district has been dissolved and a deed executed in pursuance of the authority given by this section. A deed so executed shall have the same force and effect as if executed by the collector of an irrigation district.

Deed of land sold for taxes to be made by county treasurer.

SEC. 11. Section fifty-five of said act is hereby amended to read as follows:

Improvements to be paid for from construction fund.

Section 55. The cost and expense of purchasing and acquiring property and constructing the works and improvements herein provided for, shall be wholly paid out of the construction fund; *provided, however*, that when any lands, waters, water rights or other property shall be acquired by the district by any lease or contract, under the terms of which the consideration or rental shall be payable in such installments that a like amount shall be payable in each year of the life of such lease or contract, then such rental or consideration shall be paid out of the funds derived from the levying of annual assessments, or from the collection of rates, tolls and charges fixed and collected as hereinafter provided for. For the purpose of defraying the expenses of the organization of the district, and of the care, operation, management, repair, and improvement of such portions of such canal and works as are completed and in use, including salaries of officers and employees, and installments of rental or consideration accruing under any lease or contract as hereinabove in this section mentioned, the board may in lieu (either in part or in whole) of levying assessments as herein provided for, fix rates of toll and charges, for irrigation and other public uses declared by

Toll may be fixed instead of assessments.

this act, and collect the same from all persons using said canal for irrigation and other purposes.

SEC. 12. Section sixty-one of said act is hereby amended to read as follows:

Section 61. The board of directors, or other officers of the district, shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void, except that for the purposes of organization, or for any of the purposes of this act, the board of directors may, before the collection of the first assessment, incur an indebtedness not exceeding in the aggregate the sum of two thousand dollars, and may cause warrants of the district to issue therefor, bearing interest at seven per cent per annum; *provided, however*, that nothing in this section contained shall be construed as limiting the right of the board to enter into any contract or lease for any lands, waters, water rights, or other property, as in this act provided for, and by such lease or contract to bind the district for the payment of the rental or consideration specified in such lease or contract.

Directors may not incur debts in excess of provisions of this act.

CHAPTER 318.

An act making an appropriation to pay the per diem and mileage of the members of the assembly for the thirty-ninth session of the legislature of the State of California during the sixty-second fiscal year.

[Approved March 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of four thousand four hundred and twenty-three and eighty one-hundredths (\$4423.80) dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the per diem and mileage of the members of the assembly for the thirty-ninth session of the legislature of the State of California during the sixty-second fiscal year.

Appropriation per diem and mileage of assembly.

SEC. 2. This act shall take effect immediately.

CHAPTER 319.

An act providing for the calling of a special election to be held on Tuesday, October 10, 1911, and for the submission thereof to the qualified electors of the state all amendments to the constitution of the State of California proposed by the legislature at its thirty-ninth session, commencing on the second day of January, 1911, prescribing and providing for the publication of said proposed amendments, and providing for the manner of holding and conducting such election and for the canvassing and return of the votes cast thereat.

[Approved March 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Constitutional amendment election Oct. 10, 1911.

SECTION 1. A special election is hereby called for and shall be held throughout the State of California on Tuesday, the tenth day of October, 1911, and at such special election there shall be submitted to the qualified electors of said state, for adoption or rejection, in accordance with the provisions of section 1 of article XVIII of the constitution of said state, all amendments to said constitution proposed by the legislature of said state at its thirty-ninth regular session commencing on the second day of January, 1911.

Brief to be prepared by author and member voting against amendment.

SEC. 2. The author of any amendment to the constitution of this state, proposed by the legislature at said session thereof, which amendment shall have been passed in the manner required by section 1 of article XVIII of the constitution, and one member of the same house who voted with the majority on the submission of such amendment, and one member of the same house as the author who voted with the minority against the submission of such amendment, both of whom shall be selected by the presiding officer of such house, before the adjournment of said session of the legislature, shall, within ninety days after the adjournment thereof, prepare a brief statement showing the purpose of said amendment, and a comparative statement of the operation of the present section or article of the constitution, and as proposed to be amended, or in the case of a new section or article, a statement of the operation thereof, and the reasons advanced by the majority for its adoption, and the reasons advanced by the minority against its adoption, and any other reason why such amendment should be adopted, or not be adopted, and forward such statement to the secretary of state; *provided*, that in all cases where the amendment to be submitted shall have been proposed by resolutions introduced in both houses of the legislature and shall have been adopted substantially as proposed in each house, the statement herein provided for, setting forth the reasons why such amendment should be adopted, shall be

prepared by the respective authors of said resolutions. The secretary of state shall cause to be printed at the state printing office, in convenient form, one and one half times as many copies of such statement as there are registered voters in this state, and the secretary of state shall, not less than twenty-five days before said special election, certify all such amendments to the county clerk of each county of the state, and shall cause to be printed at the state printing office one and one half times as many copies of said amendments as there are registered voters in the state, which amendments shall be numbered by the secretary of state consecutively in the following order: first, the senate constitutional amendments in the order of their introduction, and next, the assembly constitutional amendments in the order of their introduction. The first assembly amendment shall follow numerically the last senate amendment. At least thirty days before said special election at which such amendments are to be voted on, the secretary of state shall furnish each county clerk in the state with one and one half times as many such copies of the statements and of the amendments as there are registered voters in his county. The clerk of each county shall thereafter cause to be mailed to each voter a copy of each of said constitutional amendments and of said statements, at the same time and in the same manner and in the same envelope provided for in section one thousand one hundred and ninety-four of the Political Code, and no other publication of said amendments or of either of them shall be necessary or authorized. No leaflet, pamphlet, card, or other printed matter shall be enclosed or mailed in said envelope other than that expressly herein or otherwise provided by law, or prepared by the county clerk for the purpose of informing the voter regarding the number of his precinct, the location of his polling place, his voting number, or similar information regarding said election.

Secretary of state to print copies.

Amendments, how numbered.

Copies to county clerks.

What may be mailed to voters.

The sheets or pamphlets containing the said proposed constitutional amendments shall also contain the corresponding constitutional provisions, if any, then in force, and the parts of the existing provisions shall therein be distinguished in print, so as to facilitate comparison. Three copies of the constitution, in the form of pamphlets to be supplied by the secretary of state, shall be kept at every polling place for said special election while the same is in progress, so that they may be freely consulted by the electors.

Copies of constitution at polling places.

SEC. 3. Said special election shall be proclaimed, held and conducted and the ballots shall be prepared, marked, voted, counted, canvassed and the results shall be ascertained and the returns thereof made in all respects in accordance with the law governing general elections, in so far as the provisions thereof are applicable to the election provided for by this act, except as otherwise herein especially provided. Each county clerk, as soon as the statement of the vote of his county is made out and entered upon the records of the board of supervisors thereof, must make out and certify an abstract of such vote

Election, how conducted, etc.

Election returns.

and must seal up such abstract, and endorse it "election returns," and, without delay, transmit it by mail to the secretary of state. If the people shall approve and ratify any such amendment or amendments, by a majority of the qualified electors voting thereon at said election, such amendment or amendments shall become a part of the constitution of this state.

SEC. 4. This act shall take effect immediately.

CHAPTER 320.

An act to amend section seven of the Civil Code of the State of California relating to holidays.

[Approved March 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 7 of the Civil Code of the State of California is hereby amended so as to read as follows:

Holidays.

7. Holidays, within the meaning of this code, are every Sunday, the first day of January, the twelfth day of February, to be known as Lincoln day, twenty-second day of February, thirtieth day of May, fourth day of July, ninth day of September, first Monday in September, twelfth day of October, to be known as "Columbus day," twenty-fifth day of December, every day on which an election is held through the state, and every day appointed by the president of the United States or by the governor of this state for a public fast, thanksgiving or holiday.

If the first day of January, twelfth day of February, twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the twelfth day of October or the twenty-fifth day of December falls upon a Sunday, the Monday following is a holiday.

Saturday
half-
holiday.

Every Saturday from twelve o'clock noon till twelve o'clock midnight is a holiday as regards the transaction of business in the public offices of this state, and also in political divisions thereof where laws, ordinances or charters provide that public offices shall be closed on holidays: this shall not be construed to prevent or invalidate the issuance, filing, service, execution or recording of any legal process or written instrument whatever on such Saturday afternoons; *and provided, further*, that the public schools of this state shall close on Saturday, Sunday, the first day of January, the thirtieth day of May, the fourth day of July, the twenty-fifth day of December and on every day appointed by the president of the United States or the governor of this state for a public fast, thanksgiving or holiday. Said public schools shall continue in session on all other legal holidays and shall hold proper exercises commemorating the

Public
schools.

day. Boards of school trustees and city boards of education shall have power to declare a holiday in the public schools under their jurisdiction when good reason exists therefor.

CHAPTER 321.

An act to amend section ten of the Political Code of the State of California, relating to holidays.

[Approved March 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 10 of the Political Code of the State of California is hereby amended so as to read as follows:

10. Holidays, within the meaning of this code, are every Holidays. Sunday, the first day of January, twelfth day of February, to be known as Lincoln day, twenty-second day of February, thirtieth day of May, fourth day of July, ninth day of September, first Monday in September, twelfth day of October, to be known as "Columbus day," twenty-fifth day of December, every day on which an election is held throughout the state, and every day appointed by the president of the United States or by the governor of this state for a public fast, thanksgiving or holiday.

If the first day of January, twelfth day of February, twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the twelfth day of October or the twenty-fifth day of December falls upon a Sunday, the Monday following is a holiday.

Every Saturday from twelve o'clock noon until twelve o'clock midnight is a holiday as regards the transaction of business in the public offices of this state, and also in political divisions thereof where laws, ordinances or charters provide that public offices shall be closed on holidays; this shall not be construed to prevent or invalidate the issuance, filing, service, execution or recording of any legal process or written instrument whatever on such Saturday afternoon; *and provided, further,* that the public schools of this state shall close on Saturday, Saturday half-holiday. Sunday, the first day of January, the thirtieth day of May, the fourth day of July, the twenty-fifth day of December and on every day appointed by the president of the United States or the governor of this state for a public fast, thanksgiving or holiday. Said public schools shall continue in session on all other legal holidays and shall hold proper exercises commemorating the day. Boards of school trustees and city boards of education shall have power to declare a holiday in the public schools under their jurisdiction when good reason exists therefor. Public schools.

CHAPTER 322.

An act appropriating five thousand dollars for the restoration and rebuilding of the Mission San Francisco de Solano of the city of Sonoma, California.

[Approved March 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation: rebuilding Mission San Francisco de Solano.

SECTION 1. There is hereby appropriated out of any funds of the state available therefor, the sum of five thousand dollars for the restoration and rebuilding of the Mission San Francisco de Solano at the city of Sonoma, California, the said money to be expended and paid out under the direction and control of the commissioners in charge and control of said Mission San Francisco de Solano.

SEC. 2. This act shall take effect immediately.

CHAPTER 323.

An act appropriating money to pay the claim of L. B. Mallory against the State of California.

[Approved March 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation: claim, L. B. Mallory.

SECTION 1. The sum of fifty dollars is hereby appropriated out of any other money in the state treasury not otherwise appropriated, to pay the claim of L. B. Mallory against the State of California, and the state controller is hereby directed to draw his warrant in favor of L. B. Mallory for said sum of fifty dollars and the state treasurer is hereby directed to pay the same.

SEC. 2. This act shall take effect immediately.

CHAPTER 324.

An act appropriating money to pay the claim of Nelson French against the State of California.

[Approved March 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of fifty dollars is hereby appropriated out of any other money in the state treasury not otherwise appropriated, to pay the claim of Nelson French against the State of California, and the state controller is hereby directed to draw his warrant in favor of Nelson French for said sum of fifty dollars and the state treasurer is hereby directed to pay the same.

Appropriation:
claim,
Nelson
French.

SEC. 2. This act shall take effect immediately.

CHAPTER 325.

An act appropriating money to pay the claim of Leo Preisker against the State of California.

[Approved March 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of fifty dollars is hereby appropriated out of any other money in the state treasury not otherwise appropriated, to pay the claim of Leo Preisker against the State of California, and the state controller is hereby directed to draw his warrant in favor of Leo Preisker for said sum of fifty dollars and the state treasurer is hereby directed to pay the same.

Appropriation:
claim, Leo
Preisker.

SEC. 2. This act shall take effect immediately.

CHAPTER 326.

An act appropriating money to pay the claim of T. G. Walker against the State of California.

[Approved March 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
claim,
T. G.
Walker.

SECTION 1. The sum of fifty dollars is hereby appropriated out of any other money in the state treasury not otherwise appropriated, to pay the claim of T. G. Walker against the State of California, and the state controller is hereby directed to draw his warrant in favor of T. G. Walker, for said sum of fifty dollars and the state treasurer is hereby directed to pay the same.

SEC. 2. This act shall take effect immediately.

CHAPTER 327.

An act appropriating money to pay the claim of Clio Lloyd against the State of California.

[Approved March 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
claim, Clio
Lloyd.

SECTION 1. The sum of fifty dollars is hereby appropriated out of any other money in the state treasury not otherwise appropriated, to pay the claim of Clio Lloyd against the State of California, and the state controller is hereby directed to draw his warrant in favor of Clio Lloyd for said sum of fifty dollars and the state treasurer is hereby directed to pay the same.

SEC. 2. This act shall take effect immediately.

CHAPTER 328.

An act appropriating money to pay the claim of H. P. Travers against the State of California.

[Approved March 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of fifty dollars is hereby appropriated out of any other money in the state treasury not otherwise appropriated, to pay the claim of H. P. Travers against the State of California, and the state controller is hereby directed to draw his warrant in favor of H. P. Travers for said sum of fifty dollars and the state treasurer is hereby directed to pay the same.

Appropriation:
claim.
H. P.
Travers.

SEC. 2. This act shall take effect immediately.

CHAPTER 329.

An act appropriating money to pay the claim of Louis U. Hoin against the State of California.

[Approved March 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of fifty dollars is hereby appropriated out of any other money in the state treasury not otherwise appropriated, to pay the claim of Louis U. Hoin against the State of California, and the state controller is hereby directed to draw his warrant in favor of Louis U. Hoin for said sum of fifty dollars and the state treasurer is hereby directed to pay the same.

Appropriation:
claim.
Louis U.
Hoin.

SEC. 2. This act shall take effect immediately.

CHAPTER 330.

An act appropriating money to pay the claim of Frank Mattison against the State of California.

[Approved March 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation,
claim,
Frank
Mattison.

SECTION 1. The sum of fifty dollars is hereby appropriated out of any other money in the state treasury not otherwise appropriated, to pay the claim of Frank Mattison against the State of California, and the state controller is hereby directed to draw his warrant in favor of Frank Mattison for said sum of fifty dollars and the state treasurer is hereby directed to pay the same.

SEC. 2. This act shall take effect immediately.

CHAPTER 331.

An act appropriating money to pay the claim of J. W. Kavanagh against the State of California.

[Approved March 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation,
claim,
J. W.
Kavanagh.

SECTION 1. The sum of fifty dollars is hereby appropriated out of any other money in the state treasury not otherwise appropriated, to pay the claim of J. W. Kavanagh against the State of California, and the state controller is hereby directed to draw his warrant in favor of J. W. Kavanagh for said sum of fifty dollars and the state treasurer is hereby directed to pay the same.

SEC. 2. This act shall take effect immediately.

CHAPTER 332.

An act to amend an act entitled "An act to amend section eighteen hundred and fifty-eight of the Political Code, relating to the apportionment of school funds."

[Approved March 31, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section eighteen hundred and fifty-eight of the Political Code is hereby amended to read as follows:

1858. The school superintendent of every county and city and county must apportion all state and county school moneys for the elementary grades of his county or city and county as follows: Superintendent to apportion school funds.

1. He must ascertain the number of teachers each school district is entitled to by calculating one teacher for every district having thirty-five or a less number of units of average daily attendance and one additional teacher for each additional thirty-five units of average daily attendance, or fraction of thirty-five not less than ten units of average daily attendance as shown by the annual school report of the school district for the next preceding school year; and two additional teachers shall be allowed to each district for every seven hundred units of average daily attendance; and in districts wherein separate classes are established for the instruction of the deaf, as provided in section sixteen hundred and eighteen of this code, an additional teacher for each nine deaf children, or fraction of such number, not less than five, actually attending such classes. Number of teachers.

2. He must ascertain the total number of teachers for the county or city and county by adding together the number of teachers allowed to the several districts. He must make an annual report of the schools of his county or city and county under oath to the superintendent of public instruction not later than August first of each year, and must report the number of teachers ascertained and allowed to his county or city and county by the rule or provisions of subdivision one hereof. Number for county.

3. Five hundred and fifty dollars shall be apportioned to every school district for every teacher so allowed to it; *provided*, that to districts having over thirty-five or a multiple of thirty-five units of average daily attendance and a fraction of less than ten units of average daily attendance, forty dollars shall be apportioned for each unit of average daily attendance in said fraction. Amount apportioned.

4. All school moneys remaining on hand after apportioning to the school districts the moneys provided for in subdivision three of this section must be apportioned to the several districts in proportion to the average daily attendance in each district during the next preceding school year; *provided*, that in any newly organized school district where school was not maintained during the school year in which it was organized the county Surplus.

New
district.

superintendent shall require the teachers and principal or principals of the school district or districts from which the newly organized district was formed to report to him as a part of their annual reports, the names and attendance records of all pupils residing in said new district and attending school in the old district or districts during the school year in which the new district was organized. The county superintendent shall determine the average daily attendance and the teacher allowance for the newly organized district from those reports and shall deduct from the old districts the average daily attendance credited to the new district. In case it shall appear that none of the pupils residing in the newly formed district attended school during the year in which said district was organized, in the district or districts from which said district was organized, then the superintendent shall apportion six hundred dollars to the newly organized school district for the purpose of maintaining school therein during the school year next succeeding the school year in which it was organized.

Average
daily at-
tendance.

5. Units of average daily attendance wherever used in this section shall be construed to be the quotient arising from dividing the total number of days of pupils' attendance in the schools of the district by the number of days school was actually taught in the district. A school day is hereby construed and declared to be that portion of the calendar day or night in which school is maintained and in which one twentieth of the work of a school month may be performed. The attendance of pupils present less than one fourth of any day shall not be counted for that school day and pupils present for one fourth of a day or for more than one fourth of a day shall be counted as present for one fourth of a day, one half of a day, three fourths of a day, or for a whole day, as the case may be.

Transfer
of funds.

6. Whenever in any school year, prior to the receipt by the school districts of any county, or city and county of this state, of their state, county, or city and county, or special, or high school fund, the school districts of that county, or city and county shall not have sufficient money to their credit to pay the lawful demands against them, the county or city and county superintendent shall give the treasurer of said county or city and county, an estimate of the amount of school money that will next be paid into the county or city and county treasury, stating the amount to be apportioned to each district. Upon the receipt of such estimate it shall be the duty of the treasurer of said county, or city and county, to transfer from any fund not immediately needed to pay the claims against it, to the proper school fund an amount not to exceed ninety per cent of the amount estimated by the superintendent, and he shall immediately notify the superintendent of the amount so transferred. The funds so transferred to the school fund shall be retransferred by the treasurer to the fund from which they were taken, from the first money paid into the school fund after the transfer.

SEC. 2. This act shall take effect and be in force on and after July 1, 1911.

CHAPTER 333.

An act to repeal sections 1634, 1635, 1636, 1637, 1638, 1639, 1640 and 1641 of the Political Code of the State of California, relating to the taking of the school census.

[Approved March 31, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Sections 1634, 1635, 1636, 1637, 1638, 1639, 1640 and 1641 of the Political Code, relating to the taking of a school census, is hereby repealed.

SEC. 2. This act shall take effect March 31, 1911.

CHAPTER 334.

An act to make an appropriation for the general improvement of the Lake Tahoe wagon road; a state highway.

[Approved March 31, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of fifteen thousand dollars for the general improvement of the Lake Tahoe wagon road and the purchasing of rock crusher and necessary equipment therefor.

Appropriation: Lake Tahoe wagon road.

SEC. 2. The department of engineering shall have full control of such improvements and shall determine upon what section of the Lake Tahoe wagon road, a state highway, said money shall be expended.

Department of engineering to control.

SEC. 3. The money appropriated under the provisions of this act is hereby made available as follows: The sum of seven thousand dollars is made available on and after April first, nineteen hundred and eleven; three thousand dollars is made available on and after July first, nineteen hundred and eleven; three thousand dollars is made available on and after April first, nineteen hundred and twelve, and the sum of two thousand dollars is available on and after July first, nineteen hundred and twelve. The state controller is hereby instructed and directed to draw his warrants at such times and in such amounts as the department of engineering may present claims for, said warrants shall be drawn in favor of the said department of engineering, and the state treasurer is hereby directed and instructed to pay said warrants and the department of engineering shall distribute the same.

When funds are available.

SEC. 4. This act shall take effect and be in force from and after its passage and approval.

CHAPTER 335.

An act to carry into effect the provisions of section fourteen of article thirteen of the constitution of the State of California as said constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations, banks and insurance companies for the benefit of the state, all relating to revenue and taxation.

[Approved April 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Subjects
taxed ex-
clusively
for state
purposes.

SECTION 1. Taxes levied, assessed and collected as hereinafter provided upon railroads, including street railways, whether operated in one or more counties; sleeping car, dining car, drawing-room car and palace car companies, refrigerator, oil, stock, fruit, and other car-loaning and other car companies operating upon railroads in this state; companies doing express business on any railroad, steamboat, vessel, or stage line in this state; telegraph companies; telephone companies; companies engaged in the transmission or sale of gas or electricity; insurance companies; banks, banking associations, savings and loan societies, and trust companies; and taxes upon all franchises of every kind and nature, shall be entirely and exclusively for state purposes, and shall be assessed and levied by the state board of equalization, and collected in the manner hereinafter provided. The word "company" and the word "companies" as used in this act shall include persons, partnerships, joint stock associations, companies, and corporations.

"Com-
pany"
defined.

Public
service cor-
porations,
how taxed.

SEC. 2. All railroad companies, including street railways, whether operated in one or more counties; all sleeping car, dining car, drawing-room car and palace car companies, all refrigerator, oil, stock, fruit, and other car-loaning, and other car companies, operating upon the railroads in this state; all companies doing express business on any railroad, steamboat, vessel, or stage line in this state; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the state a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property, or any part thereof, used exclusively in the operation of their business in this state, computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies and each thereof within this state. When such companies are operating partly within and partly without this state, the gross receipts within this state shall be deemed to be all receipts on business beginning and ending within this state, and a proportion, based upon the proportion of the mileage within this state to

Gross re-
ceipts from
interstate
business.

the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this state. The percentages above mentioned shall be as follows: On all railroad companies, including street railways, four per cent; on all sleeping car, dining car, drawing-room car, palace car companies, refrigerator, oil, stock, fruit, and other car-loaning, and other car companies, three per cent; on all companies doing express business on any railroad, steamboat, vessel or stage line, two per cent; on all telegraph and telephone companies, three and one half per cent; on all companies engaged in the transmission or sale of gas or electricity, four per cent. Such taxes shall be in lieu of all other taxes and licenses, state, county, and municipal, upon the property above enumerated of such companies except as otherwise provided in section fourteen of article thirteen of the constitution of this state, and as provided in section twenty-two of article four of said constitution. The word "municipal" as used in this act shall apply to incorporated towns and cities formed under article eleven of the constitution of this state and to none other.

Percentages on gross receipts.

"Municipal" defined.

SEC. 3. Every insurance company or association doing business in this state shall annually pay to the state a tax of one and one half per cent upon the amount of the gross premiums received upon its business done in this state, less return premiums and reinsurance in companies or associations authorized to do business in this state; *provided*, that there shall be deducted from said one and one half per cent upon the gross premiums the amount of any county and municipal taxes paid by such companies on real estate owned by them in this state. This tax shall be in lieu of all other taxes and licenses, state, county, and municipal, upon the property of such companies, except county and municipal taxes on real estate, and except as otherwise provided in the constitution of this state; *provided*, that when by the laws of any other state or country, any taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, are imposed on insurance companies of this state, doing business in such other state or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, imposed upon insurance companies of such other state or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind must be imposed by the insurance commissioner upon insurance companies of such other state or country doing business in this state.

Tax on insurance companies.

Retaliatory clause.

SEC. 4. The shares of capital stock of all banks, organized under the laws of this state, or of the United States, or of any other state and located in this state, shall be assessed and taxed to the owners or holders thereof by the state board of equalization, in the manner hereinafter provided, in the city or town where the bank is located and not elsewhere. There shall be levied and assessed upon such shares of capital stock an annual

Tax on state and national banks.

tax, payable to the state, of one per centum upon the value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid in thereon, together with its pro rata of the accumulated surplus and undivided profits. The value of each share of stock in each bank which is in liquidation shall be taken to be its pro rata of the actual assets of such bank. This tax shall be in lieu of all other taxes and licenses, state, county, and municipal, upon such shares of stock and upon the property of such bank, except county and municipal taxes on real estate and except as otherwise provided in the constitution of this state. In determining the value of the capital stock of any bank there shall be deducted from the value, as defined above, the value, as assessed for county taxes, of any real estate, other than mortgage interests therein, owned by such bank and taxed for county purposes. The banks shall be liable to the state for this tax and the same shall be paid to the state by them on behalf of the stockholders in the manner and at the time hereinafter provided, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid. The moneyed capital, reserve, surplus, undivided profits, and all other property belonging to unincorporated banks or bankers of this state, or held by any bank located in this state which has no shares of capital stock, or employed in this state by any branches, agencies, or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such banks or bankers by the said board of equalization, in the same manner as above provided for incorporated banks, and taxed at the same rate that is levied upon the shares of capital stock of incorporated banks, as provided in the first paragraph of this section. In the case of a branch, an agency, or other representative of any bank doing business outside of this state, the capital of said branch, agency, or representative used in this state shall be taken to be the average amount owed by the said branch, agency, or representative to the bank of which it is a branch, agency, or representative during the year ending the first Monday in March. The value of said property shall be determined by taking the entire property invested in such business, together with all reserve, surplus, and undivided profits, at their full cash value, and deducting therefrom the value as assessed for county taxes of any real estate, other than mortgage interests therein, owned by such bank or banker and taxed for county purposes. Such taxes shall be in lieu of all other taxes and licenses, state, county, and municipal, upon the property of the banks and bankers mentioned in this section, except county and municipal taxes on real estate, and except as otherwise provided in the constitution of this state. All moneyed capital and property of the banks and bankers mentioned in this paragraph shall be assessed and taxed at the same rate as an incorporated bank, provided for in this section. In determining the value of the moneyed capital and property of the banks and bankers

Deduction
of real
estate.

Tax on
unincorporated
banks and
branches
and
agencies of
foreign
banks.

Deductions
of real
estate.

Items
assessed.

mentioned in this section, the said state board of equalization shall include and assess to such banks all property and everything of value owned or held by them which would go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock. The word "banks" as used in this act shall include banking associations, unincorporated banks and bankers, branches, agencies or other representatives of any banks doing business outside of the State of California, savings and loan societies, and such trust companies, as conduct the business of receiving money on deposit, but shall not include building and loan associations.

"Banks" defined.

Nothing in this act shall be construed to relieve any bank in this state from the payment of the charges for examination as provided in section one hundred and twenty-three of an act entitled "An act to define and regulate the business of banking," approved March 1st, 1909, or in any acts amendatory thereof.

Charges for bank examination.

SEC. 5. All franchises, other than those of the companies mentioned in sections two, three and four of this act, shall be assessed at their actual cash value, after making due deduction for good will, in the manner hereinafter provided, and shall be taxed at the rate of one per centum each year, and the taxes collected thereon shall be exclusively for the benefit of the state. These franchises shall include the actual exercise of the right to be a corporation and to do business as a corporation under the laws of this state and the actual exercise of the right to do business as a corporation in this state when such right is exercised by a corporation incorporated under the laws of any other state or country, also the right, authority, privilege, or permission to maintain wharves, ferries, toll roads, and toll bridges, and to construct, maintain or operate, in, under, above, upon, through or along any streets, highways, public places, or waters, any mains, pipes, canals, ditches, tanks, conduits or other means for conducting water, oil, or other substances.

Tax on franchises.

"Franchises" defined.

Nothing in this section contained shall be construed to release any corporation from the payment of the annual license tax as provided for by an act entitled "An act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this act," approved March 20, 1905, and the acts amendatory thereof.

State corporation license tax not repealed.

Sec. 6. Nothing in this act shall be construed to release any company from the payment of any amount agreed to be paid or required by law to be paid, now or hereafter, for any special privilege or franchise granted by any of the municipal authorities of this state.

Municipal charges for special franchises not repealed.

Sec. 7. The term "gross receipts from operation" as used in section two of this act is hereby defined to include all sums received from business done within this state, during the year ending the thirty-first day of December last preceding, includ-

"Gross receipts from operation" defined.

ing the company's proportion of gross receipts from any and all sources on account of business done by it within this state, in connection with other companies described in section two of this act.

Interstate
business.

In case of companies operating partly within and partly without this state, the gross receipts within this state shall be deemed to be all receipts on business beginning and ending within this state, and the proportion based upon the proportion of the mileage within this state to the entire mileage over which such business is done, of receipts on all business passing through, into or out of this state.

No deduc-
tions
allowed.

No deduction shall be allowed from the gross receipts from operation for commissions, rebates, or other repayments, except only such refunds as arise from errors or overcharges; nor shall any deduction be allowed for payments from gross receipts to other companies for any purpose whatsoever, except such refunds as arise from errors or overcharges.

Income derived from property not defined in this act as operative property shall not be included in the gross receipts for the purpose of determining the tax on the property and franchises provided for in section two of this act.

"Operative
property"
defined.

SEC. 8. 1. The term "operative property" as used in this act shall include:

Of rail-
roads.

(a) In the case of railroad companies, including street rail-ways: The franchises, roadway, roadbed, rails, rolling stock, rights of way, sidings, spur tracks, switches, signal systems, cranes and structures used in loading and unloading cars, fences along the right of way, poles, wires, conduits, power lines, piers, used exclusively in the operation of the railroad business, depot grounds and buildings, ferryboats, tugs and car-floats used exclusively in the operation of the railroad business; machine shops, repair shops, roundhouses, car barns, power houses, substations, and other buildings, used in the operation of the railroad business and so much of the land on which said shops, houses, barns, and other buildings are situate as may be required for the convenient use and occupation of said buildings.

Of car
companies.

(b) In the case of sleeping car, dining car, drawing-room car and palace car companies, refrigerator, oil stock, fruit, and other car-loading, and other car companies operating upon railroads in this state: The franchises, cars, and other rolling stock.

Of express
companies.

(c) In the case of companies doing express business on any railroad, steamboat, vessel, or stage line in this state: The franchises, cars, trucks, wagons, horses, harness, and safes.

Of tele-
graph and
telephone
companies.

(d) In the case of telegraph and telephone companies doing business in this state: The franchises, rights of way, poles, wires, pipes, conduits, cables, switchboards, telegraph and telephone instruments, batteries, generators, and other electrical appliances, and exchange and other buildings used in the telegraph and telephone business and so much of the land on which said buildings are situate as may be required for the convenient use and occupation of said buildings.

(e) In the case of companies engaged in the transmission or sale of gas or electricity: The franchises, towers, poles, wires, pipes, canals, tunnels, ditches, flumes, aqueducts, conduits, rights of way, dams, reservoirs, water and water rights used exclusively in the business of the transmission or sale of gas or electricity; transformers, substations, gas-holders, gas and electric generators, switches, switchboards, meters, electrical and gas appliances, oil tanks, power plants, power houses, and other buildings and structures used in the operation of the business of the transmission or sale of gas or electricity and so much of the land on which said buildings and structures are situate as may be required for the convenient use and operation of said buildings.

Of gas and electric companies.

Provided, that the operative property of the companies enumerated in this section, shall also include any other property not above enumerated that may be reasonably necessary for use by said companies exclusively in the operation and conduct of the particular kinds of business enumerated in section two of this act.

Of all classes of companies.

The operative property mentioned in subdivisions (a), (b), (c), (d), and (e), of this section shall not be subject to taxation for county, municipal, or district purposes except as otherwise provided for in the constitution and laws of this state.

Operative property exempt from local taxation.

Provided, however, that when any piece or parcel of property in this state owned by any of the companies mentioned in section two of this act is used partially by such company for any use reasonably necessary to the operation of any of the lines of business enumerated in section two of this act, and such property is also partially rented to or used by others or is partially used by the company for some other lines of business not among those so enumerated, or for purposes not reasonably necessary to the operation of any of said enumerated lines of business, it shall be considered operative property, in that proportion only which that part of the property mentioned in this proviso used by the company in the operation of any of said enumerated lines of business, bears to the whole of the property mentioned in this proviso.

Property in divided use.

2. Any property of the classes mentioned in this section owned by a company constructing a new railroad, street railway, telegraph or telephone system, or plant or system for the transmission or sale of gas or electricity, no part of which new road, line, plant, or system is in operation, and the same classes of property when held by an operating company solely for the construction of a new railroad or railway line, a new telegraph or telephone system, or a new plant or system for the transmission or sale of gas or electricity, and not to be used for betterments or additions to roads, lines, plants, or systems already under operation, shall not be considered operative property and shall be subject to assessment and taxation for county, municipal, and district purposes. The property of any company mentioned in this section shall be deemed to be in operation as to such part of the new road, line, plant,

Plants under construction.

or system as may be in use as soon as it offers and renders service to the public for compensation; *provided, however,* that the state board of equalization shall finally determine the fact of such operation and the liability of any such company to be taxed upon its gross receipts as provided in section two of this act.

When no service is rendered to public.

3. When any property in this state belonging to a company of the classes named in this section is rendering no service to the public in this state, even though it may be rendering service to the public in some other state or states, such property shall not be considered as operative property, and shall be subject to assessment and taxation for county, municipal, and district purposes.

State board to issue instructions on operative property.

4. The state board of equalization shall have power to make rules and issue instructions not inconsistent with the constitution and laws of this state for the guidance of assessors in determining what is operative property and what is non-operative property of companies named in this section.

Report of public service companies.

SEC. 9. Such person or officer, as the state board of equalization may designate, of each of the companies mentioned in section two of this act, shall, on or before the first Monday in March of each year, file with the said board a report signed and sworn to by one or more of said persons or officers, showing in detail for the year ending the thirty-first day of December last preceding, the various items as follows:

Name of company.

1. The name of the company, its nature, whether a person or persons, a partnership (with names of partners), an association, or corporation, and under the laws of what state, territory or country organized, the nature of its business, the location of its principal place of business, the names and post-office addresses of its president, secretary, auditor, treasurer, superintendent, and general manager, the location of its principal place of business in this state, the name and post-office address of its chief officer or managing agent in this state, and the names and addresses of all subsidiary companies whose property and business are operated by it and the names and addresses of any company of which it may be subsidiary.

Property to be reported.

2. Each of the companies mentioned in section two of this act shall report, in such detail as the state board of equalization shall prescribe, all of its property in this state which comes under the definition of operative property in section eight of this act. When any such company operates both within and without this state it shall report the mileage over which it operates both within and without this state. It shall also report the location of said property within this state by counties, cities and counties, municipalities, and districts, in such manner and in such detail as said board of equalization shall prescribe. It shall also, at the same time, furnish a duplicate of the report covering so much of said property as is located in any county, city and county, municipality, or district, to the assessor of the county, city and county, city, or district in which such property is located.

The state board of equalization may require the filing in its office of maps descriptive of all the operative property of any such companies, and may prescribe the form and size of such maps and the details to be shown therein, and may require that similar maps descriptive of the operative property within each county, city and county, municipality, or district, shall be filed in the assessor's office in each county, city and county, city, or district in which any of said property is located.

Maps to
be filed.

3. The amount of capital stock issued, and the amount of money received therefor, showing separately the capital stock issued and the money received therefor of the operating company and of each subsidiary company in this state.

Capital
stock.

4. The dividends paid during the year ending the thirty first day of December last preceding, the surplus fund, if any, on said thirty-first day of December, or between such periods as the state board of equalization may determine, those of the operating company and of each subsidiary company in this state to be shown separately.

Dividends.

5. The funded and floating debts and the rate of interest thereon, showing separately the debts of the operating company and of each subsidiary company in this state, on the thirty-first day of December last preceding.

Funded
and other
debts.

6. The market value of the stock and of the outstanding bonds, or, when said stock or bonds have no market value, the actual value thereof, for such periods and for such dates as the state board of equalization shall prescribe.

Market
value stock
and bonds.

7. The amounts expended for improvements during the year ending the thirty-first day of December last preceding, how expended and the character of the improvements.

Improvement-
ments.

8. The gross receipts from operation within this state for the year ending the thirty-first day of December last preceding, the gross receipts from such classes of business as the state board of equalization may designate, to be reported separately; also, where the property and business are partly within and partly without this state, the gross receipts for said period on all business beginning and ending entirely within this state, and that proportion of the gross receipts from all business passing through, into, or out of this state, which the mileage within this state bears to the total mileage over which such interstate business is done as further defined in section seven of this act.

Gross
receipts.

9. The operating and other expenses.

Operating
expenses.

10. The balances of profit and loss, between such periods as the state board of equalization may determine.

Profit
and loss.

11. Such other matters as the state board of equalization may deem necessary in order to enable it to assess and levy the taxes provided for in section fourteen of article thirteen of the constitution of this state.

Other
matters.

Each such company shall include in its report the property and business of all subsidiary companies as that term is hereinafter defined in this section, whose property and business are operated by it, whether by virtue of a lease, an operat-

Subsidiary
companies
to be
included
in report.

ing contract or agreement, or by virtue of control through the ownership of stock or otherwise, even though such subsidiary companies maintain an independent legal existence and separate accounts.

"Subsidiary companies" defined.

The term "subsidiary company" is hereby defined as applying to a company which is merged in the operating system of an operating company in any of the ways above stated, whose property and franchises would be taxable under section two of this act if the same were operated independently. No separate report need be rendered by a subsidiary company whose property, franchises, and operations are fully and completely covered by the report of an operating company, unless the state board of equalization shall deem such a separate report necessary.

Separate reports of certain subsidiary companies.

Each such company operating the property and business of a subsidiary company in some line of business to which a different percentage of the gross receipts is applied by section two of this act, from that applied by said section two to the gross receipts of the operating company, shall report such receipts of the subsidiary company separately.

Assessor to report to state board property improperly claimed as operative property.

SEC. 10. If any assessor finds in the report of the operative property in his county, city and county, municipality, or district, furnished to him by any of the companies as required in section nine of this act, any piece or parcel of property which he regards as non-operative property, or partially operative and partially non-operative, he shall, within thirty days after receiving such report, notify the state board of equalization thereof by mail, which notice shall contain a general description of the property and the assessor's reasons for regarding the same as non-operative property. He shall also mail a copy of the notice to the company whose property is involved. The said board shall investigate the nature of the property and its use, and, if an agreement between the said board, the assessor, and the company as to the proper classification of such property can not be reached, then the said board shall, under such rules of notice as it may deem reasonable, set a date for a hearing, at which the assessor and the company may be present or represented. At such hearing the board shall, from the evidence presented and from the best information it can obtain, decide the matter in dispute, and determine whether such property is operative or non-operative or in what proportion operative and in what proportion non-operative. The said board shall enter its decision in its minutes, and shall send a copy thereof to the assessor and the company, and also to the proper officer of any city affected thereby. Said decision shall be binding upon all parties, the state, the county, city and county, municipality, or district, and the company, unless set aside by a court of competent jurisdiction, and each such assessor must note the decision on his assessment roll, and must assess such property accordingly.

Notice to company.

State board to investigate.

Hearing and decision by state board.

If the state board of equalization shall find in the report of operative property furnished to said board by any company

under the provisions of section nine of this act, any piece or parcel of property which said board regards as non-operative property, or partially operative and partially non-operative, the board shall, within thirty days after receiving such report, notify said company thereof in writing, which notice shall contain a general description of the property and the reasons for regarding the same as non-operative. It shall also mail a copy of the notice to any assessor in whose county, city and county, municipality, or district the property is located. If an agreement between the said board, the assessor, and the company as to the proper classification of such property can not be reached, then the said board shall, under such rules of notice as it may deem reasonable, set a date for a hearing, at which the assessor and the company may be present or represented. At such hearing the board shall, from the evidence presented and from the best information it can obtain, decide the matter in dispute, and determine whether such property is operative or non-operative, or in what proportion operative and in what proportion non-operative. The said board shall enter its decision in its minutes, and shall send a copy thereof to the assessor and the company, and also to the proper officer of any city affected thereby. Said decision shall be binding upon all parties, the state, the county, city and county, municipality, or district, and the company, unless set aside by a court of competent jurisdiction, and each such assessor must note the decision on his assessment roll and must assess the property accordingly.

State board to report to assessor and company property improperly claimed as operative property.

Hearing and decision by state board.

SEC. 11. The insurance commissioner of this state must on or before the last day of March in each year, make and file with the state board of equalization a report showing:

Insurance commissioner to report.

1. All companies, domestic and foreign, and all firms, associations, or persons, engaged in the business of insurance in this state.

Companies.

2. The total amount of the gross premiums received from its business in this state by each of said companies, firms, associations, and persons during the year ending the thirty-first day of December last preceding.

Gross premiums.

3. The amount of return premiums paid on business done in this state and the amount of reinsurance on business done in this state paid to other insurance companies or associations authorized to do business in this state, by said companies, firms, associations, and persons, during said year.

Return premiums and reinsurance.

4. The amount of any county and municipal taxes paid during said year by such companies on real estate owned by them in this state, and where said real estate is located.

Local taxes.

In making this report he shall list separately all those companies, firms, associations, or persons, which, under the second proviso in subdivision (b) of section fourteen of article thirteen of the constitution and of section three of this act, are subject to a tax at a rate higher than one and one half per cent on their gross premiums, or to any additional tax or burden, and shall indicate in each case the amount and character of said tax or burden.

Companies subject to retaliatory law.

Additional
state-
ments by
insurance
companies.

Every company, firm, association, or person engaged in the business of insurance in this state shall file with the insurance commissioner on or before the first Monday in March in each year, such statements in addition to, or in modification of, the statements required to be rendered under the provisions of article sixteen of chapter three of title one of part three of the Political Code as said insurance commissioner shall deem necessary to enable him to prepare the report required of him in this section, and said statements shall be verified in the same manner as is provided for the verification of other statements by insurance companies in section six hundred and ten of the Political Code, except that those filed by foreign companies shall be verified by the oath of the manager thereof residing within this state.

Bank
reports.

SEC. 12. The president, secretary, treasurer, cashier, or such other officer as the state board of equalization may determine, of every bank referred to in section fourteen of article thirteen of the constitution of this state, shall on the first Monday in March or within ten days thereafter make and file with the state board of equalization a sworn statement showing the condition of said bank at the close of business on the first Monday in March, and showing the amount of its authorized capital stock, the number of shares issued and the par value thereof, the amount received for stock issued, the amount of its surplus and undivided profits, if any, a complete list of the names and residences of its stockholders and the number of shares held by each as of record on the books of the bank at the close of business on the first Monday in March; or, in the case of unincorporated banks and bankers, of banks having no capital stock and of branches, agencies, or other representatives of banks doing business outside of this state, the moneyed capital, reserve, surplus, undivided profits, and other taxable property, as further defined in section fourteen of article thirteen of the constitution of this state, used by them in the banking business in this state, also a description of the real estate, other than mortgage interests therein, and the value of each piece thereof as assessed for the purpose of county taxation for the then current fiscal year. Branches, agencies, or other representatives of banks doing business outside of this state, shall report the average amount owed by said branches, agencies, or other representatives, to the banks of which they are branches, agencies, or representatives, during the year ending the first Monday in March, also a description of the real estate, other than mortgage interests therein, and the value of each piece thereof as assessed for the purpose of county taxation for the then current fiscal year. The state board of equalization shall prescribe the form of reports, the manner of their verification, and may require the submission of tax receipts, or copies thereof certified to be correct by any notary public, in order to verify the statements as to the assessed value of the real estate, and may require such further information or statements as said board may deem necessary.

Unincorporated
banks,
branches,
etc.

Form of
reports.

SEC. 13. The secretary of state shall before the first day of April in the year one thousand nine hundred and eleven report to the state board of equalization the names, principal place of business, date of incorporation, term of existence, number of charter, and the funded debt, if any, and the then authorized capital stock of all corporations, whether formed under the laws of this state or of some other state or country, a copy of whose articles of incorporation is on file in his office, and which are authorized to do business in this state, and at such times thereafter and as often as the state board of equalization shall determine, report to said board the same information concerning all new corporations, whether formed under the laws of this state or of any other state or country, a copy of whose articles of incorporation shall have been filed in his office, together with the amount of the capital stock thereof, and also the names and principal place of business of all corporations filing designation of agents or certificates of increase or decrease of capital stock in his office with the amount of the increase or decrease of the capital stock thereof.

Secretary
of state
to report
corporations,
etc.

SEC. 14. The owner or holder of every franchise, subject to taxation as provided in section five of this act, shall within ten days after the first Monday in March in each year, make a written report to the state board of equalization, signed and sworn to by the holder or owner himself, if an individual, or by one of the copartners, if such owner or holder is a copartnership, or by the president or vice-president and the treasurer or secretary, if the owner is a corporation, containing such a concise statement or description of every franchise possessed or enjoyed on said day by such owner or holder, as the state board of equalization may prescribe, a copy of the law, grant, ordinance, or contract under which the same is held, or if possessed or enjoyed under a general law, a reference to such law, a statement of any condition, obligation, or burden imposed upon such franchise, or under which the same is enjoyed, and containing also:

Owners of
franchises
to report.

1. The name of the company, its nature, whether a person or persons, a partnership (with names of partners), an association, or corporation, and under the laws of what state, territory, or country organized, the nature of its business, the location of its principal place of business, the names and post-office addresses of its president, secretary, auditor, treasurer, superintendent, and general manager, the location of its principal place of business in this state, the name and post-office address of its chief officer or managing agent in this state, and the names and addresses of all subsidiary companies whose property and business are operated by it.

Name.

2. The amount of its authorized capital stock, the amount thereof issued and outstanding on the first Monday in March, and the amount paid in thereon or the value of the property received therefor.

Capital
stock.

3. The funded and floating debts and the interest paid thereon showing separately the debts of the operating com-

Funded
and other
debts.

pany and of any subsidiary companies in this state on the thirty-first day of December last preceding.

Market
value
stocks and
bonds.

4. The market value of the stock and of the outstanding bonds, or, when said stock or bonds have no market value, the actual value thereof, for such periods and for such dates as the state board of equalization shall prescribe.

Assessed
value of
property.

5. The assessed value of its property as assessed for the current fiscal year in each county, city and county, and city in the state for the purposes of taxation, and if any property of such corporation be assessed and taxed outside of the State of California, the place where assessed, the amount of such assessment and taxes there paid during such current fiscal year.

Optional
items in
report.

In case the company, person, firm, association, or corporation making such report can not or does not fairly and fully state the facts and matters contained in the foregoing subdivisions 1 to 5, inclusive, then such company, person, firm, association, or corporation must render an additional report containing the following matters, to wit:

Dividends.

6. The dividends paid during the year ending the thirty-first day of December last preceding, the surplus fund, if any, on said thirty-first day of December, or between such periods as the state board of equalization may determine. Those of the operating company and of each subsidiary company in this state to be shown separately.

Gross
receipts.

7. The gross receipts from all sources for the year ending the thirty-first day of December last preceding, from the entire property and business, the gross receipts from such classes of business as the state board may designate, to be reported separately; also, where the property and business are partly within and partly without this state, the gross receipts for said period on all business beginning and ending entirely within this state, and that proportion of the gross receipts from all business passing through, into, or out of this state, which the mileage within this state bears to the total mileage over which such interstate business is done as further defined in section seven of this act.

Operating
expenses.

8. The operating and other expenses.

Profit
and loss.

9. The balances of profit and loss, between such periods as the state board of equalization may determine.

Other
matters.

10. Such other matters as the state board of equalization may deem necessary in order to enable it to assess and levy the taxes provided for in section fourteen of article thirteen of the constitution of this state.

State
board to
assess
franchises.

The state board of equalization shall ascertain and determine from the foregoing reports, or from the best information it can obtain, the actual cash value on the first Monday in March of each such franchise, and shall assess and levy the taxes thereon in accordance with the provisions of subdivision (d) of section fourteen of article thirteen of the constitution of this state.

SEC. 15. Every assessor or auditor shall, in the manner, at the times, and for the year required by the state board of equalization, report to said board upon such forms as may be prescribed by said board the valuation placed by him upon the property of any company subject to an assessment upon its franchise under the provisions of this act.

Assessor
to report
to state
board.

SEC. 16. If any company mentioned in section one of this act shall fail or refuse to furnish to the state board of equalization within the time prescribed in this act the verified report provided for in this act, the state board of equalization must note such failure or refusal in the record of assessments for state taxes hereinafter in this act provided for, and must make an estimate of the amount of the gross receipts, gross premiums, value of the shares of capital stock, or value of the franchises, of such company and must assess the same at the amount thus estimated, which assessment shall be the assessment upon which the taxes upon the property or franchise of the company for such year shall be levied and collected as provided for in this act. And if in the succeeding year any such company shall again fail or refuse to furnish the verified report required by this act, the state board shall make an estimate of the amount of the gross receipts, gross premiums, value of the shares of capital stock, or value of the franchise of such company, which estimate shall not be less than twice the amount of the estimate made by said board in the previous year, and shall note such failure or refusal as above provided, and the said estimate so made shall be the assessment upon which the taxes upon the property or franchise of the company for such year shall be levied and collected as provided for in this act. In case of each succeeding consecutive failure or refusal the said board shall follow the same procedure until a true statement shall be furnished.

Arbitrary
assessment
in case of
failure or
refusal to
report.

Any company failing or refusing to make and furnish any report prescribed in this act or rendering a false or fraudulent report shall be guilty of a misdemeanor and subject to a fine of not less than three hundred dollars and not exceeding five thousand dollars for each such offense.

Penalty
for failure
or refusal
to report.

Any person required to make, render, sign, or verify any report, who makes any false or fraudulent report, with intent to defeat or evade the assessment required by this act to be made, shall be guilty of a misdemeanor, and shall for each such offense be fined not less than three hundred dollars and not more than five thousand dollars, or be imprisoned not exceeding one year in the county jail of the county where said report was verified, or be subject to both said fine and imprisonment, at the discretion of the court.

Penalty
for false
report.

SEC. 17. The state board of equalization may, for good cause shown, by order entered upon its minutes, extend for not exceeding thirty days, the time fixed in this act for filing any report herein provided for; *provided, however,* that for the year one thousand nine hundred and eleven the said board

Extension
of time
for filing
report.

may extend the period herein mentioned for not exceeding sixty days.

State board to meet for assessment.

SEC. 18. The state board of equalization must meet at the state capitol on the first Monday in March in each year, and continue in open session from day to day, Sundays and holidays excepted, until the first Monday in July. Between the first Monday in March and the third Monday before the first Monday in July the board must assess and levy the taxes as and in the manner provided for in this act and in section fourteen of article thirteen of the constitution of this state. The assessments must be made to the company, person or association owning or operating the property subject to said tax, or, in the case of banks, banking associations, savings and loan societies and trust companies, to the stockholders therein. If the name of the owner is unknown to the board, such assessment must be made to unknown owners. Clerical errors occurring or appearing in the name of any company, person, association, or stockholder whose property is correctly assessed shall not invalidate the assessment; *provided, however*, that if any bank shall, by resolution of its board of directors, request the state board of equalization to assess to and in the name of such bank so requesting, the entire taxable value of all the shares of the capital stock of such bank, as determined by said state board, instead of assessing such shares to and in the name of the individual stockholders or shareholders owning the same, and if such bank shall promise that it will, upon being notified by said state board, of such assessment thereof to said bank, and of the amount of taxes to be paid upon such assessment, pay such taxes at the times when taxes assessed and levied under this act are due and payable, which request to assess said bank and promise to pay said tax shall be in substantially the following form:

Assessments, how made.

Bank waiver of assessment to individual stockholder.

Form of waiver.

The state board of equalization is hereby instructed to assess in the name of this bank and not to the individual stockholders or shareholders therein, the taxable value of all the shares of capital stock in this bank and such bank hereby promises to pay to the state treasurer the amount of the tax levied upon such assessment when such taxes are due and payable under the laws of this state.

.....
By (here insert title of official signing.)

Then the state board may assess the capital stock to and in the name of such bank and said promise to pay the taxes shall be binding upon such bank and collection of such taxes from such bank may be enforced in the manner and by the same method as is provided for the collection of other taxes assessed and levied under this act.

Board to publish notice of completion of assessments.

On the third Monday before the first Monday in July the said board shall publish a notice in one daily newspaper of general circulation published at the state capital, in one daily newspaper of general circulation published in the city and county of San Francisco, and in one daily newspaper of gen-

eral circulation published in the city of Los Angeles, that the assessment of property for state taxes has been completed, and that the record of assessments for state taxes will be delivered to the controller on the first Monday in July, and that if any company, person, or association is dissatisfied with the assessment made by the board, it may, at any time before the taxes thereon shall become due and payable, apply to the board to have the same corrected in any particular. The board shall have power at any time on or before the first Monday in July to correct the record of assessments for state taxes and may increase or decrease any assessment therein if in its judgment the evidence presented or obtained warrants such action.

Correction of assessment.

SEC. 19. The state board of equalization must prepare each year a book, in one or more volumes, to be called the "record of assessments for state taxes," in which must be entered, either in writing or printing, or by both writing and printing, each assessment and levy made by said board upon the property and franchises mentioned in section one of this act, describing the property assessed, and such assessments shall be classified and entered, in such separate parts of said record as the board shall prescribe. On the first Monday in July the secretary of the state board of equalization must deliver to the controller of state the record of assessments for state taxes, certified to by the chairman and secretary of the board, which certificate shall be substantially as follows:

Record of assessments for state taxes.

"We, chairman, and secretary, of the state board of equalization of the State of California do hereby certify that between the first Monday in March and the first Monday in July, 19. . . . , the state board of equalization made diligent inquiry and examination to ascertain all property and companies subject to assessment and taxation for state purposes, as required by the constitution of this state; that said board has faithfully complied with all the duties imposed upon it by the constitution and laws of the State of California; that said board has not imposed any unjust or double assessment through malice or ill will, or otherwise; nor allowed any company or property to escape a just assessment through favor or reward, or otherwise."

Certifying to assessment roll

But the failure to subscribe such certificate to such record of assessments for state taxes, or any certificate, shall not in any manner affect the validity of any assessment. Such record of assessments shall constitute the warrant for the controller to collect the taxes assessed and levied upon the property and franchises mentioned in section one of this act.

Failure to certify to record of assessments.

SEC. 20. The taxes assessed and levied as provided in section fourteen of article thirteen of the constitution of this state, and in and by the provisions of this act, shall be due and payable on the first Monday in July in each year, and one half thereof shall be delinquent on the sixth Monday after said first Monday in July at six o'clock p. m., and unless paid prior thereto, fifteen per cent shall be added to the amount thereof,

Taxes, when due and when delinquent.

and unless paid prior to the first Monday in February next thereafter at six o'clock P. M., an additional five per cent shall be added to the amount thereof; and the unpaid portion, or the remaining one half of said taxes, shall become delinquent on the first Monday in February next succeeding the day upon which they became due and payable at six o'clock P. M.; and if not paid prior thereto five per cent shall be added to the amount thereof; *provided*, that all taxes provided for or levied under this act which are not fully secured by real property are due and payable at the time the assessment is made. When in the opinion of the state board of equalization any of the taxes provided for in this section are not a lien upon real property sufficient to secure the payment of the taxes, said board may direct the controller, or his duly authorized representative, to collect the same at any time before the first Monday in August thereafter, and the controller may collect the taxes by seizure and sale of any property owned by the company against whom the tax is assessed.

Taxes not secured by real estate may be collected on assessment.

Sale of property for taxes.

The sale of any property so seized shall be made at public auction and of a sufficient amount of the property to pay the taxes, penalties and costs, and be made after one week's notice of the time and place of such sale given by publication in a newspaper of general circulation published in the county where the property seized is situate, or if there be no newspaper of general circulation published in such county, then by posting of such notice in three public places in such county. Said notice shall contain a description of the property to be sold, together with a statement of the amount of the taxes, penalties and costs due thereon and the name of the owner of said property, and a further statement that unless the taxes, penalties and costs are paid on or before the day fixed in said notice for such sale of said property, or so much thereof as may be necessary to pay said taxes, penalties and costs, said property will be sold in accordance with law and said notice. On payment of the price bid for any property sold, the delivery thereof with bill of sale executed by the controller vests the title in the purchaser. The unsold portion of any property so seized, may be left at the place of sale at the risk of the owner. All of the proceeds of any such sale in excess of the taxes, penalties, and costs, must be returned to the owner of the property sold, and until claimed must be deposited in the state treasury subject to the order of the owner thereof, his heirs, or assigns.

Contents of notice

Bill of sale and disposition of residue of property.

Controller to publish notice when taxes are due.

Within ten days after the receipt of the record of assessments for state taxes, the controller must begin the publication of a notice to appear daily for two weeks, in one daily newspaper of general circulation published at the state capital, in one daily newspaper of general circulation published in the city and county of San Francisco, and in one daily newspaper of general circulation published in the city of Los Angeles, specifying:

Contents of above notice.

1. That he has received from the state board of equalization the record of assessments for state taxes.

2. That the taxes therein assessed are due and payable on the first Monday in July and that one half thereof will be delinquent on the sixth Monday after the first Monday in July at six o'clock P. M., and that, unless paid to the state treasurer at the capitol prior thereto, fifteen per cent will be added to the amount thereof, and unless paid prior to the first Monday in February next thereafter at six o'clock P. M., an additional five per cent will be added to the amount thereof; and that the remaining one half of said taxes will become delinquent on the first Monday in February next succeeding the day upon which they become due and payable at six o'clock P. M.; and if not paid to the state treasurer at the capitol prior thereto, five per cent will be added to the amount thereof.

SEC. 21. The taxes levied under the provisions of this act shall constitute a lien upon all the property and franchises of every kind and nature belonging to the companies subject to taxation for state purposes, which lien shall attach on the first Monday in March of each year. Every tax herein provided for has the effect of a judgment against the company, and every lien created by this act has the effect of an execution duly levied against all property of the delinquent; the judgment is not satisfied nor the lien removed until such taxes, penalties, and costs are paid, or the property sold for the payment thereof.

Taxes
a lien.

Tax has
effect of a
judgment.

SEC. 22. All taxes assessed and levied as provided in this act shall be paid to the state treasurer, upon the order of the controller, without deduction for any taxes assessed and levied to pay the principal and interest of any bonded indebtedness mentioned in subdivision (e) of section fourteen of article thirteen of the constitution of this state, and the amount due to the cities, cities and counties, counties, towns, townships, and districts on account of said taxes assessed and levied for such bonded indebtedness shall be paid to said cities, cities and counties, counties, towns, townships, or districts in the manner hereinafter in this act provided.

Taxes to
be paid
to state
treasurer.

The controller must mark the date of payment of any tax on the record of assessments for state taxes. He must give a receipt to the person paying any tax, or any part of any tax, specifying the amount of the assessment and the tax, or part of tax, paid, and the amount remaining unpaid, if any, with a description of the property assessed; *provided*, that the receipt for the second half of the taxes may refer, by number or in any other intelligible manner, to the receipt given for the first half of said taxes, in lieu of a description of the property assessed.

Controller
to receipt
for taxes.

Whenever any taxes, penalties, or costs collected and paid to the state treasurer under the provisions of this act, shall have been paid more than once, or shall have been erroneously or illegally collected, or when any taxes shall have been collected and paid pursuant to this act upon a computation erroneously made by reason of clerical mistake of the officers or employees of the state board of equalization, or shall have been computed in a manner contrary to law, the state board of equalization shall

Taxes er-
roneously
collected.

certify to the state board of examiners the amount of such taxes, penalties, or costs, collected in excess of what was legally due, from whom they were collected or by whom paid, and if approved by said board of examiners, the same shall be credited to the company or person to whom it rightfully belongs, at the time of the next payment of taxes. No claim for such credit shall be so audited, approved, allowed, or paid unless presented within one year after the payment sought to be refunded.

Limitation
of time.

Protest
of taxes.

SEC. 23. Any company, person, or association dissatisfied with any assessment made by the state board of equalization may bring an action against the state treasurer for the recovery of any taxes, penalties, or costs paid on such assessment, but no such action may be brought later than the third Monday in February next following the day on which the taxes were due, nor unless such company, person or association shall have filed with the state controller at the time of payment of such taxes a written protest stating whether the whole assessment is claimed to be void, or if a part only, what part, and the grounds upon which such claim is founded; and when so paid under protest the payment shall in no case be regarded as voluntary. Whenever under the provisions of this section an action is commenced against the state treasurer, a copy of the complaint and of the summons must be served upon the treasurer, or his deputy. At the time the treasurer demurs or answers, he may demand that the action be tried in the superior court of the county of Sacramento, which demand must be granted. The attorney general must defend the action. The provisions of the Code of Civil Procedure relating to pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for. A failure to begin such action within the time herein specified shall be a bar against the recovery of such taxes.

Action to
recover
taxes.

Controller
to send
notice of
delinquent
taxes.

SEC. 24. Within ten days after the first Monday in February, the controller shall send by mail to the last known address of any company whose taxes are delinquent a notice of the amount of said taxes, penalties, and costs, and that if the said taxes, penalties, and costs are not paid on or before the first Monday in March next thereafter at six o'clock p. m., the delinquent company if it be a domestic corporation will forfeit its charter to the state, and that if the delinquent company be a foreign corporation it will forfeit its right to do business in this state.

Charter
forfeited
for de-
linquent
taxes.

If the taxes, penalties, and costs are not paid within the time specified in said notice, the controller shall, on said first Monday in March at six o'clock p. m., mark on the record of assessments for state taxes opposite the assessment of the delinquent company the words "charter forfeited to the state," if the delinquent company be a domestic corporation, and thereupon said charter shall be so forfeited, and if the delinquent company be a foreign corporation the words "right to do business forfeited" and thereupon said right to do busi-

ness shall be so forfeited. He shall at once report to the secretary of state the name and number of charter of each corporation whose charter or right to do business has been forfeited for non-payment of taxes, and the secretary of state shall at once report the same to the governor. The governor shall forthwith issue his proclamation, declaring that the charters of such domestic corporations have been forfeited and the right of such foreign corporations to do business in this state has been forfeited. Said proclamation shall be filed immediately in the office of the secretary of state, and the secretary of state shall immediately cause a copy of said proclamation to be published in one issue of one daily newspaper of general circulation published at the state capital, of one daily newspaper of general circulation published in the city and county of San Francisco, and of one daily newspaper of general circulation published in the city of Los Angeles. The secretary of state shall thereupon transmit a certified copy of the proclamation to each county clerk in this state, who shall file the same in his office. Any such corporation making subsequent payment of all taxes, penalties, and costs due the state, and in addition thereto an amount equal to the taxes levied under this act for the year in which such forfeiture occurred, for each year subsequent to such forfeiture and to the time of such redemption, shall be relieved of such forfeiture, and the controller shall notify the secretary of state thereof, and the secretary of state shall annually on the first Monday in April transmit to the county clerk of each county in this state a list of the corporations so paying, and which have been relieved of such forfeiture, which list shall be by said county clerk filed in his office; *provided*, the rehabilitation of a corporation under the provisions of this act shall be without prejudice to any action, defense or right which accrued by reason of the original forfeiture; *and provided*, that in case the name of any corporation which has suffered the forfeiture prescribed in this act, or a name so closely resembling the name of such corporation as will tend to deceive, has been adopted by any other corporation since the date of said forfeiture, then said corporation having suffered such forfeiture shall be relieved therefrom pursuant to the terms of this section only upon the adoption by said corporation seeking revivor of a new name, and in such case nothing in this act contained shall be construed as permitting such corporation to be revived or carry on any business under its former name; and such corporation shall have the right to use its former name or take such new name only upon filing an application therefor with the secretary of state and upon the issuing of a certificate to such corporation by the secretary of state setting forth the right of such corporation to take such new name or use its former name, as the case may be; *provided, however*, that the secretary of state shall not issue any certificate permitting any corporation to take or use the name of any corporation heretofore organized in this state, and which has not suffered a forfeiture prescribed by this act, or to make or use a name so

Governor
to pro-
claim for-
feitures.

Relief from
forfeiture.

Resump-
tion of
former
name,
when per-
mitted.

closely resembling the name of such corporation heretofore organized in this state as will tend to deceive. The provisions of title IX, part III of the Code of Civil Procedure, in so far as they conflict with this section, are not applicable to corporations seeking revivor under this act.

Controller
to sue for
delinquent
taxes.

The controller may, within sixty days after the first Monday in March, bring an action in a court of competent jurisdiction in the county of Sacramento in the name of the people of the State of California, to collect any delinquent taxes, together with any penalties, or costs, which have not been paid in accordance with the provisions of this act and appearing delinquent upon the record of assessments for state taxes hereinbefore in this act provided for. The attorney general must prosecute such action, and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for. In such action a writ of attachment may be issued, and no bond or affidavit previous to the issuing of said attachment is required. In the case of companies whose charters or right to do business has been forfeited under the provisions of this act, service of summons may be made upon the persons, now provided for by law to be served as agents or officers of any of such companies and such persons shall be deemed to be the agents of such companies for all purposes necessary in order to prosecute such action. Payment of the taxes and penalties, or amount of the judgment recovered in such action must be made to the state treasurer. In such actions the record of assessments for state taxes, or a copy of so much thereof as is applicable in said action, duly certified by the controller, or by the secretary of the state board of equalization, showing unpaid taxes against any company, person or association assessed by the state board of equalization, is prima facie evidence of the assessment upon the property and franchises, the delinquency, the amount of the taxes, penalties, and costs due and unpaid to the state, and that the company, person, or association is indebted to the people of the State of California in the amount of taxes and penalties therein appearing unpaid, and that all the forms of law in relation to the assessment and levy of such taxes have been complied with.

May
attach.

Payment
of tax.

Powers
and duties
of state
board.

Prescribe
forms.

Inspect
property.

SEC. 25. In addition to the powers and duties prescribed in the Political Code, it is the duty of the state board of equalization, and the said board shall have power, for carrying this act into effect:

1. To prescribe the forms upon which the reports required by sections 9, 12 and 14 of this act shall be made.

2. Whenever deemed necessary, to visit as a board, or by the individual members thereof, or to send its secretary or duly appointed representative to any portion of this state for the purpose of inspecting property and learning the value thereof, and of collecting information to enable it to justly assess and levy the taxes provided for in this act.

3. To call before it, or any member thereof, or before its secretary or duly appointed representative on such visit, any public officials, and to require them to produce any public record, papers or documents in their custody. Summon public officials.

4. To issue subpoenas for the attendance of witnesses or the production of books before the board, or any member thereof; which subpoenas must be signed by a member of the board, and may be served by any person. Issue subpoenas.

5. To require any person having knowledge of the business of any of the companies mentioned in section fourteen of article thirteen of the constitution of this state, or having the custody of the books and accounts of such companies, to attend before the board or any member thereof, or before the secretary or the duly appointed representative of said board, and bring with him for inspection any books, or papers, of such company in his possession or under his control, and to testify under oath touching any matter relating to the assessment to be made under this act. A member of the board, its secretary, or duly appointed representative is authorized to administer such oath. Require attendance of witnesses and production of books.

6. Said board of equalization is hereby authorized and empowered to examine the books and accounts of all companies required by law to report to it, and to employ an expert accountant or accountants to assist in the examination of the books and accounts of any such companies when in the judgment of said board the exigencies of the case may so require. Examine books and accounts.

7. It shall be unlawful for any member or ex-member of the state board of equalization, or for any agent employed by it, or for the controller, or ex-controller, or for any person employed by him or for any person who may at any time have obtained such knowledge from any of the foregoing officers or persons, to divulge or make known in any manner whatever not provided by law, any of the following items of information concerning the business affairs of companies reporting to the said board: Unlawful for members or employees to divulge information.

(a) Any information concerning the business affairs of any company which is gained during an examination of its books and accounts or in any other manner, and which information is not required to be reported to the state board of equalization in the reports or statements provided for in paragraphs numbered one to ten of section nine and paragraphs numbered one to ten of section fourteen of this act.

(b) Any information, other than the assessment and the amount of taxes levied, obtained by the state board of equalization in accordance with the provisions of this act, from any company other than any of those enumerated in sections two, three and four of this act.

(c) Any particular item or items of information relating to the disposition of its earnings contained in the report of a quasi-public corporation which any such corporation may, by written communication specifying the items and presented at

Governor
may disclose in-
formation.
Penalties.

the time when it files its report, request shall be treated as confidential; *provided, however*, that if the governor shall direct that any of the information herein referred to be made public, then it shall no longer be unlawful to divulge or make known the same. Any violation of the provisions of this subdivision shall be a misdemeanor and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or both, at the discretion of the court.

County
auditors
to report
assess-
ments of
real estate
of banks.

SEC. 26. On the second Monday in August of each year the auditor of each county must report to the state board of equalization, in addition to the items required to be so reported by him under section three thousand seven hundred and twenty-eight of the Political Code, the value of each piece of real estate other than mortgage interests therein belonging to each bank in his county as assessed and equalized for purposes of county taxation. Whenever the state board of equalization is satisfied after investigation that any county assessor, or board of equalization, has assessed any real estate belonging to any bank above its full cash value and has thereby unjustly reduced the amount of taxes due the state from said bank, said state board shall, under such rules of notice to the clerk of the board of supervisors of the county affected thereby as the said state board shall deem reasonable, equalize the assessed value of such real estate and shall upon completion of said equalization issue an order to said assessor or board of equalization and to the county auditor of the county in which said real estate is located, fixing the assessed value of said real estate. The value so equalized and fixed, and no other, shall be deemed the value, as assessed for county taxes, of such real estate, and the sole basis of taxation upon such real estate for county taxes. A copy of the order certified by the secretary of the state board of equalization shall be prima facie evidence of the regularity of all proceedings of the board resulting in the action which is the subject-matter of the order.

Equalized
value.

State
board to
equalize as-
sessments
of real
estate of
insurance
companies.

SEC. 27. The state board of equalization shall immediately after the county and city assessments have been completed, ascertain the value of any real estate belonging to any insurance company as assessed and equalized for purposes of county and of city taxation. Whenever the state board of equalization is satisfied after investigation that any county, city and county, city, or district assessor, or board of equalization, has assessed any real estate belonging to any insurance company above its full cash value and has thereby unjustly reduced the amount of taxes due the state from said insurance company, said state board shall, under such rules of notice to the clerk of the board of supervisors of the county or the proper officer of the city affected as the board shall deem reasonable, equalize the assessed value of such real estate and shall, upon the completion of said equalization, issue an order to said assessor or board of equalization and to the county, city and county, city, or district auditor or clerk of the county, city and county,

city, or district in which said real estate is located, fixing the assessed value of said real estate. The value so equalized and fixed, and no other, shall be deemed the value, as assessed for county, city and county, city, or district taxes, of such real estate, and the sole basis of taxation upon such real estate, for county, municipal and district taxes. A copy of the order certified by the secretary of the state board of equalization shall be prima facie evidence of the regularity of all proceedings of the board resulting in the action which is the subject matter of the order.

Equalized
value.

SEC. 28. Each county, city and county, city, and district assessor must segregate on his assessment roll, as directed by the state board of equalization:

Assessors
to segre-
gate on
assess-
ment roll.

1. The assessments made by the state board of equalization, and apportioned to the county, city and county, city, town, township, or district, upon the franchises, roadway, roadbed, rails and rolling stock of all railroads operated in more than one county in this state under the provisions of the Political Code as the same existed and were in force on the seventh day of November in the year one thousand nine hundred and ten; and

Assessment
of rail-
road as
made by
state
board.

2. The assessments made by said assessors of any other property enumerated in subdivision (a), (b) and (d) of section fourteen of article thirteen of the constitution of this state, which is located in the county, or city and county, or any city, town, township, or district in which it is subject to taxation for paying the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township, or district prior to the eighth day of November in the year one thousand nine hundred and ten, as provided in subdivision (e) of section fourteen of article thirteen of the constitution of this state.

Assess-
ments of
public
service cor-
porations,
property
subject to
bond tax.

Immediately upon completion of the assessment and equalization of property for the purposes of taxation in each year the auditor or clerk of each county, city and county, city, town, or district must transmit to the state board of equalization a duplicate of that part of the assessment roll containing the assessments and apportionments referred to in paragraphs one and two of this section.

Duplicate
to be sent
to state
board.

Whenever the state board of equalization is satisfied after investigation that any county, city, or other assessor, or board of equalization, has assessed for taxation to pay the principal and interest of any bonded indebtedness created and outstanding by any county, city and county, city, town, township, or district prior to the eighth day of November in the year one thousand nine hundred and ten, as provided in subdivision (e) of section fourteen of article thirteen of the constitution of this state, any of the property taxed exclusively for state purposes as provided in subdivisions (a), (b) and (d) of section fourteen of article thirteen of the constitution of this state, or has assessed for purposes of county, city and county, city, or district taxation the property other than the franchise of any company taxable for a franchise under subdivision (d) of

State
board to
equalize
assess-
ments
made for
bond
purposes.

said section and article of the constitution, above its full cash value and has thereby unjustly reduced the amount of taxes due the state on such property, said state board shall, under such rules of notice to the clerk of the board of supervisors of the county, or city and county, or to the city clerk of the city, affected thereby as the board shall deem reasonable, equalize the assessed value of such property, and shall issue an order to said assessor or board of equalization and to the county or city auditor or clerk of the county, city and county, or city in which the property is located, fixing the assessed value of such property. The value so equalized and assessed, and no other, shall be deemed the value of said property, and its assessment for taxes levied to pay the principal and interest of any such outstanding bonded indebtedness, and in the case of companies taxable for a franchise under said subdivision (d) of said section and article of the constitution shall be deemed the value of the said property, and its assessment for taxes for county, city and county, municipal and district purposes.

Equalized value.

When making the tax levy and fixing the rates of taxation for county, city and county, city, town, township, or district purposes, the board of supervisors of any county, or city and county, and the corresponding authority in any city, having bonded indebtedness issued and outstanding on the eighth day of November in the year one thousand nine hundred and ten, shall fix the tax rate for such bonded indebtedness separate and apart from all other tax rates, whether for subsequent bonded indebtedness or for other purposes.

Tax rates for bonded to be separate from other rates.

The county, city and county, or city auditor or clerk shall extend on the assessment roll against the assessments segregated as herein provided, the taxes necessary to pay the principal and interest of said bonded indebtedness at the same rate as said taxes for payment of principal and interest of said outstanding bonded indebtedness shall be levied upon the other classes of property within the same county, city and county, city, town, township, or district, and the amount of each such taxes shall be certified by said auditor or clerk to the controller and the amount so certified shall then be credited by the controller to the county, city and county, city, town, township, or district to which it is due; and said amount shall be paid by said controller to the treasurer of such county, or city and county, as provided in section twenty-nine of this act, and upon such payment said treasurer shall forthwith certify such fact to the tax collector who shall thereupon mark upon the assessment roll the date of payment and the words "paid by the state treasurer." The city clerk or auditor shall in the certificate mentioned in this paragraph also state the date when taxes in such city shall become delinquent.

Same tax rate to apply to all property for bonded purposes.

State to pay part of principal and interest of outstanding bonded debts.

SEC. 29. The controller shall out of the taxes collected by him as provided in this act credit to the fund created by an act of the thirty-ninth session of the legislature entitled "An act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness

created and outstanding by any city, city and county, county, town, township or district on the eighth day of November in the year one thousand nine hundred and ten, which is provided for in section fourteen of article thirteen of the constitution of this state, and as provided in an act of the thirty-ninth session of the legislature entitled 'An act to carry into effect the provisions of section fourteen of article thirteen of the constitution of the State of California, as said constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the state, all relating to revenue and taxation,' " the money due to each county, city and county, city, town, township, or district on account of taxes to pay the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten. The controller shall in the months of October and March in each year settle with the treasurer of each county and city and county for the money collected by said controller under this section, for the moneys due said county or city and county and the townships and districts within such county or city and county, in the same manner as settlements are made between the county or city and county treasurers and the controller as provided for in section three thousand eight hundred and sixty-six of the Political Code. The controller shall at the same times, settle with each city and town for the moneys due such city or town for the purposes mentioned in this section, and when ready for such settlement shall notify the city or town treasurer of the amount of money due the city or town for said purposes, and that upon receipt of proper authority so to do, he will forward to said city or town treasurer a warrant for the amount thereof; *provided, however,* that upon receipt of notice from any such city or town treasurer that any bond issue matures for principal or interest before the date of such settlement, which notice shall state the amount thereof due from the state and the date of maturity, and that said amount due from the state is required in order to pay the same, the said controller must, before said date of maturity, forward his warrant to such city or town treasurer in the manner above provided for the amount ascertained by him to be due. The treasurer of the county or city and county shall forthwith, upon receipt by him of the moneys so hereinbefore directed to be paid by said controller, credit the amount so received by him to the county, city and county, township or district, respectively entitled thereto, and pay the same in the manner provided by law.

Controller
to settle in
October
and March.

Any excess paid by the controller to a county, city and county, city, town, or to a county or city and county or any township or district, over and above the state's share of the amount actually expended by such county, city and county, city, town, township or district, to pay the interest and principal of said bonded indebtedness in any year, shall be repaid to the state in such manner as the controller shall direct.

Excess
paid by
state.

State to reimburse counties.

SEC. 30. Until the year one thousand nine hundred and eighteen the state shall reimburse any and all counties which sustain loss of revenue by the withdrawal of railroad property from county taxation for the net loss in county revenue occasioned by the withdrawal of railroad property from county taxation in the manner, at the times, and in the amounts specified in an act of the thirty-ninth session of the legislature entitled "An act to provide for the reimbursement of counties in this state which sustain net loss of revenue by the withdrawal of railroad property from county taxation, under the provisions of section fourteen of article thirteen of the constitution of this state."

State not to pay county treasurers' expenses.

SEC. 31. The provisions of section three thousand eight hundred and seventy-six of the Political Code shall not apply to the settlements made with the state treasurer under sections twenty-nine and thirty of this act, but the county board of supervisors may if it deem necessary allow the county treasurer the actual expenses incurred in collecting the money due the county from the state.

Counties to reimburse loss to districts.

SEC. 32. The board of supervisors of each county shall in the month of September of each year determine the amount of loss to each district in the county where loss is occasioned in such district by the withdrawal from local taxation of property taxed for state purposes only, and in the month of December next thereafter shall reimburse such district from the general funds of the county for one half of such loss, and in the month of May next thereafter shall reimburse such district from the general fund of the county for the remaining one half of such loss.

All property in state subject to deficiency tax.

SEC. 33. Any tax required to be levied for state purposes as provided in subdivision (c) of section fourteen of article thirteen of the constitution as amended the eighth day of November in the year one thousand nine hundred and ten, to meet any deficiency in the state revenue shall be assessed, levied and collected on all property in the state, not exempt from taxation, including the classes of property enumerated in this act, under the provisions of the Political Code relating to the assessment, levy and collection of state and county taxes as said provisions were in force on the seventh day of November in the year one thousand nine hundred and ten.

Prorog laws not repealed for certain purposes.

SEC. 34. Nothing in this act shall be construed as repealing any laws in force prior to the eighth day of November in the year one thousand nine hundred and ten, relating to taxation, in so far as said laws may be necessary for the assessment, levy, and collection of state, county, city and county, municipal or district taxes, or in so far as said laws may be necessary for the assessment, levy and collection of the taxes provided for in section twenty-two of article four of the constitution as amended on the eighth day of November in the year one thousand nine hundred and ten: or in so far as said laws may be necessary for the assessment, levy and collection of the taxes for state purposes, on all the property in the state, not exempt from tax-

tion, to meet a deficiency in the revenues for the support of the state government, or to pay the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township, or district, both as provided in subdivision (c) of section fourteen of article thirteen of the constitution as amended on the eighth day of November in the year one thousand nine hundred and ten.

SEC. 35. This act shall take effect immediately.

CHAPTER 336.

An act to provide for the levy and collection of taxes for the support of the state government for the sixty-third and sixty-fourth fiscal years.

[Approved April 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The state board of equalization shall, between the first Monday in March and the first Monday in July in the year one thousand nine hundred and eleven, for the support of the state government assess and levy the taxes upon the property in the manner and upon the rates of taxation as provided for in subdivisions *a, b, c, and d* of section fourteen of article thirteen of the constitution of the State of California for the purpose of raising the sum of twelve million four hundred and four thousand six hundred seventy dollars for annual expenditure for the support of the state government for the sixty-third fiscal year and in the event that the taxes so assessed and levied together with all available revenues other than those revenues required by law to be used for special uses, shall not raise said sum of twelve million four hundred four thousand six hundred seventy dollars, then said above-named revenues shall be deemed insufficient to meet the annual expenditures of the state for the sixty-third fiscal year, which deficiency is hereby declared to be the difference between the amount of taxes assessed and levied upon the property and in the manner and upon the rates of taxation as provided for in subdivisions *a, b, c and d* of section fourteen of article thirteen of said constitution, together with all other state revenues, other than those revenues required by law to be used for special uses, and said sum of twelve million four hundred four thousand six hundred seventy dollars, then said state board of equalization shall, in accordance with the provisions of subdivision *c* of said section fourteen of article thirteen of the constitution of the State of California, between the first and second Mondays in September of the said sixty-third fiscal

Tax levy for support of state government, sixty-third year.

Amount.

In case of deficiency.

Ad valorem year, fix such an ad valorem rate of taxation upon each one
rate. hundred dollars in value of taxable property, upon all the property in the State of California not exempt from taxation under the law and subject to taxation for state purposes on the seventh day of November in the year one thousand nine hundred and ten as, after allowing five per cent for delinquencies, will raise for said sixty-third fiscal year the amount of said deficiency.

Tax levy **SEC. 2.** The state board of equalization shall, between the
for sup- first Monday in March and the first Monday in July in the
port of year one thousand nine hundred and twelve, for the support of
state gov- the state government, assess and levy the taxes upon the prop-
ernment, erty in the manner and upon the rates of taxation as provided
sixty- for in subdivisions *a*, *b*, *c*, and *d* of section fourteen of
fourth article thirteen of the constitution of the State of California
year. for the purpose of raising the sum of twelve million six hundred fifty-seven thousand nine hundred twenty-four dollars for annual expenditure for the support of the state government for the sixty-fourth fiscal year, and in the event that the taxes so assessed and levied together with all available revenues other than those revenues required by law to be used for special uses, shall not raise said sum of twelve million six hundred fifty-seven thousand nine hundred twenty-four dollars, then said above-named revenues shall be deemed insufficient to meet the annual expenditures of the state for the sixty-fourth fiscal year, which deficiency is hereby declared to be the difference between the amount of taxes assessed and

Amount. levied upon the property and in the manner and upon the rates of taxation as provided for in subdivisions *a*, *b*, *c* and *d* of section fourteen of article thirteen of said constitution, together with all other state revenues other than those revenues required by law to be used for special uses, and said sum of twelve million six hundred fifty-seven thousand nine hundred twenty-four dollars, then said state board of equalization shall in accordance with the provisions of subdivision *c* of said section fourteen of article thirteen of the constitution of the State of California, between the first and second Mondays in

In case of
deficiency.

September of said sixty-fourth fiscal year, fix such an ad valorem rate of taxation upon each one hundred dollars in value of taxable property, upon all the property in the State of California not exempt from taxation under the law and subject to taxation for state purposes on the seventh day of November in the year one thousand nine hundred and ten as, after allowing five per cent for delinquencies, will raise for said sixty-fourth fiscal year, the amount of said deficiency.

Ad valorem
rate.

Sub c,
sec. 14,
art. 13, of
constitu-
tion.

SEC. 3. The taxes by this act directed to be levied as provided for in subdivision *c* of section fourteen of article thirteen of the constitution of the State of California shall for the sixty-third fiscal year be levied upon the assessed valuation of all the property in the State of California subject to taxation, as said assessment thereof was made and returned for said sixty-third fiscal year for the purpose of levying and collecting

the taxes required to be levied and collected under the provisions of section twenty-two of article four of said constitution as that section was amended on the eighth day of November in the year one thousand nine hundred and ten, and the taxes by this act directed to be levied as provided for in subdivision *e* of section fourteen of article thirteen of the constitution of the State of California shall, for the sixty-fourth fiscal year, be levied upon the assessed valuation of all property in the State of California subject to taxation as said assessment thereof was made and returned for said sixty-fourth fiscal year for the purpose of levying and collecting the taxes under the provisions of said section twenty-two of article four of said constitution.

Sec. 22,
art. IV, of
constitution.

SEC. 4. The taxes directed to be levied and collected by this act in conformity with the provisions of subdivision *e* of section fourteen of article thirteen of the constitution of the State of California shall, for each of said fiscal years, be collected and paid over to the state treasurer in the manner and at the times provided for in title nine, part three of the Political Code, as said title and part of said code were in force on the seventh day of November in the year one thousand nine hundred and ten, in so far as the sections thereof provide for the collection and payment to the state treasurer of taxes heretofore levied and collected for state purposes.

Taxes to
be paid to
treasurer.

SEC. 5. This act shall take effect immediately.

CHAPTER 337.

An act to provide for a state exhibit at the Panama-California exposition, to be held in San Diego, California, in 1915, to celebrate the completion of the Panama canal and providing for the erection of necessary buildings therefor; creating a commission to have the charge and control of said exhibition and making an appropriation therefor.

[Approved April 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. It is made the duty of the governor of the State of California, within thirty days after the passage of this act, to appoint three commissioners who shall be removable at the pleasure of the governor, and who shall constitute the Panama-California Exposition Commissioners. Said Panama-California Exposition Commissioners shall have the exclusive charge and control of the expenditure of all moneys appropriated by the State of California for the construction of buildings and maintaining an exhibit of the products of the State of Cali-

Panama-
California
Exposition
Commis-
sioners.

Bond. fornia at said exhibition and for the purpose of properly representing the State of California at said exposition, to be hold in the city of San Diego, State of California, in 1915. Each of said commissioners shall execute and file with the secretary of state, within thirty days after his appointment by the governor, good and sufficient bond in the sum of ten thousand dollars made to the people of the State of California, which bond shall be approved by the governor and shall be conditioned for the faithful performance of said commissioners of all their duties as such commissioners.

No compensation. SEC. 2. Said commissioners shall receive no compensation for their services but they shall be allowed their actual expenses not exceeding one thousand dollars.

Appropriation. SEC. 3. The sum of fifty thousand dollars or as much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to meet the expense of preparing the plans and specifications and constructing the foundation for an exposition building, to be erected at the Panama-California Exposition to be held in San Diego in the year 1915, which plans and specifications shall provide for a building to cost not less than two hundred and fifty thousand dollars. The amount herein appropriated shall be available on and after July 1, 1912.

Controller to draw warrant. SEC. 4. The state controller is hereby authorized and directed to draw his warrant or warrants on the general fund from time to time for such portions of said sum of fifty thousand dollars and in favor of such persons as the majority of said commissioners shall direct and the state treasurer is hereby authorized and directed to pay the same.

State institutions to assist. SEC. 5. It shall be the duty of the state institutions of the State of California to assist the commission in every possible way by loaning it such material in their possession as will add to the attractive features of the state exhibit at said Panama-California exposition.

Exemptions. SEC. 6. This act is exempt from the provisions of section 672 of the Political Code of the State of California, and from the provisions of an act entitled "An act to regulate contracts on behalf of the state in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road, or other state improvement of any kind and to repeal an act entitled 'An act to regulate contracts on behalf of the state in relation to erections and buildings,' approved March 28, 1876" (approved March 22, 1909).

CHAPTER 338.

An act to amend sections 628, 628a, 632, 631, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

[Approved April 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 628 of the Penal Code of the State of California is hereby amended to read as follows:

628. Every person who, at any time, offers for shipment, ships, or receives for shipment or transportation from the State of California to any place in any other state, territory, or foreign country, or who has in his possession for any purpose any dried shrimp or shrimp shells of shrimp caught or taken in the waters of this state, is guilty of a misdemeanor; *provided*, that the possession of such dried shrimp or shrimp shells for any purpose shall be prima facie evidence of the fact that such dried shrimps or shrimp shells are of shrimps which were caught or taken in the waters of this state, or every person who, between the 15th day of February and the 15th day of September of each year, buys, sells, takes, catches, kills or has in his possession any lobster or crawfish or who at any time has in his possession any lobster or crawfish of less than nine and one half inches in length, measured from one extremity to the other, exclusive of legs, claws or feelers or who shall at any time pickle, can, or otherwise preserve any lobster, crab, or crawfish caught or taken in the waters of this state, or who shall at any time sell any crab, lobster or crawfish meat not in the shell of such crab, lobster or crawfish, or who shall bring to shore any part or portion of any lobster, crab or crawfish, without the remaining portions of said lobster, crab or crawfish in such condition that the size of such lobster, crab or crawfish can not be measured is guilty of a misdemeanor. Every person who, at any time has in his possession for sale, or sells, or offers for sale any dressed catfish less than seven inches in length not including the head, or who at any time kills or has in his possession any sturgeon of less than twenty-five pounds in weight, or who between the first day of November and the first day of March of the year following, buys, sells, takes, catches, kills, or has in his possession, any crab, or who, at any time, buys, sells, offers for sale, takes, catches, kills, or has in his possession any female crab, or any crabs which shall measure less than seven inches across the back, or any person who, between the first day of March and the first day of July of any year, kills, takes or catches, in the waters of this state any abalone (*Haliothis*); or who, at any time, buys, sells, offers for sale, takes, catches, kills, or has in

Shipping
shrimp
forbidden.

Lobster.

Crawfish.

Catfish.

Sturgeon.

Crab.

Abalone.
March 1 to
July 1.

his possession, any abalone (*Haliotis*), known to commerce as the red abalone (*Haliotis rufescens*), less than seventeen inches around the outer edge of the shell, or any green abalone (*Haliotis fulgens*) less than sixteen inches around the outer edge of the shell, or any pink abalone (*Haliotis corrugata*) less than fourteen inches around the outer edge of the shell, or any black abalone (*Haliotis crackerodic*) less than twelve inches around the outer edge of the shell; or who, by whatever means whatsoever takes, or catches between the first day of July and the 28th day of February the red abalone (*Haliotis rufescens*) seventeen inches or over around the outer edge of the shell, or the green abalone (*Haliotis fulgens*) sixteen inches or over around the outer edge of the shell, or the pink (*Haliotis corrugata*) fourteen inches or over around the outer edge of the shell, or the black abalone (*Haliotis crackerodic*) twelve inches or over around the outer edge of the shell and does not bring the abalone naturally attached to the shell alive to the shore above high water mark, or who kills any abalone (*Haliotis*) of lawful size other than for food purposes, is guilty of a misdemeanor; *provided*, that it shall at all times be lawful for any person or persons, to buy, sell, or have in his possession any lobster or crawfish of not less than nine inches in length, measured from one extremity to the other, exclusive of legs, claws, or feelers, or any abalone caught or taken without the waters of this state, and bearing, after inspection, such evidence of having been so caught or taken as shall be hereafter prescribed by the fish and game commission; *and provided, further*, that the expense of such inspection shall be borne by the person or persons importing lobster or crawfish.

Allowable.

SEC. 2. Section 628a of the Penal Code of the State of California is hereby amended to read as follows:

Striped
bass.

628a. Every person who, at any time, buys, sells, offers for sale, or has in his possession, any striped bass of less than three pounds in weight; or who, between the seventeenth day of September and the twenty-third day of October of any year, takes, catches, or kills, any striped bass; with a net or seine; or who, between the seventeenth day of September and the twenty-third day of October of any year, has in his possession any striped bass taken, caught or killed except with hook and line; or who, between the seventeenth day of September and the twenty-third day of October of any year, buys, sells, or offers for sale, ships, offers for shipment, or receives for shipment or transportation any striped bass; or who, at any time, offers for shipment, ships, or receives for shipment or transportation from the State of California to any place in any other state, territory, or foreign country any striped bass caught or taken in the waters of this state, is guilty of a misdemeanor; *provided*, that the possession of such striped bass shall be prima facie evidence of the fact that such striped bass were caught or taken in the waters of this state.

SEC. 3. Section 632 of the Penal Code of the State of California is hereby amended to read as follows:

632. Every person who, between the first day of November in any year and the first day of April of the year following, buys, sells, takes, catches, kills, or has in his possession, any variety of trout, except steelhead trout; or who at any time buys, sells, or offers for sale any trout of less than one pound in weight; or who, at any time takes, catches or kills any trout, except with hook and line; or who, at any time, takes, catches, kills, or has in his possession, during any one calendar day, more than fifty trout; or who, at any time, takes, catches, kills, or has in his possession, during any one calendar day, trout, other than steelhead trout, the total weight of which exceeds ten pounds, and one fish, or who above tide water during any one calendar day, takes, kills, destroys or has in his possession more than fifty steelhead trout, is guilty of a misdemeanor except as hereinafter provided; *provided*, that in game district number three any person who, between the first day of November and the first day of May of the following year, takes, kills, destroys, or has in his possession any trout is guilty of a misdemeanor. Every person found guilty of any violation of any of the provisions of this section must be fined in a sum not less than twenty dollars or be imprisoned in the county jail in the county in which the conviction shall be had, not less than ten days or be punished by both such fine and imprisonment; and all fines collected for any violation of any of the provisions of this section must be paid into the state treasury to the credit of the fish and game preservation fund. Nothing in this section prohibits the United States fish commission and the fish and game commission of this state from taking at all times such trout as they deem necessary for purposes of propagation or for scientific purposes.

Trout,
except
steelhead.

Bag limit.

District
No. 3.

Penalty.

Propagati-
tion.

SEC. 4. Section 634 of the Penal Code of the State of California is hereby amended to read as follows:

634. Every person who, between the seventeenth day of September and the twenty-third day of October of each year, takes, catches, or kills, buys, sells, offers or exposes for sale, or has in his possession, any fresh salmon; every person who, except with spoon and hook and line, between the twenty-third day of October and the fifteenth day of November of each year, takes, catches, or kills any salmon, shad or striped bass above tide water; every person who, between the twenty-third day of October and the fifteenth day of November of each year, takes, catches or kills, above tide water, or, who has in his possession taken above tide water, more than one salmon, during any one calendar day; every person who shall cast, extend or draw, or assist in casting, extending or drawing any net or seine for the purpose of taking or catching salmon, shad or striped bass, in any of the waters of this state, at any time between sunrise of each Saturday and sunset of the following Sunday; every person who catches salmon, in any of the waters of this state, with any seine, or net, dragnet, or paranzella, any of the meshes of

Salmon.

Limit.

Seining.

which are, when drawn closely together and measured inside the knot, less than six and one half inches in length; every person who catches any shad or striped bass in any of the waters of the state, with any seine or net, dragnet, or paranzella, any of the meshes of which are, when drawn closely together and measured inside the knot, less than five and one half inches in length; every person who catches any salmon, shad or striped bass with any seine or net the cork line of which shall be submerged below the surface of the water, is guilty of a misdemeanor, and is punishable by a fine of not less than two hundred dollars, or by imprisonment in the county jail, in the county in which the conviction shall be had, not less than one hundred and fifty days, or by both such fine and imprisonment, and all fines imposed and collected for any violation of the provisions of this section shall be paid into the fish and game preservation fund. In the construction and meaning of this section, the limits of tide water in the Sacramento river shall be deemed not to extend above its mouth, namely, where it enters Suisun bay; in the San Joaquin river, not to extend above its mouth, namely, where it enters Suisun bay; in Elc river in Humboldt county, from its mouth to east boundary line of township three (3) north, range two (2) west, Humboldt meridian; in the Klamath river to a point on the river north of the residence of James McGarvey; in Smith river, in Del Norte county, from its mouth to Higgins ferry. Nothing in this section shall prohibit the United States fish commission and the fish and game commission of this state from taking at all times, such fish as they deem necessary for the purpose of artificial hatching.

SEC. 5. Section 636 of the Penal Code of the State of California is hereby amended to read as follows:

636. Every person who shall cast, extend or use, or continue, or who shall assist in casting, extending, using or continuing any "Chinese shrimp or bag net," or a net of a similar character, for the catching of fish, shellfish, shrimp or crabs in the waters of this state; every person who shall cast, extend, set, use or continue, or have in his possession, or who shall assist in casting, extending or using "Chinese sturgeon lines," set-lines, or lines of a similar character; every person who shall set, use, or continue, or shall assist in setting, using, or continuing, any pond, weir, set net, set-line, trap, "Chinese shrimp or bag net," or any other fixed or permanent contrivance for catching fish, shellfish, shrimp or crabs in the waters of this state except fyke nets without wings used solely for the purpose of catching catfish above tide water between the fifteenth day of July and the fifteenth day of June in the year following—and every net shall be considered a set net that is secured in any way and not free to drift with the current or tide—is guilty of a misdemeanor, and is punishable by a fine of not less than one hundred dollars, or by imprisonment in the county jail, in

Penalty.

Limits of
tidewaterUsing
Chinese
shrimp net.Chinese
sturgeon
lines.

Set net.

Penalty.

the county in which the conviction shall be had, not less than fifty days, or by both such fine and imprisonment; and all the fines imposed and collected for any violation of any of the provisions of this section shall be paid into the fish and game preservation fund.

SEC. 6. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 7. This act shall take effect immediately.

CHAPTER 339.

An act to amend sections 2, 3, 13, and 21, of an act entitled "An act for the preservation of the public health of the people of the State of California, and empowering the state board of health to enforce its provisions, and providing penalties for the violation thereof," approved March 23, 1907.

[Approved April 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2 of an act entitled "An act for the preservation of the public health of the people of the State of California, and empowering the state board of health to enforce its provisions, and providing penalties for the violation thereof," approved March 23, 1907, is hereby amended to read as follows:

Section 2. It shall be unlawful to discharge or deposit, or cause or suffer to be discharged or deposited, any sewage, garbage, feculent matter, offal, refuse, filth, or any animal, mineral, or vegetable matter or substance, offensive, injurious, or dangerous to health, in any springs, streams, rivers, lakes, tributaries thereof, wells or other waters used or intended to be used for human or animal consumption or for domestic purposes; or to discharge or deposit, or cause or suffer to be discharged or deposited, any such offensive, injurious or dangerous matter or substance upon the land or place adjoining such waters so as to cause or suffer such matter or substance to flow or be emptied or drained into such waters.

Unlawful to discharge sewage in streams.

It shall also be unlawful to erect, construct, excavate, or maintain, or cause to be erected, constructed, excavated, or maintained, any privy, vault, cesspool, sewer pipes or conduits, or other pipes or conduits, for the discharge of impure waters, gas, vapors, oils, acids, tar, or other matter or substance offensive, injurious, or dangerous to health, whereby any part of such matter or substance shall empty, flow, seep, drain, condense or otherwise pollute or affect any of such waters so intended for human or animal consumption or for

Cesspool, etc.

Camps,
etc.

domestic purposes; or to erect or maintain any permanent or temporary house, camp, or tent, so near to such springs, streams, rivers, lakes, tributaries, or other sources of water supply, as to cause or suffer the drainage, seepage, or flow of impure waters, or any other liquids, or the discharge or deposit therefrom, of any animal, mineral, or vegetable matter, to corrupt or pollute such waters.

Unlawful
to move
house-boat
within two
miles above
intake.

It shall also be unlawful for the owner, tenant, lessee or occupant of any house-boat or boat intended for or capable of being used as a residence, house, dwelling or habitation, or for the agent of such owner, tenant, lessee or occupant to moor or anchor the same or permit the same to be moored or anchored in or on any river or stream, the waters of which are used for drinking or domestic purposes by any city, town or village within a distance of two miles above the intake or place where such city, town or village water system takes water from such river or stream; *provided, however,* that in the transportation of any such house-boat on any such river or stream nothing herein contained shall prevent the owner, agent, tenant or occupant of such house-boat from mooring or anchoring the same when necessary within the limits herein fixed and established; *provided,* such house-boat shall not remain moored or anchored within such limits for a longer period than one day.

SEC. 2. Section 3 of said act is hereby amended to read as follows:

Cities may
petition
state
board of
health to
be allowed
to dis-
charge
sewage in
streams.

Section 3. Whenever any county, city and county, city, town, village, district, community, institution, person, firm or corporation shall desire to deposit or discharge, or to continue to deposit or discharge into any stream, river, lake, or tributary thereof, or into any other waters used or intended to be used for human or animal consumption or for domestic purposes, or into or upon any place the surface or subterranean drainage from which may run or percolate into any such stream, river, lake, tributary or other waters, any sewage, sewage effluent, or other substance by the terms of section 2 of this act forbidden so to be deposited or discharged, may file with the state board of health a petition for permission so to do, together with a complete and detailed plan, description and history of the existing or proposed works or system, and purification plant, showing geographical location with relation to such stream, river, lake, tributary or other waters, and a physical and bacteriological analysis of the substance or substances so to be deposited or discharged.

Investiga-
tion and
hearing.

Thereupon, a thorough investigation of the proposed or existing works, system and plant, and all circumstances and conditions by it deemed to be material, shall be made under the direction of the state board of health. As a part of such investigation, and after ten days' notice by mail to the petitioner, a hearing or hearings may be had before said board or an examiner appointed by it for the purpose. At such hearing or hearings witnesses who testify shall be sworn by

the person conducting the hearing, and evidence, oral and documentary, may be received, a record of which shall be made and filed with said board. All of the expenses of such investigation, including hearings, excepting the compensation of state officers participating therein, shall be borne, and paid as they accrue, by the petitioner.

Expense-
of hearing.

Upon the completion of such investigation, said board—

a. If it shall determine as a fact, that the substance being or to be discharged or deposited is such that under all the circumstances and conditions it will so contaminate or pollute such stream, river, lake, tributary or other waters, as to endanger the lives or health of human beings or animals, or that under all the circumstances and conditions it is not necessary so to dispose of such substance, [it] shall deny the prayer of such petition; *provided, however,* that in case such petition shall be for permission to continue to discharge sewage, sewage effluent or storm water, from a sewer or storm water system permanently constructed, established and operating, prior to the passage of this act, said board may grant to petitioner a temporary and revocable permit, authorizing the continuance of such discharge, under such restrictions as in said permit may be specified, to enable petitioner to appoint a commission to investigate and report on the best method of sewage disposal, and petitioner to construct and put into operation a new or altered system discharging elsewhere, or so to alter, add to, repair or modify the operation of the existing system that the substance discharged or deposited shall not be such as to cause a contamination or pollution that will endanger the lives or health of human beings or animals.

Board
may deny
petition.

Permis-
sion to
continue.

b. If it shall determine, as a fact, that the substance being or to be discharged or deposited, is not such that under all the circumstances and conditions it will so contaminate or pollute such stream, river, lake, tributary or other waters, as to endanger the lives or health of human beings or animals, and that under all the circumstances and conditions it is necessary so to dispose of such substance, shall grant to petitioner a permit authorizing petitioner so to deposit or discharge or to continue to deposit or discharge such substance; *provided, however,* that such permit shall not be construed to allow, or to constitute a defense to any civil action or criminal prosecution for the creation or maintainance of, any public or private nuisance, or to permit any act forbidden by the provisions of the laws of this state relative to the preservation or propagation of fish or game, or relative to the deposit of débris into the streams of the state, or relative to the obstruction of navigation; *and provided, further,* that all permits issued hereunder shall be revocable by said board at any time or subject to suspension that said board shall determine, as a fact, that the substance discharged or deposited by virtue thereof causes a contamination or pollution that endangers the lives or health of human beings or animals.

Board
may grant
petition.

Permit-
revocable.

Board may inspect.

The state board of health and its inspectors shall at any and all times have full power and authority to, and shall be permitted to, enter into and upon any and all places, enclosures and structures for the purpose of making, and therein or thereon to make, examinations and investigations to determine whether any provision of this act is being violated.

Report to board.

Whenever any petitioner shall be granted any permit by said board and under the provisions of this act, such petitioner, shall furnish to said board, upon demand, a complete report upon the condition and operation of the system, plant, or works, which report shall be made by some competent person designated for the purpose by said board, and at the sole cost and expense of the holder of the permit.

Who may enjoin city, etc., discharging sewage in streams.

Any county, city and county, city, town, village, district, community, institution, person, firm or corporation, who shall deposit, discharge or continue to deposit or discharge, into any stream, river, lake, or tributary thereof, or into any other waters, used or intended to be used for human or animal consumption or for domestic purposes, or into or upon any place the surface or subterranean drainage from which may run or percolate into any such stream, river, lake, tributary or other waters, any sewage, sewage effluent or other substance by the terms of section 2 of this act forbidden so to be deposited or discharged, without having an unrevoked permit so to do, as in this act provided, may be enjoined from so doing by any court of competent jurisdiction at the suit of any person or municipal corporation whose supply of water for human or animal consumption or for domestic purposes is taken from such stream, river, or other running water at a point below the place of such discharge or deposit, or from such lake, or at the suit of the State of California, or at the suit of any county, or city and county, any of the residents of which shall take water from such stream, river or other running water at a point below the place of such discharge or deposit, or from such lake or reservoir, or at the suit of the state board of health.

Penalty.

Anything done, maintained, or suffered, in violation of any of the provisions of section 2 or section 3 of this act shall be deemed to be a public nuisance dangerous to health and may be summarily abated as such by any health officer, sanitary inspector, the state board of health or its secretary, or any sheriff, constable or police officer, and it shall be the duty of all such officers immediately to abate the same.

SEC. 3. Section 13 of said act is hereby amended to read as follows:

Rules in cases of quarantine.

Section 13. The following rules and requirements shall be strictly observed in all cases of quarantine subject, however, to such changes and modifications as the state board of health, or its secretary, may otherwise require and direct.

Rule 1. Every county, city and county, city, or town board of health, or chief executive health officer thereof, upon receiving information of the existence of such diseases within

its or his jurisdiction, must immediately quarantine each and every case of Asiatic cholera, yellow fever, typhus fever, plague, smallpox, scarlet fever, diphtheria, (and such other contagious or infectious diseases), as may from time to time be declared quarantinable, and in addition to their local rules and regulations shall follow all general and special rules, regulations, and orders of the state board of health, or its secretary.

Diseases
quarantinable.

Said health boards or officers must, within twenty-four hours after quarantine, report fully, in writing, to the secretary of the state board of health, all of such cases quarantined; *provided, however,* that said health officers shall immediately report by telegraph to said secretary of the state board of health every case discovered or known of plague, Asiatic cholera, yellow fever or typhus fever, and after investigation and within twenty-four hours shall report the cause, source and extent of contagion and infection, and all acts done and measures adopted in each case, and shall make such further reports as the secretary of the state board of health may require.

Report on
quarantined cases.

Plague.

Rule 2. In addition to the list of quarantinable diseases given in rule 1 of this section the following is a partial list of contagious, infectious and communicable diseases, all of which, though not required to be quarantined, must be promptly reported in writing to the state board of health, or its secretary, by the said local health boards or chief executive health officers, viz: chicken-pox, erysipelas, pneumonia, uncinariasis or hookworm, epidemic cerebro-spinal meningitis, trachoma, whooping-cough, mumps, dengue, dysentery, tuberculosis, typhoid fever, tetanus, malaria, leprosy, measles, German measles, glanders and anthrax affecting human beings, rabies, pellagra, beri-beri, syphilis, gonococcus infection, and poliomyelitis, and any disease which appears to have become epidemic. The diseases last above enumerated, and such others as from time to time may be added thereto by the state board of health or its secretary, shall be quarantined whenever in the opinion of the state board of health or its secretary such action is necessary to protect the public health, and shall be isolated whenever in the opinion of the state board of health, its secretary, or the local board of health or health officer, isolation is necessary to protect the public health. This list can be changed at any time by the state board of health or its secretary.

Other
diseases
to be
reported

May be
quarantined

Rule 3. When any building, house, structure, or part thereof, or tent or other place, is quarantined because of a contagious, infectious or communicable disease, said local health boards or chief executive health officer shall cause to be firmly fastened, in the most conspicuous place upon such house, building, tent, or other place, a placard or flag, upon which is printed the name of the disease, in plain and legible letters of at least two and one half inches in length. This placard or flag must not be removed by any person except the health officer or his deputy, and in no case until the premises have been thoroughly disinfected.

Quarantine
placard
or flag.

Disinfection of quarantined house, etc.

Rule 4. When persons quarantined in a house, building, structure, tent, or other place have recovered from the disease for which the quarantine is established, or when the quarantine is for exposure to a contagious, infectious or communicable disease, and the period of incubation designated has elapsed, the quarantine shall not be raised by order of the local board of health or local health officer until every exposed room, together with all bedding, clothing, and all other personal property contained therein, has been thoroughly disinfected, or if necessary, such personal property may be destroyed, by or under the direction of the health officer or his deputy; and until all persons quarantined shall have taken a thorough antiseptic bath and put on clothing free from contagion.

All persons to obey rules.

Rule 5. Whenever quarantine is established by any local board of health or health officer to prevent the spread of any contagious, infectious, or communicable disease, it shall be the duty of all persons to obey the rules, orders and regulations of such health board or health officer.

Milk bottles not to be removed.

Rule 6. No milkman shall take away milk bottles or other receptacles for milk from any building, house, structure, tent, or other place, in which a contagious, infectious or communicable disease exists or has existed, nor from any place within any quarantined district, nor at any time after such quarantine has been removed, unless with the written permission of the local health officer, and after such milk bottles or receptacles have been disinfected and cleaned to the satisfaction of such officer.

When unlawful for milkman to sell milk.

Rule 7. Whenever there exists in the house of any milkman, milk dealer or milk distributor, any case of cholera, typhus fever, plague, scarlet fever, diphtheria, membranous croup, leprosy, anthrax, glanders, cerebro-spinal meningitis, whooping-cough, typhoid fever, dysentery, trachoma or tetanus, then it shall be unlawful for such milkman, milk dealer, or milk distributor, to continue the sale or distribution of milk until the local board of health or chief executive health officer has appointed at the expense of the county where such milkman, dealer or distributor lives, a person to superintend his cows, dairy or other place where such milk is sold, or from which it is delivered or distributed, and all cows, bottles, vessels and milk utensils. Such person, so appointed by the local board of health, or chief executive officer, shall strictly require that all persons attending to the cows, dairy, sheds, milk cans, bottles, vessels, and milk utensils, shall not have access to the infected house, nor any communication with the persons who reside in such infected house, except with the permission and under the inspection of the local health officer.

Persons in quarantined house may not go beyond lot.

Rule 8. Every person subject to quarantine, residing or being in a quarantined building, house, structure or tent, shall not go beyond the lot upon which such building, house, structure or tent is situated, nor put himself in immediate communication with any person not subject to quarantine,

other than the health officer and physician. The local board of health or local chief executive health officer maintaining a quarantine shall appoint, or cause to be appointed, a suitable person to perform necessary outside services for the necessary wants of the persons quarantined. Such person so appointed shall never enter the building, house, structure, or tent nor come in personal contact with any of the persons quarantined, but shall leave at the entrance of the building, house, structure or tent, or at such other place as may be designated by the health officer or deputy, all articles which he may have brought, and he shall strictly observe the orders of the local health officer. Out-side service.

SEC. 4. Section 21 of said act is hereby amended to read as follows:

Section 21. Any person violating any of the provisions of this act, whether acting for himself, or as the agent or servant of another person, or of a firm, company or corporation, or as an officer, agent, employee or representative of any municipal corporation, or of the state, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five nor more than five hundred dollars, or by imprisonment for a term of not more than ninety days, or by both such fine and imprisonment. Each day that in violation of any provision of this act shall continue, and each day that any thing forbidden by the terms hereof to be erected, constructed, maintained, operated or permitted, shall continue to exist, or be maintained, operated or permitted, shall constitute a separate offense. Penalty.

CHAPTER 340.

An act to add a new article to chapter III, title I, part III, of the Political Code to be designated article XX providing for the management and control of the capitol building and grounds; providing for the appointment of a superintendent of the capitol building and grounds, his assistants and employes; defining their powers and duties and fixing their compensations; repealing sections 425 and 426 of the Political Code, relating to the appointees of the board of capitol commissioners, and repealing all acts and parts of acts in conflict herewith.

[Approved April 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new article to be designated article XX is hereby added to chapter III, title I, part III, of the Political Code, to read as follows:

ARTICLE XX.

SUPERINTENDENT OF CAPITOL BUILDING AND GROUNDS.

- Sec. 716. The superintendent, his appointment, salary, bond and duties.
 717. Establishment of rules and regulations, and their enforcement.
 718. Appointment by the superintendent.
 719. Appointment of laborers, porters and other help.

Superintendent of capitol building and grounds.

716. The governor shall appoint a person to be designated superintendent of capitol building and grounds, to hold office at the pleasure of the governor. He shall be a civil executive officer, and shall receive an annual salary of three thousand dollars, to be paid at the same time and in the same manner as the salaries of other state officers. He shall execute a bond to the state in the sum of ten thousand dollars. He shall have charge of the improvement and maintenance of the capitol grounds and of the state's property thereon, and shall have the custody of the capitol building and of the state's property therein, and shall be responsible for the proper care, safety and repair of the same. Subject to the supervision of the state board of examiners, he shall have charge of the purchase and distribution of all supplies for the capitol building and grounds and the offices therein.

Duties.

Rules.

717. He shall have power, with the sanction of the state board of examiners, to establish rules and regulations not inconsistent with law for the government of the capitol building and grounds. He must preserve the peace thereon and arrest or cause the arrest of and appearance before the nearest magistrate for examination of all persons who attempt to break or who have broken such rules and regulations, or who attempt to commit or who have committed thereon, a public offense. Any person who breaks the rules and regulations established for the government of the capitol building and grounds is guilty of a misdemeanor.

Misdemeanor.

Gardener and policemen.

718. The superintendent of capitol building and grounds may appoint one head gardener at an annual salary of eighteen hundred dollars. He may appoint six special policemen for the grounds and building at annual salaries of thirteen hundred and twenty dollars each, who shall have the powers of peace officers and the same power of arrest as is herein given to the superintendent. He may appoint one clerk for his office at an annual salary of eighteen hundred dollars, who shall be a civil executive officer; one head porter for the building at an annual salary of twelve hundred dollars. He may appoint one engineer at an annual salary of eighteen hundred dollars; one fireman at an annual salary of twelve hundred and sixty dollars; one electrician at an annual salary of eighteen hundred dollars; two elevator attendants at an annual salary of ten hundred and eighty dollars each; two telephone exchange operators at an annual salary of seven hundred and twenty dollars each. He may appoint, to serve from January first to May first in each legislative year, one engineer at a monthly salary of one hundred and fifty dollars; one fireman at a monthly salary of one hundred and five dollars; one elec-

Clerk

Porter

Engineer and other officers.

trician at a monthly salary of one hundred and fifty dollars; two elevator attendants at a monthly salary of ninety dollars each, and two telephone exchange operators at a monthly salary of sixty dollars each. He may also appoint one telephone exchange operator at a monthly salary of sixty dollars to serve two months each year while the legislature is not in session. The salaries of all such appointees shall be paid at the same time and in the same manner as the salaries of other state officers.

Salaries,
how paid.

719. The superintendent may employ such competent assistant gardeners at a salary of one hundred dollars per month and such laborers, porters and other help for the proper conduct of the capitol and grounds at three dollars per diem, as may be deemed necessary by the superintendent and the board of examiners, which wages shall be paid only from money appropriated for such purpose. Such appointees shall have the powers of peace officers.

Assistant
gardeners
and
laborers.

SEC. 2. Sections 425 and 426 of the Political Code relating to the appointees of the board of capitol commissioners and all acts and parts of acts in conflict with or inconsistent with this act are hereby repealed.

Secs. 425
repealed

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 341.

An act to amend sections 409, 412, 413, 414, 415 and 416 of the Political Code and to repeal sections 415a, 417, 418, 419, 419a, 420, 421, 422½ and 423 of said code, relating to the duties and salaries of the secretary of state and his appointees and their duties and salaries.

[Approved April 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 409 of the Political Code is hereby amended so as to read as follows:

409. The secretary of state, for services performed in his office, must charge and collect the following fees:

Fees of
secretary
of state.

1. For a copy of any law, resolution, record, or other document on file in his office, twenty cents per folio.

2. For comparing a copy of any law, resolution, record, or other document or paper with the original, or the certified copy of the original, on file in his office, five cents per folio.

3. For affixing certificate and seal of state, unless otherwise provided for, two dollars.

Filing
articles of
incorpora-
tion.

4. For filing articles of incorporation, if the capital stock amounts to twenty-five thousand dollars or less, fifteen dollars; if the capital stock amounts to over twenty-five thousand dollars and not over seventy-five thousand dollars, twenty-five dollars; if the capital stock amounts to over seventy-five thousand dollars and not over two hundred thousand dollars, fifty dollars; if the capital stock amounts to over two hundred thousand dollars and not over five hundred thousand dollars, seventy-five dollars; if the capital stock is over five hundred thousand dollars and not over one million dollars, one hundred dollars; if the capital stock is over one million dollars, fifty dollars additional for every five hundred thousand dollars or fraction thereof of capital stock over and above one million dollars: for filing articles of incorporation without capital stock, except cooperative associations, five dollars; for filing articles of incorporation of cooperative associations formed under the act of eighteen hundred and ninety-five, and acts supplementary thereto or amendatory thereof, fifteen dollars.

5. For recording articles of incorporation, twenty cents per folio.

6. For issuing certificate of incorporation, three dollars.

7. For filing certificate of increase of capital stock, five dollars for every fifty thousand dollars or fraction thereof of such increase.

8. For filing certificate of decrease of capital stock, five dollars.

9. For filing notice of removal of principal place of business, five dollars.

10. For filing amended articles of incorporation, unless otherwise provided for, five dollars.

11. For filing certificate of creation of bonded indebtedness, or increase or decrease thereof, five dollars.

12. For issuing certificate of increase or decrease of capital stock, three dollars.

13. For filing certificate of continuance of existence, five dollars.

14. For issuing certificate of continuance of existence, three dollars.

15. For filing claim to trade-mark, and issuing certificate of filing, five dollars.

16. For issuing certificate of filing of any document, not otherwise provided for, three dollars.

17. For filing certificate of increase or decrease of number of directors, five dollars.

18. For issuing certificate of increase or decrease of number of directors, three dollars.

19. For receiving and recording each official bond, five dollars.

20. For filing notice of appointment of agent, five dollars.

21. For each commission, passport, or other document signed by the governor and attested by the secretary of state (pardons, military commissions, commissions issued to non-salaried state officers, and extradition papers excepted), five dollars.

22. For each patent for land issued by the governor, if for one hundred and sixty acres or less, one dollar; and for each additional one hundred and sixty acres, or fraction thereof, one dollar.

23. For issuing certificate of official character, two dollars.

24. For recording miscellaneous documents or papers, twenty cents per folio.

25. For filing certified copy of order and decree of court, changing name, or certified copy of order and decree of court, dissolving a corporation, five dollars.

No member of the legislature or state officer shall be charged for any search relative to matters appertaining to the duties of his office; nor shall he be charged any fee for a certified copy of any law or resolution passed by the legislature relative to his official duties. State officers not to be charged.

All fees collected by the secretary of state must, at least once each week, be paid into the state treasury. Three thousand five hundred dollars of such monthly returns shall be credited to and constitute the state library fund, and the balance shall be paid into the general fund of the state. Library fund.

SEC. 2. Section 412 of the Political Code is hereby amended so as to read as follows:

412. The secretary of state, to assist him in the discharge of the duties of his office, may appoint the following officers: One deputy secretary of state, a bookkeeper, one keeper of the archives, six recording clerks, one register clerk, two certificate clerks, one statistician, one superintendent and cashier of the corporation license tax department, six clerks for the corporation license tax department, one superintendent and cashier of the motor vehicle department, one clerk for the motor vehicle department (each and all of whom shall be civil executive officers), one porter for the office of the secretary of state, one porter for the corporation license tax department, one messenger for the office of the secretary of state, one messenger for the corporation license tax department, and two special clerks in each legislative year, to serve from January first to May first. Appointees of secretary of state.

SEC. 3. Section 413 of the Political Code is hereby amended so as to read as follows:

413. The annual salary of the deputy secretary of state is three thousand dollars; of the bookkeeper, twenty-four hundred dollars; of the keeper of the archives, two thousand dollars; of one of the recording clerks, eighteen hundred dollars; of each of five of the recording clerks, sixteen hundred dollars; of the register clerk, eighteen hundred dollars; of each of the certificate clerks, sixteen hundred dollars; of the statistician, twenty-four hundred dollars; of the superintendent and cashier of the corporation license tax department, twenty-four hundred dollars; of each of two clerks of the corporation license tax department, eighteen hundred dollars; of each of four clerks in the corporation license tax department, sixteen hundred dollars; of the superintendent and Salaries of appointees

cashier of the motor vehicle department, twenty-four hundred dollars; of the clerk in the motor vehicle department, sixteen hundred dollars; of the porter for the office of the secretary of state, seven hundred and twenty dollars; of the porter for the corporation license tax department, three hundred and sixty dollars; of the messenger for the office of the secretary of state, nine hundred dollars; of the messenger for the corporation license tax department, six hundred dollars; of each of the special clerks serving from January first to May first in each legislative year, one hundred and twenty-five dollars. All such salaries are payable in the same manner and at the same time as other state officers.

SEC. 4. Section 414 of the Political Code is hereby amended so as to read as follows:

Corporation
deputy.

414. The secretary of state, to assist him in the discharge of the duties of his office, may appoint one corporation secretary whose duty, under the direction of the secretary of state, shall be to examine all corporation papers submitted for filing, to pass upon the sufficiency thereof, and if the same do not comply with the provisions of the laws relating to and governing corporations, to reject the same and return the same for correction. He shall file no papers relating to corporations unless the same conform to the laws relating thereto. It shall be his duty to compel all corporations, foreign or domestic, to file with the secretary of state all papers required by law. The salary of the corporation secretary shall be two thousand eight hundred dollars per annum, and shall be payable in the same manner and at the same time as other state officers.

SEC. 5. Section 415 of the Political Code is hereby amended so as to read as follows:

Salary of
secretary
of state.

415. The annual salary of the secretary of state, to include all services rendered ex officio as member of any board or commission as now required, or which may be by law hereafter devolved upon him, is five thousand dollars.

SEC. 6. Section 416 of the Political Code is hereby amended so as to read as follows:

Bond.

416. The secretary of state must execute an official bond in the sum of ten thousand dollars.

Repealed

SEC. 7. Sections 415a, 417, 418, 419, 419a, 420, 421, 422 $\frac{1}{2}$ and 423 of the Political Code are hereby repealed.

CHAPTER 342.

An act to provide for direct legislation, including initiative, referendum, and recall by electors in counties, by adding two new sections to the Political Code to be numbered section 4058 and section 4021a, respectively.

[Approved April 8, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered section 4058 and to read as follows:

4058. Ordinances may also be enacted by and for any county of the state in the manner following. Any proposed ordinance may be submitted to the board of supervisors by a petition filed with the county clerk after being signed by registered electors of the county equal in number to the percentages hereinafter required. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence, giving the precinct, and if within a town having named streets and numbered houses, the street and number. Each such separate paper shall have attached thereto an affidavit made by a citizen of the county over the age of eighteen years, and sworn to before an officer competent to administer oaths, stating that the affiant circulated that particular paper and saw written the signatures appended thereto; that each is the genuine signature of the person whose name purports to be thereunto subscribed, and that according to the best information and belief of the affiant each is the genuine signature of a registered elector of the county. Within ten days from the date of filing such petition the county clerk shall examine and from the records of registration ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate showing the result of said examination. If by the clerk's certificate the petition is shown to be insufficient, it may be supplemented within ten days from the date of such certificate by the filing of additional papers duplicates of the original petition except as to the names signed. The clerk shall, within ten days after such supplementing papers are filed, make like examination of the supplementing petition, and if his certificate shall show that all the names to such petition, including the supplemental one, are still insufficient, the petition shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the board of supervisors at its next regular session. If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty per cent of the entire vote cast within such county for all candidates for the lower house of the

County ordinances may be enacted on petition.

If petition contains 20 per cent of electors.

United States congress at the last preceding general election at which congressmen were voted for, and contains a request that such ordinance be submitted forthwith to a vote of the people at a special election, then the board of supervisors shall either:

Super-
visors may
pass.

(a) Pass such ordinance without alteration at the regular session at which it is presented and within ten days after it is presented; or,

May call
special
election.

(b) Forthwith the supervisors shall proceed to call a special election at which such ordinance, without alteration, shall be submitted to a vote of the people of the county.

If petition
contains
less than
20 per cent.

If the petition be signed by electors equal in number to at least ten per cent, but less than twenty per cent of the entire vote cast for all candidates for congress at the last preceding election when candidates for congress were voted for, then such ordinance, without alteration, shall be submitted by the board of supervisors to a vote of the people at the next general election in which candidates for congress are to be voted for.

Ballots.

The ballots used when voting upon said proposed ordinances shall contain the words "For the Ordinance" (stating the general nature of the proposed ordinance) and "Against the Ordinance" (stating the general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the county and be considered as adopted upon the date that the vote is canvassed and declared by the board of supervisors and go into effect ten days thereafter.

If majority
favor.

Ordinance
may be
repealed
only by
vote of
people.

Such ordinance shall have the same force and effect as one passed by the board of supervisors, except that no ordinance proposed by petition as in this section provided, and thereafter passed either by the vote of the board of supervisors without submission to a vote of the people or voted upon and adopted by the people, shall be repealed or amended except by a vote of the people, unless provision otherwise be made in the ordinance itself. Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section; *provided*, that there shall not be held under this section more than one special election in any period of six months.

Number
that may
be voted
on.

Written
argument
of peti-
tioners.

If any measure be submitted upon an initiative petition of registered voters, as hereinbefore provided, the persons filing said petition shall have the right, if they so choose, to present and file therewith a written argument in support thereof not exceeding three hundred words in length, which argument shall be printed upon the sample ballot issued for said election. Upon the same ballot shall also be printed any argument of not exceeding three hundred words in length in opposition thereto which may be prepared by the board of supervisors. If the provisions of two or more ordinances adopted at the same election conflict, then the ordinance receiving the highest number of affirmative votes shall control.

If ordi-
nances
conflict.

The board of supervisors may submit to the people, without a petition therefor, a proposition for the repeal of any adopted ordinance or for amendments thereto or for the enactment of any new ordinance to be voted upon at any succeeding general or special election and if such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly.

Proposi-
tion to
repeal.

Whenever any ordinance or proposition is required by this section to be submitted to the voters of a county at any election the county clerk shall cause the ordinance or proposition to be printed and he shall mail a printed copy thereof, enclosed in an envelope with a sample ballot, to each voter, at least ten days prior to the election.

Copy of
ordinance
to be
mailed to
voters.

The enacting clause of an ordinance passed by the vote of the electors shall be substantially in the following form: "The people of the county of do ordain as follows:"

Enacting
clause.

When a special election is to be called under the terms of this section it shall be held not less than thirty nor more than sixty days after the date of the presentation of the proposed ordinance to the board of supervisors, and shall be held as nearly as may be in accordance with the election laws of the state; *provided, however,* that, to avoid holding more than one such election within any six months, the date for holding such special election may be fixed later than such sixty days, but at as early a date as practicable after the expiration of such six months; *provided, further,* that when under any of the terms of this statute fixing the time within which a special election shall be held it is made possible to hold the same within three months prior to a general election, the board of supervisors may, in its discretion, submit the proposed ordinance at such general election instead of at a special election.

Special
election.

No ordinance passed by the board of supervisors, except when otherwise specially required by the laws of the state, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a four-fifths vote of the board, and no ordinance granting a franchise shall go into effect before thirty days from its final passage; and if, during said thirty days, a petition signed by qualified voters of the county equal to twenty per cent of the entire vote cast therein for all candidates for the lower house of the United States congress at the last preceding general election, protesting against the passage of such ordinance, be presented to the board, the same shall thereupon be suspended from going into operation, and it shall be the duty of the board to reconsider such ordinance. If said board shall thereupon not entirely repeal said ordinance, it shall submit the same to a vote of the electors either at a general election or a special election to be called for the purpose, and such ordinance shall not go into effect or become operative unless a majority of the voters voting upon the same shall vote in favor thereof. Such petitions and the provisions of the law relative to the duty of the clerk in regard thereto

When
ordinance
goes into
effect.

and the manner of voting thereon, shall conform to the rules provided herein for the initiation of legislation by the electors.

Sec. 2. A new section is hereby added to the Political Code to be numbered section 4021*a*, and to read as follows:

4021*a*. The holder of any elective office of any county may be removed or recalled at any time by the electors; *provided*, he has held his office at least six months. The procedure to effect such removal or recall shall be as follows: A petition demanding the election of a successor to the person sought to be removed shall be filed with the county clerk, which petition shall be signed by registered voters equal in number to at least twenty per cent of the entire vote cast for all candidates for the lower house of the United States congress in said county at the last preceding general election, and shall contain a statement of the grounds on which the removal or recall is sought, which statement is intended solely for the information of the voters. Any insufficiency of form or substance in such statement shall in no wise affect the validity of the election and proceedings held thereunder. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number, if any. One of the signers of each such paper shall make oath before an officer competent to administer an oath that the statements therein made are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition, the clerk shall examine and from the records of registration ascertain whether or not said petition is signed by the requisite number of qualified voters, and he shall attach to said petition his certificate showing the result of said examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the board of supervisors without delay, whereupon the board shall forthwith cause a special election to be held within not less than thirty-five nor more than forty days after the date of the order calling such election, to determine whether the voters will recall such officer; *provided*, that if a general election is to occur within sixty days, the board may in its discretion postpone the holding of such election to such general election or submit such recall election at any such general election occurring not less than thirty-five days after such order. If a vacancy occur in said office after a recall petition is filed, the election shall nevertheless proceed as in this section provided. One petition is sufficient to propose the removal and election of one or more elective officials. One election is competent for the removal and election of one or more elective officials.

Recall of
elective
officers.

Oath that
each signa-
ture is
genuine.

Petition
to super-
visors.

Election.

One peti-
tion is
sufficient.

Nominations for any office under such recall election shall be made in the manner prescribed by section 1188 of this code. Upon the sample ballot there shall be printed in not more than two hundred words the reasons set forth in the recall petition for demanding the recall of the officer, and upon the same ballot in not more than two hundred words the officer may justify his course in office.

Nominations.

Reasons for recall.

There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (X), his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote cast shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote "No," said incumbent shall continue in said office. If a majority shall vote "Yes," said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The canvassers shall canvass all votes for candidates for said office and declare the result in like manner as in a regular election. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law.

Ballot.

Candidates.

Name of officer not on ballot.

Canvass of votes.

CHAPTER 343.

An act authorizing the investment and reinvestment, and disposition, of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an act entitled "An act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town," approved March 3, 1909.

[Approved April 3, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Money in sinking funds may be invested in bonds.

SECTION 1. Any county, city and county, or incorporated city or town, which has now or hereafter shall have any moneys in any sinking fund established for the purpose of providing for the payment of the principal or interest of any bonded or other indebtedness, or for any other purpose, is hereby authorized to invest any such moneys temporarily in any bonds already issued or hereafter issued of such county, city and county, or incorporated city or town, respectively, or of the United States or the State of California, or of any other county, city and county, or incorporated city or town, or of any school district within the state, and such investment may be made by direct purchase of any issue of bonds, or part thereof, at the original sale of such bonds, or by the purchase of such bonds after they have been so issued. Any bonds thus purchased and held in any such sinking fund may, from time to time, be sold and the proceeds temporarily reinvested in bonds, as above provided. Sales of any bonds thus purchased and held in any sinking fund shall, from time to time, be made in season, so that the proceeds may be applied to the purposes for which the sinking fund was created.

SEC. 2. The functions and duties in this act authorized shall be performed by the legislative or governing body of the county, city and county, or incorporated city or town, or under its authority.

SEC. 3. An act entitled "An act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town," approved March 3, 1909, is hereby repealed.

CHAPTER 344.

An act to amend section 619 of the Civil Code of the State of California, relating to the incorporation of colleges and seminaries of learning.

[Approved April 3, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section six hundred and forty-nine of the Civil Code of the State of California is hereby amended to read as follows:

649. Any number of persons who may desire to establish a college or seminary of learning may incorporate themselves as provided in this part, except that in lieu of the requirements of section two hundred ninety, the articles of incorporation shall contain:

1. The name of the corporation.
2. The purpose for which it is organized.
3. The place where the college or seminary is to be conducted.
4. The number of its trustees, which shall not be less than five nor more than thirty and the names and residences of the trustees. The term for which the trustees named and their successors are to hold office may also be stated. If it is desired that the trustees, or any portion of them, shall belong to any organization, society, or church, such limitation shall be stated.
5. If said corporation is to have capital stock, the amount of its capital stock and the number of shares into which it is divided, and the amount actually subscribed and by whom.

Incorporation of colleges.

Trustees.

Capital stock.

CHAPTER 345.

An act to amend sections one, two, fourteen and fifteen of an act entitled "An act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 27, 1905.

[Approved April 3, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of an act entitled "An act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby,"

approved March 21, 1905, is hereby amended so as to read as follows:

Cities have power to install street lights.

Section 1. Whenever the public interest or convenience may require, the city council of any municipality in the state shall have full power and authority to order poles, posts, wires, pipes, conduits and lamps, or any of said appliances, or any other suitable and necessary appliances, to be installed in and along the whole or any part of one or more public streets, lanes, alleys, courts or places in such municipality, for the purpose of lighting the same; also to acquire the use of poles, posts, wires, pipes, conduits and lamps, or any of said appliances, located or installed in and along the whole or any part of one or more public streets, lanes, alleys, courts or places in such municipality, for the purpose of lighting the same; also to order any such appliances, so installed or otherwise provided under this act, to be maintained; and also to order gas, electric current, or other illuminating agent, to be furnished for such lighting, in the manner and under the proceedings hereinafter described.

SEC. 2. Section two of said act is hereby amended to read as follows:

Resolution of intention.

Section 2. Before ordering any improvement to be made, which is authorized by section one of this act, the city council shall adopt a resolution declaring its intention to do so, briefly describing the proposed improvement, which may include the whole or any part of one or more streets, lanes, alleys, courts or places, and specifying the exterior boundaries of the district to be benefited by said improvement, and to be assessed to pay the cost and expenses thereof, and to be known as the assessment district; *provided*, that the city council may, in its discretion, order, in said resolution of intention, that a certain portion or percentage of the cost and expenses of said improvement, the amount of which portion or percentage shall be specified in said resolution, shall be paid out of the treasury of the municipality, from such fund as the city council may designate. Said proposed improvement may include any or all of the different kinds of work mentioned in section 1 of this act; *provided, however*, that the maintenance of appliances or the furnishing of gas, electric current or other illuminating agent, shall be for a period stated in the resolution of intention, but not exceeding two years. The city council shall, also, in the same resolution, refer the proposed improvement to the city engineer, if there be one, and if not, to some competent person employed by the municipality for the purpose and named in said resolution, and direct him to make and file with the clerk of the city council a report, in writing, presenting the following:

Portion of costs may be paid from city treasury.

Report of city engineer.

Plans.

1. Plans and specifications for the work required in order to make said improvements;

Cost.

2. An estimate of said improvement and of the incidental expenses in connection therewith;

Diagram.

3. A diagram showing the district above referred to, and also the boundaries and dimensions of the respective subdi-

visions of the land within said district, each of which subdivisions shall be given a separate number in red ink upon said diagram.

4. A proposed assessment of the total amount of the costs and expenses of the proposed improvement upon the several subdivisions of land in said district in proportion to the estimated benefits to be received by such subdivisions, respectively, from said improvement; *provided*, that whenever any portion or percentage of the cost and expenses of such improvement is ordered to be paid out of the treasury of the municipality, as hereinabove provided, the amount of such portion or percentage shall first be deducted from the total estimated cost and expenses of such improvement, and the assessment upon property, proposed in said report, shall include only the remainder of said estimated cost and expenses. Said assessment shall refer to such subdivisions upon said diagram by the respective red ink numbers thereof, and shall show the names of the owners, if known, otherwise designating them as unknown. No mistake in the name of the owner of any parcel of land shall affect the validity of the assessment thereon.

In any municipality having a board of public works or other board or commission in charge of street lighting, created by charter or by law, the proposed improvement shall be referred to said board or commission and the report provided for herein shall be made by said board or commission.

SEC. 3. Section fourteen of said act is hereby amended to read as follows:

Section 14. At any time after the funds for the work, or any part of the work, shall be in the hands of said treasurer, the city council may let the contract or contracts for such work, or the respective parts thereof. Every such contract shall be let to the lowest responsible bidder after notice published by two insertions in some newspaper published in such municipality, and designated by the city council for that purpose, or if there be no such newspaper, then by such posting as the city council may provide. Every bid shall be accompanied by a certified check, amounting to ten per cent of the bid, payable to the order of the clerk of said city council, and the same shall be forfeited to the municipality in case the bidder depositing the same does not, within fifteen days after written notice that the contract has been awarded to him, enter into a contract with the municipality for the work, the faithful performance of which shall be secured by an undertaking in such penal sum as the city council shall require, with sureties satisfactory to said council. The contract must provide that the work shall be done, and the work must be done, strictly in accordance with the plans and specifications contained in the report provided for in sections 2 and 3 of this act. The work must be done under the supervision of the board, officer or person by whom the report provided for in section 2 of this act was made, and no work shall be paid for until it has been accepted by said board, officer or person. If the contractor

Proposed
assessment.Board of
public
works.

Contracts.

Publica-
tion.Certified
check.

Abandonment of contract.

abandons the work, or fails to proceed with the same as rapidly as required by his contract, the said city council may relet the work in the same manner as in the case of the first letting thereof, and retain the amount of the cost of the same, and of any expense incidental to the reletting out of any funds due, or to become due, to the contractor, and also hold him and his sureties responsible for such cost and expense, and for any damages resulting from such abandonment or failure upon his bond; *provided, however,* that the city council, in its discretion, may, at any time within ten days after the award of any contract, as above provided, or at any time within ten days after the time fixed for the opening of bids, if no bids have been received, order by resolution adopted by a vote of two thirds of all its members, that said proposed contract be not made, and that the municipality itself execute the work embraced therein, in accordance with the plans and specifications adopted for such work, and employ the labor, and provide the material, appliances, supplies and illuminating agent necessary therefor; and the cost and expenses of such work shall be paid out of the aforesaid funds; *and provided, further,* that the amount appropriated and used from said funds for said purpose shall not exceed the amount of the bid upon which the award of contract aforesaid was made, or, if no bids have been received and the work is to be executed by the municipality itself as herein provided, such cost and expense shall not exceed the amount of the estimate thereof provided for in section two of this act; and if such cost and expense shall exceed the amount of said bid, or of said estimate in case no bids are received, then such excess shall be met out of any moneys in the general fund in the treasury of said city.

City may do work.

Costs may not exceed bid.

SEC. 4. Section fifteen of said act is hereby amended to read as follows:

Supplemental assessment.

Section 15. In case the first assessment for any improvement provided for in this act proves insufficient, a supplemental assessment may be made to raise the deficit, in the same manner as nearly as may be, as the first assessment, except that protests may only be made against such supplemental assessment, and so on until sufficient money shall have been realized to pay for such improvement.

SEC. 5. This act shall take effect and be in force from and after its passage.

CHAPTER 346.

An act to amend section 758 of the Political Code, relating to the employment and compensation of the officers of the district courts of appeal.

[Approved April 3, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 758 of the Political Code is hereby amended to read as follows:

758. Each of the three courts of appeal may employ and appoint the following officers of their respective courts, whose salaries shall be as follows: one clerk at twenty-seven hundred dollars per annum; one deputy clerk at two thousand dollars per annum; one phonographic reporter, as provided in section seven hundred and fifty-nine, and one bailiff, at sixteen hundred dollars per annum.

Officers of
district
courts of
appeal.

CHAPTER 347.

An act to amend section 472 and section 475 of an act entitled "An act to establish a Political Code" approved March 12, 1872, relating to the duties of the attorney general, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the attorney general's office and fixing their salaries.

[Approved April 3, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 472 of the Political Code is hereby amended so as to read as follows:

472. The attorney general may appoint one assistant, one chief deputy and five additional deputies, who shall be civil executive officers. The annual salary of the assistant shall be four thousand dollars; the annual salary of the chief deputy shall be four thousand dollars; the annual salary of two of such additional deputies shall be thirty-three hundred dollars each, and the annual salary of three of such additional deputies shall be three thousand dollars each. Said salaries shall be paid at the same time and in the same manner as the salaries of other state officers. The attorney general shall not employ special counsel in any case except those provided in section four hundred and seventy-four of the Political Code. The attorney

Deputies
of attorney
general.

Special
counsel

Attorney general to have charge of all legal matters in which state is interested.

general shall have charge, as attorney, of all legal matters in which the state is in any wise interested, except the business of the regents of the University of California and of the state harbor commissioners, and such other boards or officers as are now by law authorized to employ attorneys, and no board, officer or officers, or employee of the state, except said regents and said harbor commissioners and such other boards and officers as are now by law authorized to employ attorneys, shall employ any attorney other than the attorney general, or one of his assistants or deputies, in any matter in which the state is interested; nor shall any money be drawn out of the treasury, or out of any moneys appropriated out of the treasury, or out of any special or contingent fund under the control of any board, officer or officers, or employee for the pay of any legal services rendered after the passage of this act, the provisions of any existing statute to the contrary notwithstanding, excepting as above provided; *provided*, that whenever a district attorney in any county of this state shall, for any reason, become disqualified from conducting any criminal prosecution within such county, the attorney general may employ special counsel to conduct such prosecution, and the attorney's fee in such case shall be a legal charge against the state; *provided, further*, that nothing herein contained shall be construed to prevent or deny the right of any board, officer, or officers or employee of the state to employ or engage counsel in any matter of the state, after first having obtained the written consent so to do of the attorney general.

Whenever district attorney is disqualified.

SEC. 2. Section 475 of the Political Code is hereby amended so as to read as follows:

Clerks, reporter and stenographers of attorney general.

475. The attorney general may appoint two clerks, one phonographic reporter and four stenographers for his office. The annual salary of each of said clerks and of the phonographic reporter shall be eighteen hundred dollars; the annual salary of each of such stenographers shall be twelve hundred dollars. Said salaries shall be paid at the same time and in the same manner as the salaries of other state officers are paid. The clerk, the phonographic reporter and the stenographers shall be civil executive officers.

SEC. 3. This act shall take effect immediately.

CHAPTER 348.

An act amending section ten of an act entitled, "An act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

[Approved April 3, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section ten of an act entitled "An act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907, is hereby amended to read as follows:

Section 10. All improvements constructed under this act shall be of a durable and lasting character; *provided*, that said commission shall have the power to determine how said highways shall be improved and constructed, and the character of the materials to be used in the improvement and construction thereof. If said commission shall determine that said highways, or any of them, shall be macadamized or paved, then the macadamized or paved portion of the roadbed constructed or any highway or portion thereof improved under this act, shall not exceed sixteen feet in width, unless donations are made to the highway commission for that purpose, in which case such donations may be used to defray the increased cost of constructing such macadamized or paved roadbed more than sixteen feet wide on any part of such highway specified by the donors; but no part of the proceeds of any bond issue shall be expended for such purpose. No railroad, electric road, or street railroad shall be constructed along or upon any highway, or any portion thereof, improved under the provision of this act, except for crossings duly authorized by the board of supervisors, nor shall any board of supervisors have power to grant any franchise for the construction of any railroad, electric road, or street railroad along or upon any such highway or portion thereof, except for crossings; *provided*, that when any

Kind of road improvements.

Width of roadbed.

No railroad upon improved highway.

When highway comes within boundaries of city.

Repayment to county.

such highway or portion thereof shall, after the improvement of the same under the provisions of this act, be included within the boundaries of any incorporated city, city and county or town, the foregoing provisions of this section shall not prohibit the granting of any such franchise by the proper municipal authorities along, upon or across any such highway, or portion thereof so included within the boundaries of any such incorporated city, city and county, or town. Any such franchise shall be granted only upon the express condition, that the grantee thereof will pay to the county for the benefit of the general fund thereof, an amount equal to the cost of the improvement or construction of such portion of the roadbed or highway constructed or improved under the provisions of this act as shall be occupied by the track or tracks of such railroad, electric road or street railroad.

SEC. 2. This act shall take effect immediately.

CHAPTER 349.

An act to repeal article XVIII of chapter III of title I of part III of an act entitled "An act to establish a Political Code," approved March 12, 1872, relating to the board of examiners, and to enact a new article XVIII of chapter III of title I of part III of said act entitled "An act to establish a Political Code," approved March 12, 1872, relating to and creating a state board of control and department of accounting therein: providing for the organization of such board; defining its powers and duties; prescribing the number and fixing the salaries of the members and employees thereof and of the department of accounting therein, and to include in such article XVIII, new sections to be known and numbered respectively as sections 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690 and 691.

[Approved April 3, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Article XVIII of chapter III of an act entitled "An act to establish a Political Code," approved March 12, 1872, is hereby repealed.

SEC. 2. A new article XVIII of chapter III of title I, of part III, of said Political Code, consisting of thirty-eight sections, to be known and numbered respectively as sections 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667,

668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690 and 691, is hereby enacted to read as follows:

ARTICLE XVIII.

- 654.** A state board of control is hereby created to consist of three members who shall be appointed by the governor and hold office at his pleasure. The governor shall designate the chairman of such board and shall fill vacancies occurring from any cause in the membership thereof. The members of such board shall not engage in any private business requiring their personal attention between the hours of nine o'clock A. M. and five o'clock P. M. of each day excepting holidays during their term of office. Before entering upon the discharge of his duties each member of said board shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars, conditioned on the faithful discharge of his duty according to law and shall take the oath of office as prescribed by this code for state officers. The members of such board shall be executive officers and each shall be authorized to administer oaths. The board shall appoint a secretary, three clerks and two stenographers. Such appointees shall be civil executive officers. The board may also appoint a messenger.
- 655.** The members of the state board of control shall each receive a salary of four thousand dollars per annum, which shall be paid at the same time and in the same manner as the salaries of state officers are paid. The secretary shall receive a salary of twenty-four hundred dollars per annum, the clerks a salary of eighteen hundred dollars per annum each, the two stenographers fifteen hundred dollars per annum each, and the messenger nine hundred dollars per annum. The salaries of all such appointees shall be paid at the same time and in the same manner as the salaries of state officers.
- 656.** The said board shall be in session during office hours whenever a majority of the members thereof are present at its offices in the state capitol and may meet at other places in the state at such time as a majority of the board may determine.
- 657.** The board must keep a record of all its proceedings and any member may cause his dissent to the action of the majority upon any matter to be entered upon such record.
- 658.** The board or a majority thereof, may elect one of its members vice-chairman, and such officer shall have and exercise all the authority of the chairman in the absence of the latter. The board may also establish rules and regulations not inconsistent with law for its government. All such rules and regulations must be recorded in the minutes of the board.
- 659.** The chairman may issue subpoenas and compel the attendance of witnesses before the board or any member thereof, in the same manner that any court in this state may; and whenever the testimony of any witness upon any matter pending before it is material, the chairman must cause the attendance of the witness before such board, or a member

Board of control.

Bond.

Secretary and clerks.

Salaries.

Sessions of board.

Record of proceedings.

Vice-chairman.

Rules.

Chairman may issue subpoenas.

thereof, to testify concerning such matter, and the board may make a reasonable allowance therefor, not exceeding the fees of witnesses in civil cases, which must be paid out of the appropriation for the contingent expenses of the board, but in no instance can an allowance be made in favor of a witness who appears in behalf of a claimant.

Depositions.

Each member of the board may take depositions to be used before it.

Examining books of state institutions.

660. It shall be the duty of one or more members of the board as may be designated by the board, or as requested by the governor, to examine and expert, or cause to be examined and experted, the books of the different state prisons, reformatories, state hospitals and other institutions, commissions, bureaus and officers of the state, at least once in each year, and as often as may be deemed necessary. The officers of said prisons, reformatories, hospitals and other institutions, boards, commissions and bureaus and the several officers of the state, must permit such examination and experting and must upon demand produce without unnecessary delay all books, contracts and papers in their respective offices, and must furnish upon demand the information touching books, papers and contracts and other matters pertaining to their respective offices.

Visiting state institutions.

661. It shall be the duty of one or more members of the board as may be designated by such board or as may be requested by the governor to visit from time to time every public institution maintained in whole, or in part, by state appropriations to ascertain the conditions of the same, and their wants and requirements, and also to visit public buildings in course of construction to ascertain if all the provisions of law in relation to such construction and of the contracts therefor are being faithfully executed.

Reports of examinations.

662. The board upon completion of such examination must make a report in duplicate thereon and file one with the governor, and one in the office of such board.

Claims against state.

663. Every claim against the state for which an appropriation has been made or for which a state fund is available, must be presented to the board for its scrutiny before being paid. The board may for cause postpone action upon a claim for not exceeding one month.

Personal claim against state.

664. Any person having a claim against the state for which an appropriation has been made, may present the same to the board in the form of an account or petition and the secretary of the board must date, number, and file such claim. The board must allow or reject the same within thirty days.

Majority to allow claim.

The concurrence of two members of the board shall be required to approve and allow any claim against the state in whole or in part.

Approved claims to controller.

665. If the board approve such claim the members approving the same must over their signatures endorse thereon the following: "Approved for the sum of dollars." and the secretary shall immediately transmit the same to the office of the state controller for his action thereon and if such

action is favorable, he shall draw his warrant for the amount so approved in favor of the claimant or his assign; *provided*, that the controller if he objects thereto for any reason may return the same to the secretary of said board and said claim shall not again be presented to the controller except with the unanimous approval of the board.

666. If the board, or a majority thereof, disapprove any claim, the same shall be filed with the records of the board with a statement showing such disapproval and the reasons therefor. Dis-
approved
claims.

667. If no appropriation has been made, or if no fund is available for the payment of any claim against the state, the settlement of which is provided by law, or if an appropriation or fund has been exhausted, such claim must be presented to the board who shall audit the same and if approved by at least a majority vote thereof it shall, with the sanction of the governor, be transmitted to the legislature with a brief statement of the reasons for such approval. Claims for
which no
appropriation
was
made.

668. The board shall cause to be printed for distribution among all state officers and for the use of any one desiring to present a claim against the state, a set of rules governing the presentation and audit of demands against the state funds and appropriations. Rules for
audit of
claims.

669. Any person having a claim against the state, the settlement of which is not otherwise provided for by law, must present the same to the board at least four months before the meeting of the legislature, accompanied by a statement showing the facts constituting the claim, verified in the same manner as complaints in civil actions. Before finally passing upon any such claim, notice of the time and place of hearing must be mailed to the claimant at least fifteen days prior to the date set for final action. At the time designated the board must proceed to examine and adjust such claims. It may hear evidence in support of or against them and, with the sanction of the governor, report to the legislature such facts and recommendations concerning them as may be proper. In making such recommendations the board may state and use any official or personal knowledge which any member thereof may have touching such claims. Claims to
be pre-
sented at
least four
months
before leg-
islature
meet.

670. The board must make up its report and recommendations concerning such matters as the law requires of it at least thirty days before the meeting of the legislature. The board must give to the state controller for his use at such time as he shall demand a statement showing all its recommendations for appropriations by the legislature. Recom-
mendation
to legisla-
ture.

671. The board must not entertain, for the second time, a demand against the state once rejected by it or by the legislature unless such facts are presented to the board as in suits between individuals would furnish sufficient ground for granting a new trial. Any person interested, who is aggrieved by the disapproval of a claim by the board, may appeal from the decision to the legislature of the state, by filing with the board a notice thereof, and upon the receipt of such notice the board Report to
legisla-
ture and
controller.

Rehearing
on claim
once
rejected.

Appeal to
legislature.

must transmit the demand and all the papers accompanying the same, with a statement of the evidence taken before it, to the legislature.

Controller may draw warrant only after approval by board.

672. The controller must not draw his warrant for any claim unless it has been approved by the state board of control, and when hereafter the controller is directed to draw his warrant for any purpose, this direction must be construed as subject to the provisions of this section, unless the direction is accompanied by a special provision exempting it from the operation of this section.

Board may notify treasurer not to pay warrant.

673. Whenever the board has reason to believe that the controller has drawn or is about to draw his warrant without authority of law, or for a larger amount than the state actually owes, the board must notify the treasurer of state not to pay the warrant so drawn or to be drawn; and thereupon the treasurer is prohibited from paying the warrant, whether already drawn or not, until he is otherwise directed by the legislature.

Legislative contingent funds exempt.

674. Claims upon the contingent fund of either house of the legislature and for official salaries, are exempted from the operation of the provisions of this article.

Monthly count of money in treasury.

675. The money in the state treasury must be counted by the state board of control at least once every month, without giving the treasurer any previous notice of the day or hour of counting; the board may at any counting place any sum in bags or boxes and mark and seal the same with a seal to be adopted and kept by it, and may, at any subsequent counting count each bag or box separately and credit at the value stamped thereon the contents of such bags or boxes as part of the money counted without making a detailed count of such contents. They shall count as cash all evidence of money belonging to the state upon deposit outside the state treasury that may be held by the treasurer in accordance with law and shall determine for themselves whether such evidence is sufficient according to law.

Publication of count.

After each count of money they must make and file with the secretary of state and cause to be published in some newspaper in the city of Sacramento, an affidavit showing:

1. The amount of money or credit that ought to be in the state treasury.

2. The amount and kind of money or credit actually therein.

Investment of school land funds.

676. Whenever and as often as there is in the state treasury the sum of ten thousand dollars as the proceeds of the sale of state school lands the board must invest the same in the bonds of this state, or in the bonds of the United States, or in the bonds of any county, permanent road district, city and county, city, town, or school district of this state; the investments to be made in such manner and on such terms as the board shall deem best for the fund. All such bonds purchased by the board under the provisions of this section must be delivered to the state treasurer who shall keep them as a special

Bonds delivered to treasurer.

school fund deposit, and the interest upon such bonds when collected shall be placed by him to the credit of the state school fund.

677. Whenever and as often as there is in the state treasury to the credit of the estates of deceased persons' fund (in excess of the retention hereinafter provided for) the sum of ten thousand dollars or more, the board must invest the same in the bonds of this state, or in the bonds of the United States, or in the bonds of the several counties, city and county, permanent road districts, cities and towns, or school districts of this state; the investments to be made in such manner and on such terms as the board shall deem best for the fund. No investment shall be made which with the amounts previously invested shall reduce the uninvested portion of the fund below the amount of ten thousand dollars, and whenever a demand presented against said fund will reduce the amount of cash therein below the specific amount of ten thousand dollars, it shall be the duty of the board to sell such bonds belonging to said fund as they may deem proper, for the purpose of making good the cash retention of ten thousand dollars.

Money in estates of deceased persons' fund to be invested in bonds.

Bonds purchased by the board under the provisions of this section must be delivered to the state treasurer, who shall keep them as a portion of said estates of deceased persons fund, and the interest upon such bonds shall be paid into the state school fund and apportioned like other moneys employed for the support of common schools.

Bonds delivered to treasurer.

678. Whenever under the provisions of law the board of supervisors, trustees, common council, or other governing boards or bodies of any county, city or county, city or town, or school district of this state shall advertise the sale of bonds voted for any purpose, the clerk of such board, trustees, common council, or other governing board or body shall forthwith, by mail, postage prepaid, notify the state board of control and state treasurer, at the capitol, of such issuance and sale of bonds, and shall specify the purposes for which such bonds were voted, the amount of the total issue for each purpose, the denomination of each bond showing date of issuance and date of maturity, the rate of interest showing when and where payable, the assessed value of the property upon which such bonds are a lien and the total amount of other bonded indebtedness which is a lien upon said property.

City, county and district authorities to notify board and treasurer of bonds for sale.

679. At any sale of bonds by the state treasurer the board may become bidders and purchase bonds with the funds at their disposal, and the appropriate transfer of funds must be made by the controller and treasurer on the books of their offices. No purchase of bonds shall be completed by the board until the attorney general shall have approved the validity of the issue.

Board may purchase bonds to be sold by treasurer.

680. The board, with the consent of the governor, shall have power to authorize the creation of deficiencies in any appropriations of money made by law in cases of actual necessity and shall authorize the payment of deficiencies out of any money which may be appropriated for such purpose. No

Creation of deficiencies.

deficiency shall be authorized except upon the written authority, first obtained, of a majority of the members of the board and of the governor. Any indebtedness attempted to be created against the state in violation of these provisions shall be null and void, and shall not be allowed by the board of control or the controller.

Sale of property belonging to state.

681. The board shall have power to authorize the sale or exchange of any property, except real estate, which belongs to the state and which, in their judgment, it shall be for the best interests of the state to sell or exchange.

Board to supervise financial policies of state.

682. The board shall have general powers of supervision over all matters concerning the financial and business policies of the state, and shall, whenever they deem it necessary or at the instance of the governor, institute or cause the institution of such investigations and proceedings as they may deem proper to conserve the rights and interests of the state.

Contracts for supplies to be submitted to board.

683. All contracts entered into by any state officer, board, commission, department, or bureau, for the purchase of supplies and materials, or either, shall before the same becomes effective be transmitted with all papers, estimates and recommendations concerning the same, to the state board of control for consideration. If a majority of such board approve the same, it shall, from the date of such approval, be in force and effect. No state officer, board, commission, department, or bureau, shall purchase supplies and materials, or either, in open market, unless permission has been given, upon a presentation of the necessity therefor, by the state board of control; *provided*, that to meet an emergency, supplies and materials of a perishable nature, in an amount not exceeding one hundred dollars in value, may be purchased by such state officer, board, commission, department, or bureau without the permission of the said board of control.

Permission to purchase supplies in open market.

Board of examiners shall mean board of control.

684. Whenever by the provisions of this code or any statute or law now in force or that may hereafter be enacted a duty is imposed or authority conferred upon the "state board of examiners" or the "board of examiners" and the members thereof such duty and authority are hereby imposed and conferred upon the state board of control and the members thereof, the same as though the title of the state-board of control had been specifically set forth and named therein. For the purposes of this chapter the terms "state board of examiners" and "board of examiners," respectively, shall be construed to mean and refer to the "state board of control," and wherever in this code or in any statute or law the term "member of the state board of examiners" or "member of the board of examiners" is used it shall be construed to mean and refer to a "member of the state board of control."

Reports of supplies purchased to be made to board.

685. Every state office, board, commission or department to whom is given by law the authority to make purchases of material or supplies, must, upon the request of the board of control, designate some certain officer or employee in such office, board, commission or department whose duty it shall be to

make such reports at such times and in such manner to the board of control as said board shall from time to time require.

686. There is hereby established in connection with and under the supervision of the state board of control a department of public accounting. The board shall appoint a superintendent of accounts at an annual salary of three thousand dollars, and two assistants at an annual salary of twenty-seven hundred dollars each. Such appointees shall be skillful accountants and well versed in public accounting. They shall (each) execute a bond to the state in the sum of ten thousand dollars. They shall be civil executive officers and their salaries shall be paid in the same manner and at the same time as the salaries of state officers are paid. The board may also appoint such additional accountants as may be necessary to carry on the work of the department at salaries not to exceed for any one of such appointees the sum of twenty-four hundred dollars per annum. Such salaries, upon authority of the board, shall be paid out of money appropriated for the use of the department at the same time and in the same manner as the salaries of state officers are paid. Such accountants shall be chosen from persons who have successfully taken an open competitive examination given along practical lines showing their fitness for the work required. They shall each execute to the state a bond in the sum of five thousand dollars. All of the appointees in this section are empowered to administer oaths in the furtherance of their official duties.

Department of public accounting.

Superintendent, etc.

687. The board of control, through the department of public accounting shall devise, install and supervise a uniform system of accounting and reporting for any and all officers or persons in this state permitted or charged by law with the keeping of public accounts and records, and the custody, control and handling of public money or its equivalent, to the end that there shall be obtained similar and comparable data for every public office and every public account of the same class, and that there shall be a general, systematic and uniform check upon the receipt and disbursement of all public revenue.

Uniform system of accounting for state officer.

688. With the sanction of the state board of control, the department of public accounting may require from all such officers or persons mentioned in the foregoing section financial and statistical reports, duly verified, covering the period of each fiscal year, which report shall be made out upon blank forms prescribed and adopted and furnished by the department of public accounting, and mailed to such officers or persons not less than sixty days before the time such reports are required to be filed with such department. When necessary, the department may require special reports from any such officers or persons, which must be filed with the department without delay.

Financial and statistical reports.

689. The department of public accounting is given full power to examine, through any of its officers or appointees, all accounts and all financial affairs of every officer or person mentioned in section 687 of this code, and shall have the right to enter into any public office or institution in this state and ex-

Department may examine books, etc., of public offices.

amine any books, papers or documents contained therein or belonging thereto for the purpose of making such examination, and shall have access, in the presence of the custodian thereof, or his deputy, to the cash drawers and cash in the custody of such officer or person and shall also have the right, during business hours, to examine the public accounts in any depository which has public funds in its custody.

Neglect to
file reports,
etc.

690. Any officer or person who shall fail or neglect to make, verify and file with the department of public accounting any such report as is required by this article, or who shall fail or neglect to follow the directions of the department of public accounting in keeping the accounts of his office, or who shall refuse to permit the examination or access to the books, accounts, papers, documents or cash drawer or cash of his office to a representative of said department, or who shall in any way interfere with such examination, shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars nor more than one thousand dollars or shall be imprisoned in the county jail not less than thirty days, or both.

Biennial
report.

691. The board must biennially report to the legislature a history of its transactions and investigations.

CHAPTER 350.

An act to repeal section 364 of the Political Code relating to the board of examiners.

[Approved April 3, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 364 of the Political Code is hereby repealed.

CHAPTER 351.

An act to provide for the regulation of the traffic in alcoholic liquors by establishing local option; authorizing the filing of petitions praying for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license; providing that no licenses, permits or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits theretofore issued and in force; making it a penal offense to sell, give away or distribute alcoholic liquors within such territory, with certain exceptions; and providing penalties for such offenses.

[Approved April 4, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Qualified electors of any incorporated city or town, or of that portion of any supervisorial district not included within the boundaries of any incorporated city or town, numbering not less than twenty-five per cent of the number of votes cast for all candidates for governor in the territory described in the petition, at the last preceding election for governor of the state, may petition the city council, board of trustees or other legislative body of such city or town or the board of supervisors of the county in which such supervisorial district is situated, to call an election to vote upon the question, whether the sale of alcoholic liquors shall be licensed in such city, town, or supervisorial district outside of incorporated cities and towns. Petition for election on local option question.

SEC. 2. Such petition shall be substantially in the following form: Form of petition.

To the (here insert the name of the legislative or governing body of the district: city council, board of trustees, board of supervisors, or whatever it may be) of the (here insert description and name of the city, town or county, as the case may be)

The undersigned, residents and qualified electors of the (here insert description and name of the city, town, or supervisorial district outside of incorporated cities and towns, as the case may be) respectfully petition that you cause to be submitted, in the manner provided by law, to the voters of this (here insert "city," "town," or "supervisorial district outside of incorporated cities and towns," as the case may be) the proposition, "Shall

the sale of alcoholic liquors be licensed in this (here insert 'city,' 'town,' or 'supervisory district outside of incorporated cities and towns') ?”

Name of signer.	House number.	Street.	Post office.	Date of signing.	Precinct.
-----------------	---------------	---------	--------------	------------------	-----------

Petitioner's signature.

SEC. 3. Each petitioner shall, in addition to signing his name to such petition, write opposite his name thereon his place of residence, giving street and number, if any, and such signing, to be valid, must have been done not more than sixty days before the filing of said petition. There shall be attached to each sheet of such petition a statement, signed and sworn to by a resident of the district described in such petition, that the signatures on the said sheet were made in his presence, by the persons whose names purport to be signed thereto, within the time as provided in this act, and that to the best of his knowledge and belief the persons whose names are signed thereto were, at the time of signing the same, qualified electors in the district described in said petition. No names shall be withdrawn from such petition after the same is filed.

Sworn statement.

Examination of petition.

SEC. 4. Upon the filing of said petition the clerk of the body to which it is addressed shall forthwith examine it, and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors of the territory described therein, and, if necessary, he shall be allowed extra help for that purpose, and within ten days from the date of filing such petition he shall certify in writing the result of such examination and shall file this certificate with the petition. If the clerk finds the number of qualified signers to be insufficient, he shall immediately send a written notice to the person who filed the petition, stating the number of qualified signers he has found thereon, and that they are not sufficient; and the petition may be amended within ten days from the date of such notice by the filing of a supplementary petition. The clerk shall within ten days after such amendment make like examination and certification of the amended petition. If it is still found insufficient he shall notify the person who filed the petition of that fact, without prejudice, however, to the filing of a new petition to the same effect.

Notice to person filing.

Call election.

If the petition shall be certified as sufficient, the legislative or governing body having jurisdiction over the territory described therein shall, within the time prescribed herein, call an election to be held in such territory to vote upon the question whether the sale of alcoholic liquors shall be licensed therein.

Provisions governing election.

SEC. 5. Such election shall be called and held in the manner provided by law; and all the provisions of law, penal or otherwise, applicable to a general state election shall apply to special elections held, under this act, in territory outside of incorporated cities and towns; while all the provisions of law applicable to municipal elections shall apply to special elections held, under this act, in incorporated cities and towns.

SEC. 6. If said petition shall be certified as sufficient within six months and not less than forty days before the holding of the next general state or general municipal election within the territory therein described, such question shall be submitted at said general state or general municipal election; otherwise a special election to vote upon the question shall be called to be held within not less than thirty nor more than sixty days after the petition has been certified as sufficient; *provided*, that no election under this act shall be held within two years of any previous election held under this act within the same territory.

Question may be submitted at general election.

Special election not oftener than once in two years.

SEC. 7. If said petition is filed with the governing body of an incorporated city or town, and is certified as sufficient within six months and not less than forty days before the holding of the next general state election, said body shall forthwith request the board of supervisors of the county in which such city or town is located to place the license question on the ballots for all voting precincts within such city or town at the next general state election, in the form provided in section 8 hereof. It shall be the duty of said board of supervisors to comply with such request, and immediately after canvassing the returns of such election to report the vote for and against license to the governing body of such city or town, and it shall enter the same upon its minutes, making record of the date of the election and of the number of votes for and against license.

License question on ballots of general election.

SEC. 8. The form of ballot shall be as follows :

Ballot.

Shall the sale of alcoholic liquors be licensed in this ----- (Here insert "city," "town," or "super- visorial district outside of incorporated cities and towns," as the case may be)-----?	Yes.	
	No.	

To vote for license electors they shall stamp a cross in the square opposite the word "Yes" on the ballot; and to vote against license they shall stamp a cross in the square opposite the word "No" thereon.

SEC. 9. Any elector of the territory in which an election under this act is held may contest such election for malconduct on the part of an election board or of any member thereof or on account of illegal votes. Such contest shall be subject to all the provisions of law relating to the contesting of elections, so far as the same may be applicable; *provided*, that while said contest is pending, and until the same is decided, the force and effect of said election shall be the same as if it had not been contested.

Contest of election.

SEC. 10. Unless a majority of the votes cast on this question at such election are in favor of license, the territory described in the petition shall be no-license territory on and after ninety days from the date of said election; and the city council, board of supervisors or other governing body having jurisdiction thereof, shall thereupon make an entry on its records declaring that such described territory is no-license territory; but a fail-

No-license territory.

ure to make such entry shall not affect the result or effect of such election.

In any prosecution under this act the original record in the minutes of said governing body of the number of votes cast at such election, or a copy thereof certified by the clerk of said governing body, shall be prima facie evidence that the territory in which such election was held is no-license territory; *provided*, said record shows that at said election there was not a majority vote in favor of license.

Election necessary to change to license territory.

SEC. 11. When any city, town, or supervisorial district outside of incorporated cities and towns, becomes no-license territory it shall remain such until at a subsequent election, called, as herein provided, to vote on the question of whether the sale of alcoholic liquors shall be licensed therein, a majority of the votes cast on that question are in favor of license. It shall thereupon cease to be no-license territory within the meaning of this act.

Licenses in such territory become void.

SEC. 12. No license, permit or other authority to sell or distribute alcoholic liquors in no-license territory shall be issued except to registered pharmacists and to manufacturers of such liquors, and all such existing licenses or permits, except those of registered pharmacists and manufacturers, shall immediately become void when the territory becomes no-license territory; but all holders of such licenses, permits or other authority shall, upon a surrender thereof, be entitled to a rebate of the proportion of license fee paid therefor for the unexpired term for which the same was granted.

Unlawful to sell liquor.

SEC. 13. It shall be unlawful for any person, corporation, firm, company, association or club, as principal, agent, employee or otherwise, within the boundaries of any no-license territory to sell, furnish, distribute or give away any alcoholic liquors except as provided in section 16 hereof.

Unlawful to conduct place where liquor is sold.

SEC. 14. It shall be unlawful for any person, corporation, firm, company, association or club, within any no-license territory, to keep, conduct or establish, as principal or agent, any place where alcoholic liquors are sold, served or distributed, or are kept for the purpose of sale or distribution, except as provided in section 16 hereof; and every day that such place shall be kept, established or conducted shall constitute a separate offense.

Unlawful to solicit orders for liquor.

SEC. 15. It shall be unlawful for any person, corporation, firm, company, association or club, within any no-license territory, to solicit orders, take orders or make agreements for the sale or delivery of alcoholic liquors; *provided*, that this shall not apply to the taking of such orders from a registered pharmacist at his place of business, or to the taking of orders for alcoholic liquors on the premises where stored or manufactured, under the conditions stated in section 16 hereof.

Not unlawful.

SEC. 16. Nothing in this act shall be interpreted as rendering it unlawful to keep alcoholic liquors for distribution, or to sell or distribute such liquors, in no-license territory in the manner and for the purposes in this section provided:

First—The serving of such liquors by any person at his own home to members of his family or to his guests, as an act of hospitality, when no money or thing of value is received in return therefor, and when said home is not a place of public resort;

To serve in home.

Second—The serving or dispensing of such liquors by any registered pharmacist for bona fide medicinal purposes only, upon a prescription issued, signed and dated by a duly licensed physician; *provided*, that the name of the person applying for the prescription and the name of the person for whose use the prescription is made shall be inserted therein by the physician issuing the same at the time the prescription is made or given, and that not more than one sale or furnishing is made upon such prescription, and that all such prescriptions are kept on file at the place of business of such pharmacist, open to public inspection; *provided, further*, that no such liquors so dispensed shall be drunk upon the premises where dispensed;

To dispense by pharmacist.

Third—The selling of alcohol by a registered pharmacist for other than beverage purposes; *provided*, that such pharmacist shall keep a record of such sales in which shall be entered the date of the sale, the quantity sold, the purpose for which purchased, and the signature of the person purchasing the same; such record to be open to public inspection;

To sell by pharmacist for other than beverage purposes.

Fourth—The selling of wine by a regularly licensed pharmacist for sacramental purposes only; *provided*, such wine is sold only to a regularly ordained minister of some religious denomination, or upon the written order of the local official board or governing body of a religious organization; *provided, further*, that such pharmacist shall keep a record of such sales in which shall be entered the date of the sale, the quantity sold, and the signature of the person purchasing the same; such record to be open to public inspection;

To sell by pharmacist for sacramental purposes.

Fifth—The distributing of wine at the sacramental service of any religious organization;

To distribute at sacramental service.

Sixth—The keeping of alcoholic liquors at cellars, vaults or warehouses, receiving orders at such cellars, vaults or warehouses for said liquors, and the shipping of the same therefrom; *provided*, said liquors are not distributed or delivered to any person or place in no-license territory within the county in which such cellars, vaults or warehouses are located, except when delivered to a common carrier for shipment to a place outside of said no-license territory;

To keep liquors for sale outside of no-license territory.

Seventh—The keeping of alcoholic liquors on the premises where manufactured, receiving orders at said premises for such liquors, and the shipping of the same from such premises; *provided*, said liquors are not distributed or delivered in no-license territory within the county in which such premises are located in quantities of less than two gallons, and are not delivered to any person or place in such territory within said county except as follows: (a) to a common carrier for shipment to a place outside of said no-license territory; (b) to other manufacturers of alcoholic liquors at the premises

To keep liquors where manufactured.

where they manufacture such liquors; (c) to cellars, vaults or warehouses where such liquors are stored or distributed as provided in the sixth paragraph of this section; (d) to any person at his or her permanent residence; (e) to registered pharmacists at their place of business.

Physician may not prescribe for person not in actual need.

SEC. 17. No physician shall give to, or write for, any well person, or person not in actual need of said liquor as a medicine, any prescription for alcoholic liquors, either separately or compounded with other ingredients; and any physician who shall assist in violating or evading any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be liable to the penalty provided in section 19 hereof.

Pharmacists to file monthly statements of liquors sold, etc.

SEC. 18. On or before the tenth day of each month every pharmacist in no-license territory, who keeps or dispenses alcoholic liquors, shall file with the county clerk of the county, wherein his place of business is located, a sworn statement of the kind and quantity of such liquors he has received during the previous month, showing the date or dates on which it was received and from whom purchased; also a sworn statement of the liquors he has sold or dispensed during said previous month, showing the kind and quantity of liquors in each sale, the date, name of the purchaser, and, in case it was dispensed on a prescription, the name of the physician who issued the prescription. These statements shall be kept on file by the county clerk for at least two years, open to public inspection. Any pharmacist in no-license territory failing to file statements as herein provided, or filing false statements, shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to the penalty provided in section 19 hereof.

Penalty for violation.

SEC. 19. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding six hundred dollars, or by imprisonment in the county jail not exceeding seven months, or by both such fine and imprisonment; but any person found guilty of violating any of the provisions of this act, by conviction for an offense committed after a previous conviction under this act, shall be punished by a fine not exceeding six hundred dollars nor less than one hundred dollars, and by imprisonment in the county jail not exceeding seven months, nor less than one month.

Places where liquor is sold in no-license territory declared nuisances.

SEC. 20. All places where alcoholic liquors are sold or distributed, or are kept for sale or distribution, in violation of any of the provisions of this act, are hereby declared to be common nuisances, and shall be abated as such, and it shall be the duty of the district attorney to take action to abate such nuisances. It shall be the duty of the sheriff and any other peace officer having jurisdiction within any no-license territory to put persons suspected of violating any of the provisions of this act under police surveillance, and to use all legal means in detecting and convicting persons violating any of the provisions of this act. The right of search as given in chapter III of part II

of title XII, of the Penal Code of the State of California, is hereby made applicable to all places where there is reasonable cause to believe any provision of this act is being violated. And all liquors taken from places operated or conducted in violation of the provisions of this act shall, upon conviction of such person or persons from whom such liquor has been taken, be destroyed upon order of the court in which such conviction has been had.

Right of search.

SEC. 21. The term "alcoholic liquors," as used in this act, shall include spirituous, vinous and malt liquors, and any other liquor or mixture of liquors which contains one per cent, by volume, or more, of alcohol, and which is not so mixed with other drugs as to prevent its use as a beverage.

"Alcoholic liquors" defined.

SEC. 22. Nothing in this act shall be construed as putting any limitations, except such as are positively stated herein, upon the police powers now possessed by cities, towns and counties.

Police powers not limited.

CHAPTER 352.

An act to amend an act entitled "An act to provide for public cemetery districts," approved March 6th, 1909, statutes 1909, page 156, by amending section two thereof relating to the appointment of trustees of the district.

[Approved April 5, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of an act entitled "An act to provide for public cemetery districts," approved March 6th, 1909, is hereby amended to read as follows:

Section 2. Such public cemetery district shall be managed by three trustees, appointed by the board of supervisors from the electors residing therein; but if a majority of the resident electors shall, in their petition, designate the names of the trustees whom they shall desire to be appointed, the board of supervisors shall appoint for the first term, the persons so named. The trustees shall hold office for four years, and their successors shall be appointed in the same manner as other appointments are made by said board.

Cemetery district trustees.

Term.

CHAPTER 353.

An act to amend sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the national guard.

[Approved April 5, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1956 of the Political Code is hereby amended so as to read as follows:

Elective
officers of
national
guard.

1956. Field officers of a regiment, the coast artillery corps, separate battalion not a part of a regiment, or squadron shall be elected by the field and company officers thereof, and they shall hold office for a term of four years. All company and troop officers shall be elected by the members of such organizations. Captains of such organizations shall hold office for four years; lieutenants shall hold office for four years; *provided, however,* that immediately after this act takes effect, the commander-in-chief shall issue to each officer of the national guard, who is then in service, except officers on the retired list and staff officers, a commission for the same grade, or rank, which such officer then holds. The term of office of such officer, as provided for in section one of this act, shall commence upon the issuing of said commission. The officers so commissioned in accordance with the provisions of this section shall be exempt from the examinations provided by section 1954 of the Political Code of California.

SEC. 2. Section 1958 of the Political Code is hereby amended so as to read as follows:

Election of
officers.

1958. Two months previous to the expiration of the term of office of any officer, or upon a vacancy occurring among the elective officers of any organization attached to a brigade, the brigade commander must order an election therefor, designate an officer to preside thereat, the time and place of holding the election, and the office to be filled, such order to be promulgated at least ten days prior to the date set for the election. The presiding officer must make return in duplicate, of the election held, to the commanding general of the brigade, who shall forward one copy of said election return to the proper examining board and shall retain the other copy at his headquarters. Upon receiving notice from the examining board that the officer or officers-elect have passed a successful examination, which notice shall be endorsed upon the return of election sent to said board, he shall forward the same through regular military channels for approval of the adjutant general, who upon finding the same in accordance with the provisions of law, orders and regulations, must notify the commander-in-chief thereof for his consideration, who, if he approves, shall issue the commission. In all elections for commissioned officers a majority of the votes

of those present a majority of those entitled to vote being present shall be necessary to a choice. Should there be no choice, or no quorum present, the presiding officer shall adjourn the meeting to a time not to exceed fifteen days, and at that meeting conduct another election; and if such second meeting result in no choice, the commander-in-chief shall be notified and may then fill the vacancy by appointment. If the officer elected and duly notified, does not appear before said examining board when summoned by it, he shall be deemed to have declined his commission, and there shall be another election ordered. The filing of a proper certificate of said board with the officer ordering the election, that the officer elected or appointed has failed to pass an examination, or declined to appear before the board when notified, shall be deemed sufficient for ordering a new election. When vacancies occur at an election through the promotion of any officer, such vacancies may then and there be filled by election without further notice. The commander-in-chief will issue like orders to fill like vacancies in unattached organizations. The officer designated to preside thereat must make duplicate returns to the adjutant general and the commander-in-chief must designate the board to examine the officer or officers elected.

CHAPTER 354.

An act creating a bureau of building and loan supervision; providing for the appointment of an administration official therefor to be known as the building and loan commissioner; prescribing his duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses of the bureau of building and loan supervision; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioner to the attorney general; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioner; repealing an act approved March 21, 1905, entitled "An act creating a bureau of building and loan supervision; providing for the

appointment of administration officials therefor to be known as the building and loan commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioners to the attorney general; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all acts and parts of acts in conflict herewith; also repealing an act approved March 23, 1907, entitled "An act to amend section sixteen (16) of an act entitled "An act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the building and loan commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioners to the attorney general; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all acts and parts of acts in conflict herewith," approved March 21, 1905, relating to and providing for reports to building and loan commissioners and the publication thereof; also repealing an act approved March 20, 1909, entitled "An act to amend sections 3 and 11 of an act entitled "An act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the building and loan commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for

the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses, providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioner to the attorney general; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all acts and parts of acts in conflict herewith," approved March 21, 1905, relating to the powers and duties and salaries of the state building and loan commissioners.

[Approved April 5, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby created a bureau, to be known and designated as the "Bureau of Building and Loan Supervision," with powers of supervision, examination and license of all building and loan associations, mutual loan associations, coöperative home associations, and all other corporations, associations and societies whenever, wherever and however formed, which, in the judgment of the administration of said bureau, are based, or are operating on plans or methods similar to building and loan associations as defined in section 648 of the Civil Code; it is also charged with the enforcement of all laws designed for the formation, government or operation, in this state, of any such association, corporation or society.

Bureau of
building and loan
super-
vision.

SEC. 2. The administration of said bureau shall be vested in a commissioner, to be known and designated as the "Building and Loan Commissioner," who shall be appointed by the governor and commissioned to hold office at the pleasure of the governor. He must be a citizen of this state; and he must not be in any way connected with any association, corporation or society coming under his supervision. He shall be authorized and empowered to appoint a secretary, with powers of examination the same as his own, who must be a practical, skilled accountant, fully conversant with building and loan accounts.

Building
and loan
commis-
sioner.

Secretary.

SEC. 3. The commissioner shall receive a salary of three thousand dollars per annum, and his secretary shall receive a salary of twenty-one hundred dollars per annum. Such salaries shall be in full for all services rendered, and neither the commissioner nor the secretary shall receive or accept any

Salary.

- fees from any other source for services performed in their official capacity. There shall also be allowed and paid the necessary traveling expenses of the commissioner and his secretary, incurred while traveling in their line of duties not to exceed the sum of fifteen hundred dollars per annum. The commissioner shall procure and have an office in the city of San Francisco, which office shall be kept open for business every business day, during such hours as are commonly observed by the banks of that city as banking hours. For such office there shall be allowed and paid a total rental of not exceeding seventy-five dollars per month. Said commissioner may also provide such fuel, stationery, printing, postage, office help and other necessary conveniences as may be requisite in such office, at a cost not to exceed in the aggregate, the sum of fifteen hundred dollars per annum. All said salaries and expenses shall be audited and paid in the same manner as the salaries and expenses of other state officers.
- Travelling expenses**
- Office.**
- Rent, etc**
- Bond.**
- Duties.**
- Report to governor.**
- Examination of associations.**
- SEC. 4.** Before entering upon their duties, the commissioner and the secretary shall each execute an official bond in the penal sum of five thousand dollars, each of which bonds must be guaranteed by a duly authorized surety or bonding company. Any bond executed under this section must be approved by the governor and filed and recorded in the office of the secretary of state, and such commissioner and secretary must take the oath of office as prescribed by the Political Code for state officers in general.
- SEC. 5.** It shall be the duty of the commissioner to furnish to all associations, corporations or societies, which, in his judgment, legally come under his jurisdiction, and that have otherwise complied with the requirements of law, a license authorizing them to transact business for one year from the date of said license; to receive and place on file in his office the annual or other reports required by law to be made by building and loan associations or other corporations or societies licensed by him; to supply each with blank forms for such statement; and to make, on or before the first day of October in each year, a tabulated report to the governor of this state, showing the condition of all such associations, corporations or societies reporting to him, with such recommendation as he may deem proper, accompanied by a detailed statement of all moneys received by him since his last report and the disposition thereof.
- SEC. 6.** It shall be the duty of the commissioner, in person, or the secretary, at least once in each year, without previous notice, to visit and examine into the affairs of every such association, corporation or society licensed by him, incorporated or doing business in this state; on such occasions he shall have free access to all the books, records, securities and papers of every such association, corporation or society, and shall first count the cash and check the bank balance of such corporation or association with the proper amount of funds as shown by the books to be on hand and at the date and hour of such exam-

ination, and shall then examine and verify the books, accounts, and securities, and, so far as possible and consistent, the values of all property owned or held as collateral security for moneys loaned, and otherwise use reasonable diligence to ascertain the financial condition and solvency thereof. He and his secretary shall have power to administer oaths in the line of duty, and to examine under oath the officers, employees and agents, or the custodian or receiver, relative to any or all the business thereof. The commissioner or his secretary or representative shall receive for any examination into the books and affairs of any such association, corporation or society formed outside of the State of California and applying for a license to do business in this state, their reasonable expenses, which shall be paid by the association, corporation or society so examined; *provided*, that they may accept the result of any such examination made by the duly constituted authorities of any state having similar laws of supervision.

Examination of associations applying for license.

SEC. 7. To facilitate the examinations specified in the foregoing section, he shall require every such association, corporation, or society to keep its books in such form as to accurately show its assets and liabilities in detail and to keep records written in ink, showing the appraised values of the real estate security held in connection with each loan, and signed in each case by the appraiser, officer or committee charged with making such estimated valuations. The commissioner may make a revaluation of the real estate owned, and of the other securities of any such association, corporation or society licensed by him, on which the loan payments may be delinquent for six months or more, and may, for that purpose, appoint local appraisers, who shall be disinterested persons, at the expense of such association, corporation or society: the expense of such appraisement to be fixed by the commissioner, but not to exceed the sum of five dollars for property located outside of any incorporated limits and three dollars for property located inside of any incorporated limits for each property so examined and appraised. Each appraiser so appointed shall be required to make a sworn report to the commissioner of his estimated valuations of all property so examined and appraised.

Books of association.

Revaluation of real estate.

SEC. 8. The commissioner shall have power to issue subpoenas and require attendance of any or all trustees, or agents of any such association, corporation or society, and such other witnesses as they may deem necessary, in relation to its affairs, transactions and condition, and any such person so served with such subpoena may upon application of the commissioner be required by order of the superior court of the county where the corporation, association or society has its principal place of business to appear and answer such pertinent questions as may be put to him by such commissioner and be required to produce such books, papers or documents in his possession as may be required by such commissioner.

May issue subpoenas, etc.

SEC. 9. If the commissioner, upon any examination, or from any report made to him or to the shareholders, shall find that any association, corporation or society licensed by him, is

Associations violating provisions of this act.

violating the provisions of its charter or of the laws of this state provided for its government, or is conducting its business in an unsafe or unauthorized manner, he may, by an order, addressed to the association, corporation or society so offending, direct a discontinuance of such violations or unsafe practices and a conformity with all the requirements of law; and if such association, corporation or society shall refuse or neglect to comply with such order within the time specified therein; or if it shall appear to the commissioner, in his opinion, that any such association, corporation or society is in an unsafe condition, or is conducting its business in an unsafe manner, such as to render its further proceeding hazardous to the public or to those having funds in its custody, he shall notify the attorney general of such facts and furnish him with a statement showing its condition, as the same may have been found to exist; at the same time he shall notify the officers of such association, corporation or society of the fact of such report having been made and direct them to cease the transaction of any new business, and to hold all moneys, securities and property intact, pending the action of the attorney general on such report. The attorney general shall thereupon apply to the superior court of the county in which such association, corporation or society has its principal place of business, to issue an injunction restraining it, in whole or in part, from further proceeding with its business until a hearing can be had. Such court may, in such application, issue such injunction, and after a full hearing may dissolve or modify it, or make it perpetual, and may make such orders and decrees according to the course of proceedings in equity, to restrain or prohibit the further prosecution of business by such association, corporation or society, as may be needful in the premises; and may appoint one or more receivers to take possession of its property and effects, subject to such directions as may from time to time be prescribed by the court; or it may, by its decree, order and direct that, in lieu of the appointment of a receiver, the business and affairs be liquidated by a board of trustees equal in number to the board of directors, to be elected by the shareholders, at a meeting thereof, to be called for such purpose and held within two weeks from and after the first Monday succeeding the date of such order and decree; such meeting to be called and held on the order of the commissioner, who shall be present and preside until such election shall be had; whereupon he shall report the result to the proper court, and thereupon the term of office of the existing board of directors and of all the officers shall cease and determine. Such board of trustees, when so elected, shall at once assume office and have possession and control of all the property and assets for the purpose of liquidation; and such liquidation shall be conducted by such board under the supervision of the commissioner, who shall have full power to limit the time within which it shall be accomplished, and to limit the number of employees and the salaries and expenses that shall be allowed and paid. The issuance of an injunction, in the

Notify
attorney
general

Application
for in-
junction.

Receiver-

Liquidation
by
board of
trustees

manner herein provided, shall operate to dissolve or stay any and all attachments or executions initiated or levied within thirty days next preceding the date of notification of the attorney general by the commissioner; and, pending the process of liquidation as ordered by the court, no attachment or execution shall be levied, nor lien created, upon any of the property of such association, corporation or society.

SEC. 10. Whenever a receiver or receivers are appointed, or trustees elected in lieu thereof, the commissioner shall require the president and secretary of such association, corporation or society to, and such officers shall, make a schedule of all its property and make oath that such schedule sets forth all the property which such association, corporation or society owns or is entitled to, and deliver said schedule and possession of the property to the receivers or to the trustees, and a copy of such schedule to the commissioner, who may at any time examine under oath such president and secretary, or other officers, to determine whether or not all the property which such association, corporation or society owns, or is entitled to, has been transferred to such receivers or trustees.

Schedule of property.

SEC. 11. Receivers, or trustees elected in lieu thereof, must, at least annually, make due report of all their doings and accounts to the proper court, and immediately thereafter file a copy thereof with the commissioner; and the commissioner shall, at least once in each year, and as much oftener as he may deem expedient, examine the accounts, doings and reports of such receivers or trustees, and, for such purpose, shall have full and free access to all books, accounts and vouchers relating to any such liquidation, and any defect, irregularity, or misconduct on the part of said receivers or trustees, as he may find to exist, shall be, by the commissioner, reported to the proper court.

Report of receivers.

Commissioner to examine accounts.

SEC. 12. Upon the certificate, under oath, of any ten or more officers, trustees, creditors, shareholders or depositors of any such association, corporation or society, setting forth their interest and the reason for the making of such examination, directed to the commissioner, and requesting him so to do, he shall forthwith make a full investigation of its affairs, in the manner provided.

Examination upon request of ten shareholders.

SEC. 13. If the commissioner, having knowledge of the insolvent condition, or of any violation of law or unsafe practice of any such association, corporation or society under his supervision, such as renders, in his opinion, the conduct of its business hazardous to its shareholders, creditors or depositors, shall fail to take the proper action required by this act, or shall refuse or neglect to perform the official duties pertaining to his office, then upon conviction thereof the office of such commissioner shall be declared vacant by the governor, and a successor be appointed to fill the unexpired term.

Failure of commissioner to act.

SEC. 14. To meet the salaries and expenses provided for by this act, the commissioner shall require every association, corporation or society licensed by him or coming under his supervision to pay in advance, to him, and prior to the issu-

Associations to pay pro rata assessment.

ance of any license, its pro rata amount of all such salaries and expenses, and it is hereby made the duty of every such association, corporation or society to pay the same; such pro rata shall be fixed and determined by the proportion which its assets bear to the aggregate assets of all such associations, corporations, or societies, receiving licenses, as shown by the last reports of such corporation, associations, or societies to the commissioner. On or before the thirtieth day of December, in each year, the commissioner shall notify each of such associations, corporations or societies, through the United States mail, of the amount assessed and levied against it and that the same must be paid within twenty days thereafter; and should payment not be made to him within said twenty days, he shall then assess and collect a penalty, in addition thereto, of ten per cent per day for each day that such payment may be delayed or withheld; *provided, however,* that in the levy and collection of such assessment, no such association, corporation or society shall be assessed for, nor be permitted to pay less than, ten dollars per annum, and any such association hereafter formed in this state, shall be required to pay not less than one dollar per month for the unexpired term ending December thirty-first, succeeding application; and in like manner any such association organized outside this state shall be required to pay not less than three dollars per month, for such unexpired term, for its first license.

Date of assessment.

Minimum assessment.

License of associations.

Commissioner may revoke license.

SEC. 15. It shall be the duty of the commissioner to require every such association, corporation or society coming under his supervision, to procure from him, prior to the transaction of any business, a certificate of authority or license to transact business in this state; and it is hereby made the duty of every association, corporation or society to comply with such requirement. To procure such license, there must be filed with and approved by the commissioner, a certified copy of its articles of incorporation, constitution and by-laws and all subsequent amendments thereto, accompanied by the license fee herein provided for: and after the expiration of the term for which a license may have been granted to it, no such association, corporation or society shall be permitted to continue to transact business without first procuring a renewal of such license on the terms provided in this act, and any such association, corporation or society violating the provisions hereof shall be subject to a penalty of ten per cent per day of the amount of the license fee required to be paid under section fourteen of this act, in addition thereto, for each day during the continuance of such offense. The commissioner is authorized and empowered to revoke the license of any such association, corporation or society under his supervision, the solvency whereof may have become imperiled by losses or irregularities; and immediately upon the revoking of any such license he shall report the facts to the attorney general, who shall thereupon take such proceedings as are provided in section nine of this act.

SEC. 16. The commissioner shall require every association, corporation or society licensed by him, and including associations in liquidation, within thirty days after the close of its annual fiscal term to make a report to him in writing, verified by the oath of its president and secretary, showing accurately its financial condition at the close of such term; such report shall also include all the receipts and disbursements and income and expenses for the term, together with such statistical and other information as may be deemed essential; all and every of such reports shall be in such form as the commissioner may prescribe, and upon blanks to be by him furnished therefor. Every such association, corporation or society is hereby required to make and file all such reports within the time specified herein, and for failure or neglect so to do shall be subject to a penalty of ten dollars per day for each and every day the same shall be delayed or withheld.

Annual report of association.

Failure to make report

SEC. 17. The collection of all moneys assessed, as herein provided, for the payment of salaries and annual expenses, or forfeitable as fines for failure to make payments of assessments, procure licenses, or make and file reports as herein specified, and due from any such association, corporation or society coming within the provisions of this act, or imposed as a penalty for violation of any order or summons, may be enforced by the commissioner, by action instituted in any court of competent jurisdiction; and all moneys collected or received by the commissioner under this act, shall be deposited with the state treasurer, to be credited to a fund to be known and designated as the "building and loan inspection fund"; which said fund shall only be used in defraying the salaries and expenses provided for by this act.

Sum to collect assessment.

Building and loan inspection fund.

SEC. 18. An act approved March 21, 1905, entitled an act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the building and loan commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioners to the attorney general; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all acts and parts of acts in conflict herewith. Also an act

Earlier acts repealed.

Repealed. approved March 23, 1907, entitled an act to amend section sixteen (16) of an act entitled "An act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the building and loan commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioners to the attorney general; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions, and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all acts and parts of acts in conflict herewith," approved March 21st, 1905, relating to and providing for reports to building and loan commissioners and the publication thereof. Also an act approved March 20, 1909, entitled "An act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the building and loan commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses, providing a course or procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioners to the attorney general; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all acts and parts of acts in conflict herewith," approved March 21, 1905, relating to the powers and duties and salaries of the state building and loan commissioners, and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Commis-
sioner suc-
cessor of
commis-
sioners.

SEC. 19. The building and loan commissioner provided for by this act shall be the successor in interest of, and shall succeed to all the rights, powers and privileges possessed by, the building and loan commissioners under and by virtue of

that certain act entitled "An act approved March 21, 1905, as amended March 23, 1907, and as amended March 20, 1909, entitled "An act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the building and loan commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law or unsafe practices are found to exist, or are reported by the commissioners to the attorney general; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office and repealing all acts and parts of acts in conflict herewith"; and any and all actions or proceedings taken or commenced by the said building and loan commissioners, under the act aforesaid, shall continue in full force and effect and the said actions and proceedings shall not abate, and the said building and loan commissioner provided for by this act shall be substituted for and continue in the place and stead of the said building and loan commissioners under the act aforesaid, and likewise all books, documents, records and property of every kind and description obtained or possessed by the building and loan commissioners or their secretary or clerks, examiners or employees under the provisions of the said act of March 21, 1905, shall immediately be turned over and delivered to the said building and loan commissioner herein provided for.

SEC. 20. This act shall be known as the building and loan commission act. Title of act.

SEC. 21. This act shall take effect immediately.

CHAPTER 355.

An act to repeal an act entitled "An act to provide for work upon and the construction of sidewalks and curbing within municipalities," approved March 6, 1909.

[Approved April 5, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. An act entitled "An act to provide for work upon and the construction of sidewalks and curbing within municipalities," approved March 6th, 1909, is hereby repealed. The repeal of said act shall revive each and every portion and provision of the act entitled "An act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities" approved March 18, 1885, and the several acts amendatory thereof and supplementary thereto, relating to sidewalks, and the construction thereof, and to the assessments to be made, and the enforcement of payments for the expense of the construction of such sidewalks, and all other provisions thereof repealed expressly or by implication by the act hereby repealed, together with the provisions of all acts and parts of acts repealed expressly or by implication by the act hereby repealed. Proceedings under the act hereby repealed, commenced prior to the taking effect of this act, may be continued to completion under the provisions thereof with the same force and effect as if said act were not hereby repealed, and such proceedings and assessments levied therein shall be valid, and such assessments may be enforced and collected under the provisions thereof.

Act of
1885 pro-
viding for
construction
of
sidewalks,
etc.,
revived.

CHAPTER 356.

An act to amend section 1239 of the Code of Civil Procedure, relating to proceedings to exercise the right of eminent domain.

[Approved April 5, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1239 of the Code of Civil Procedure of the State of California, is hereby amended to read as follows:

1239. The following is a classification of the estates and rights in lands subject to be taken for public use:

1. A fee simple, when taken for public buildings or grounds, or for permanent buildings, for reservoirs and dams, and permanent flooding occasioned thereby, or for an outlet for a flow, or a place for the deposit of debris or tailings of a mine.

Estates
subject to
public use.

2. An easement, when taken for any other use; *provided, however,* that when the taking is by a municipal corporation, and is for the purpose of constructing, equipping, using, maintaining or operating any works, road, railroad, tramway, power plant, telephone line, or other necessary works or structures, for the preparation, manufacture, handling or transporting of any material or supplies required in the construction or completion by such municipal corporation of any public work, improvement, or utility, a fee simple may be taken if the legislative body of such municipal corporation shall, by resolution, determine the taking thereof to be necessary.

3. The right of entry upon and occupation of lands, and the right to take therefrom such earth, gravel, stones, trees, and timber as may be necessary for some public use.

CHAPTER 357.

An act appropriating money for the display in the state capitol of certain colors, flags, guidons, and standards carried by California soldiers in certain wars and active service.

[Approved April 5, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of six hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid on the joint approval of the secretary of state and the adjutant general of this state, for the purpose of constructing and erecting suitable cases or cabinets in which to display the certain colors, flags, guidons, and standards carried by California soldiers in the war of the rebellion, the Spanish-American war, or other active service, and which are now in the custody of the adjutant general.

Appropriation: cases to hold flags.

SEC. 2. The said cases or cabinets shall be placed in suitable position in the rotunda of the state capitol, and the articles to be displayed therein in accordance with the provisions of this act shall at all times be under the exclusive control and custody of the adjutant general.

In custody of adjutant general

SEC. 3. The controller of state is hereby authorized and directed to draw his warrant in favor of the secretary of state, upon filing with the controller vouchers duly approved, in a sum not exceeding six hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER 358.

An act to amend sections 1240, 1241, and 1248 of the Code of Civil Procedure of the State of California, and to add a new section thereto to be designated as section 1247a, all relating to the taking of private property for public use, and repealing all acts and parts of acts in conflict with this act.

[Approved April 5, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1240 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Private property which may be taken for public use.

· 1240. The private property which may be taken under this title includes:

Lands belonging to United States.

1. All real property belonging to any person;
2. Lands belonging to this state, including tide and submerged lands, not within the corporate limits of any city, or city and county, or to any county, incorporated city, or city and county, village or town, not appropriated to some public use;

Property appropriated to public use.

3. Lands belonging to the United States or owned or held by the United States in trust, or otherwise, for any purpose, except lands owned or held for lighthouses, post offices or other government buildings, forts, arsenals, or other military purposes;

4. Property appropriated to public use; but such property shall not be taken unless for a more necessary public use than that to which it has already been appropriated; *provided*, that where any such property has been so appropriated by any individual, firm or private corporation, the use thereof for a public street or highway of a municipal corporation, or the use thereof by a municipal corporation for the same public purpose to which it has been so appropriated, shall be deemed more necessary uses than the public use to which such property has been already appropriated; *and provided, further*, that where property already appropriated to a public use or purpose, by any person, firm or private corporation, is sought to be taken by a municipal corporation, for another public use or purpose, which is consistent with the continuance of the use of such property or some portion thereof for such existing purpose, to the same extent as such property is then used, or to a less or modified extent, then the right to use such property for such proposed public purpose, in common with such other use or purpose, either as then existing, or to a less or modified extent, may be taken by such municipal corporation, and the court may fix the terms and conditions upon which such property may be so taken, and the manner and extent of the use thereof for each of such public purposes, and may order the removal

or relocation of any structures or improvements therein or thereon, so far as may be required by such common use.

5. Franchises for toll-roads, toll-bridges, and ferries, and all other franchises; but such franchises shall not be taken unless for free highways, railroads, or other more necessary public use; Franchises.

6. All rights of way for any and all the purposes mentioned in section twelve hundred and thirty-eight, and any and all structures and improvements on, over, across or along such rights of way, and the lands held or used in connection therewith shall be subject to be connected with, crossed, or intersected by or embraced within any other right of way or improvements, or structures thereon. They shall also be subject to a limited use, in common with the owner thereof, when necessary: but such uses, crossings, intersections, and connections shall be made in manner most compatible with the greatest public benefit and least private injury. Rights of way.

No railroad main track crossing, outside the limits of any incorporated town, city or city and county, shall be at grade, unless the party proposing such crossing at grade shall, at its own sole cost and expense, protect such crossing by the construction, operation and maintenance of an interlocking plant, with suitable signals and derails; but either party to such crossing may insist upon a separation of grades, in which case the cost of constructing such crossing with separate grades shall be equally divided between the railroad companies concerned: *and provided, further*, that where any such crossing has been constructed at grade, either company may, at any time thereafter, require a separation of the grades at such crossing, each company paying one half of the expense of such separation; *and provided, further*, that the foregoing provisions shall not be construed as requiring a separation of grades where such separation is physically impracticable, and in case of any dispute or controversy as to the physical practicability of any undergrade or overhead crossing, the same shall be determined by the superior court of the county in which such crossing is situate in an action or proceeding brought by either party for that purpose; Railroad main track crossings.

7. All classes of private property not enumerated may be taken for public use, when such taking is authorized by law; All classes of private property.

8. Proceedings to condemn lands belonging to this state are hereby authorized, and must be maintained and conducted in the same manner as are other condemnation proceedings provided for in this title; except, that in such proceedings the summons and a copy of the complaint must be served on the governor, attorney general, and surveyor general of this state; Proceedings to condemn lands belonging to state.

9. Proceedings to condemn any of said lands belonging to the United States or owned or held by the United States in trust, or otherwise, for any purpose, are hereby authorized; and must be maintained and conducted in the same manner as are other condemnation proceedings provided for in this title; except, that in such proceedings, the summons and a copy of To United States.

the complaint must be served on the United States district attorney for the district in which the land sought to be condemned is situated and also upon the United States surveyor general for this state.

SEC. 2. Section 1241 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

1241. Before property can be taken, it must appear:

1. That the use to which it is to be applied is a use authorized by law;

2. That the taking is necessary to such use;

3. If already appropriated to some public use, that the public use to which it is to be applied is a more necessary public use; *provided*, that where such property has been so appropriated by any individual, firm or private corporation, the use thereof for a public street or highway of a municipal corporation, or the use thereof by a municipal corporation for the same public purpose to which it has been so appropriated, shall be deemed more necessary uses than the public use to which such property has been already appropriated.

SEC. 3. A new section is hereby added to the Code of Civil Procedure, to be numbered 1247*a*, and to read as follows:

1247*a*. The court shall also have power to regulate and determine the place and manner of removing or relocating structures or improvements, or of enjoying the common use mentioned in the fourth subdivision of section twelve hundred and forty.

SEC. 4. Section 1248 of the Code of Civil Procedure is hereby amended to read as follows:

1248. The court, jury, or referee must hear such legal testimony as may be offered by any of the parties to the proceedings, and thereupon must ascertain and assess:

1. The value of the property sought to be condemned, and all improvements thereon pertaining to the realty, and of each and every separate estate or interest therein; if it consists of different parcels, the value of each parcel and each estate or interest therein shall be separately assessed;

2. If the property sought to be condemned constitutes only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned, by reason of its severance from the portion sought to be condemned, and the construction of the improvement in the manner proposed by the plaintiff;

3. Separately, how much the portion not sought to be condemned, and each estate or interest therein, will be benefited, if at all, by the construction of the improvement proposed by the plaintiff; and if the benefit shall be equal to the damages assessed under subdivision two, the owner of the parcel shall be allowed no compensation except the value of the portion taken; but if the benefit shall be less than the damages so assessed, the former shall be deducted from the latter, and the remainder shall be only damages allowed in addition to the value;

Facts to be found before condemnation.

Court may regulate removing structures.

Court or jury to assess damages.

Property a part of larger parcel.

Benefit to remainder.

4. If the property sought to be condemned be water or the use of water, belonging to riparian owners, or appurtenant to any lands, how much the lands of the riparian owner, or the lands to which the property sought to be condemned is appurtenant, will be benefited, if at all, by a diversion of water from its natural course, by the construction and maintenance, by the person or corporation in whose favor the right of eminent domain is exercised, of works for the distribution and convenient delivery of water upon said lands; and such benefit, if any, shall be deducted from any damages awarded the owner of such property;

Property
water or
use of
water

5. If the property sought to be condemned be for a railroad, the cost of good and sufficient fences, along the line of such railroad, and the cost of cattle-guards, where fences may cross the line of such railroad;

Fences
along
railroad.

6. If the removal or relocation of structures or improvements is sought, the cost of such removal or relocation and the damages, if any, which will accrue by reason thereof;

Cost of
removal.

7. As far as practicable, compensation must be assessed for each source of damages separately.

Separate
asses-
ments

SEC. 5. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 6. This act shall take effect immediately.

CHAPTER 359.

An act to amend sections seven and twelve of an act entitled "An act to establish police courts in cities of the first and one half class, to fix their jurisdiction and to provide for officers of said courts, and to fix the compensation of certain officers thereof," which act became a law under constitutional provision, without the governor's approval, March 5, 1901, relating to the prosecuting attorney, and to the service of applications for writs of habeas corpus in cases arising in said courts, and to the imprisonment of persons convicted in said courts, and to add a new section to said act to be numbered section five and one half, relating to the presiding judges of such courts.

[Approved April 5, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1 Section seven of an act entitled "An act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts, and fix the compensation of certain officers thereof," which act

became a law under constitutional provision without the governor's approval, March 5, 1901, is hereby amended to read as follows:

Prosecuting attorney for police courts.

Duties.

Application for writ of habeas corpus served on attorney.

Affidavit regarding necessary witnesses.

Sentences.

Section 7. Said police court shall have a prosecuting attorney who shall have as many assistants, deputies, clerks and stenographers as the council of said city shall provide, all of whom shall be appointed by the city attorney of said city, unless otherwise provided by the charter of said city. In case the charter of said city shall provide for the appointment of a city prosecutor, said city prosecutor shall have and exercise all the powers and duties of such prosecuting attorney. It shall be the duty of such prosecuting attorney, either in person or by his assistants or deputies, to draw complaints to be filed in said police court for misdemeanor offenses of which said court has jurisdiction arising either from violation of the charter or ordinances of said city or from violations of the laws of the State of California. Said prosecuting attorney shall attend to all appeals and proceedings on application for writs of habeas corpus, in connection with such prosecutions, and shall prosecute all recognizances and bail bonds forfeited in said court, and all actions for the recovery of fines, penalties and forfeitures accruing in said court; and the district attorney of the county in which said city is located shall have no power or authority in or over any of said prosecutions, actions or proceedings. Whenever any person, held in custody or restraint by any peace officer of said city, and charged with having committed any criminal offense against the provisions of the charter or ordinances of said city, or with having committed any offense in said city which is a misdemeanor under the laws of the state, shall apply for a writ of habeas corpus, a copy of the application for such writ shall be served forthwith upon the prosecuting attorney or upon one of his assistants or deputies. The prosecuting attorney shall have the power to make and present to the said police court, or any judge thereof, in any case where an offense has been committed in said city, that is triable in said court, and any person whose attendance as a witness at the trial is necessary in the judgment of said prosecuting attorney resides out of the county in which said court is located, or is served with the subpoena outside of said county, an affidavit stating that he believes the evidence of such witness is material and his attendance at the trial is necessary.

SEC. 2. Section twelve of said act is hereby amended to read as follows:

Section 12. In all cases of the conviction in said police court of any person charged with any offense committed in the city in which such police court is held, and the imprisonment of any person so convicted, the person so to be imprisoned, or by ordinance required to labor, shall upon the order of the judge before whom such conviction is had, be imprisoned in the city jail, or a branch thereof, or in such other penal or reformatory institution either within or without the corporate limits of the city as may be provided by the city for such purposes; or if

required to labor, shall labor in the city or in such penal or reformatory institution, and the imprisonment in any branch city jail or in any such penal or reformatory institution shall be deemed an imprisonment in the city jail; *provided*, that if any person who is imprisoned in any branch city jail or any such penal or reformatory institution by judgment of said police court, shall escape therefrom, or shall fail or refuse to submit or conform to the rules of such penal or reformatory institution, such person may by order of the court or any judge thereof, be required to serve the unexpired portion of his term in the city jail. In such case only so much of the prisoner's term shall be deemed to have expired as has been actually served in the city jail, or a branch city jail, or in such penal or reformatory institution.

SEC. 3. A new section is hereby added to said act to be numbered section five and one half, and to read as follows:

Section 5½. The said police court shall be divided into as many departments as there are judges of said court. The judges of said court shall choose from their number a presiding judge, who shall serve for one year; *provided, however*; that the presiding judge first chosen hereunder shall serve until the first Monday in January, 1912; *and provided, further*, that the presiding judge may be removed at any time and another appointed in his place by a vote of a majority of them. The presiding judge shall assign the judges to their respective departments; but any judge may preside in any department in case of the absence or inability to act of the judge of such department. And in the absence or inability to act of the presiding judge, the remaining judges may select one of their number to act as presiding judge during such absence or inability; and whose official acts during such time shall have the same force and effect as though made or done by the presiding judge. The presiding judge shall have power to apportion the business of said court among the several departments and to transfer cases from one department to another, if necessary or convenient to facilitate the dispatch of business of said court. The judgments, orders and proceedings of any session of the court held by any one or more of the judges of said court shall be equally effectual as though all of the judges had presided at such session. The judges of said court shall have power, by a majority vote of all the judges of said court, to make rules not inconsistent with the constitution or laws of this state, for the government of said court and the officers thereof, and for conducting the business of said court. Such rules may be published by posting a copy of the same in each of the court rooms of said court and shall be in effect after having been so posted for a period of fifteen days.

Depart-
ments of
police
court.

Presiding
judge.

Apportion-
ment of
business.

Rules.

CHAPTER 360.

An act to amend sections 2, 7, 13, 35 and 53 of an act entitled "An act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and to add to said act certain sections to be numbered sections 54 and 55, relating to proceedings to effect local improvements, and to repeal section 20 of said act.

[Approved April 5, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of an act entitled "An act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18th, 1885, is hereby amended to read as follows:

City
council
may order
work done
on streets.

Section 2. Whenever the public interest or convenience may require, the city council is hereby authorized and empowered to order the whole or any portion, either in length or width, of any one or more of the streets, avenues, lanes, alleys, courts, places, boulevards, highways, crossings, intersections or public ways of any such city graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, oiled or recoiled, and to order the construction or reconstruction therein of sidewalks, crosswalks, culverts, bridges, gutters, curbs, steps, parkings and parkways, sewers, ditches, drains, conduits and channels for sanitary and drainage purposes or either or both thereof, with outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels and other appurtenances, pipes, hydrants and appliances for fire protection, tunnels, viaducts, conduits and subways, breakwaters, levees, bulkheads and walls of rock or other material to protect the same from overflow or injury by water, and poles, posts, wires, pipes, conduits, lamps and other suitable or necessary appliances for the purpose of lighting the same, the planting of trees thereon and the construction or reconstruction in, over or through property or rights of way owned by such city, of tunnels, sewers, ditches, drains, conduits and channels for sanitary and drainage purposes or either or both thereof, with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels and other appurtenances, pipes, hydrants and appliances for fire protection and breakwaters, levees, bulkheads and walls of rock or other material to protect the streets, avenues, lanes, alleys, courts, places, public ways and other property in any such city, from overflow by

water, and to order any work to be done which shall be deemed necessary to improve the whole or any portion of such streets, avenues, sidewalks, lanes, alleys, courts, places or public ways or property or rights of way of such city.

Sec. 2. Section seven of said act is hereby amended to read as follows:

Section 7. *Subdivision One.*—The expenses incurred for any work authorized by this act (which expense shall not include the cost of any work done in such portion of any street as is required by law to be kept in order or repair by any person or company having railroad tracks thereon, nor include work which shall have been declared in the resolution of intention to be assessed on a district benefited) shall be assessed upon the lots and lands fronting thereon, except as herein specifically provided; each lot or portion of a lot being separately assessed, in proportion to the frontage, at a rate per front foot sufficient to cover the total expense of the work. Expenses of work.

Subdivision Two.—The expense of the work done on main street crossings shall be assessed at a uniform rate per front foot of the quarter blocks and irregular blocks adjoining and cornering upon the crossings, and separately upon the whole of each lot or portion of a lot having any frontage in the said blocks fronting on said main streets, halfway to the next main street crossing, and all the way on said blocks to a boundary line of the city where no such crossing intervenes, but only according to its frontage in said quarter blocks and irregular blocks. Street crossings.

Subdivision Three.—Where a main street terminates in another main street, the expenses of the work done on one half of the width of the street opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on the same, according to the frontage of such lots on said main streets, and the expense of the other half of the width of said street upon the lot or lots fronting on the latter half of the street at such termination. One street terminating in another.

Subdivision Four.—Where any alley or subdivision street crosses a main street, the expense of all work done on said crossing shall be assessed on all lots or portions of lots halfway on said alley or subdivision street to the next crossing or intersection, or to the end of such alley or subdivision street, if it does not meet another. Alley crossings.

Subdivision Five.—The expense of work done on alley or subdivision street crossings shall be assessed upon the lots fronting upon such alley or subdivision streets on each side thereof, in all directions, halfway to the next street, place or court, on either side, respectively, or to the end of such alley or subdivision street, if it does not meet another. Alley crossings.

Subdivision Six.—Where a subdivision street, avenue, lane, alley, place or court terminates in another street, avenue, lane, alley, place or court, the expense of the work done on one half of the width of the subdivision street, avenue, lane, alley, place or court opposite the termination, shall be assessed upon the lot or lots fronting on such subdivision street, avenue, One alley, etc., terminating in another.

lane, alley, place or court so terminating, according to its frontage thereon, halfway, on each side, respectively, to the next street, avenue, lane, alley, place or court or to the end of such street, avenue, lane, alley, place or court, if it does not meet another, and the other one half of the width upon the lots fronting such termination.

Work on
one side
of street.

Subdivision Seven.—Where any work mentioned in this act (manholes, sewers, cesspools, culverts, crosswalks, piling and capping excepted) is done on one side of the center line of any street, or sewerage or resewing is ordered to be done under the sidewalk on only one side of any street for any length thereof, the assessment for the expenses thereof shall be made only upon the lots and lands fronting nearest upon that side of the street and for intervening intersections only upon the two quarter blocks adjoining and cornering upon that side.

When lot
belonging
to state,
United
States or
city front
on work.

Subdivision Eight.—Whenever any lot, piece or parcel of land belonging to the United States or to the State of California, or any lot, piece or parcel of land belonging to any county, city, public agent, mandatory of the government, school board, educational, penal or reform institution or institution for the feeble-minded or the insane, and being in use in the performance of any public function, fronts upon the proposed work or improvement or is included within the district declared by the city council in the resolution of intention to be the district to be assessed to pay the costs and expenses thereof, the city council may, in its discretion, in the resolution of intention, declare that said lots, pieces or parcels of land so owned and in use, or any of them, shall be omitted from the assessment to be made to cover the costs and expenses of said work or improvement. In the event that said lots, pieces or parcels of land, or any of them, shall, by said resolution be omitted from the assessment, then the total expense of all work done shall be assessed on the remaining lots fronting on the work or improvement or lying within the limits of the assessment district without regard to such omitted lots, pieces or parcels of land. In the event the city council shall, in its resolution of intention, declare that the said lots, pieces or parcels of land so owned and in use, or any of them, shall be included in the assessment, or in the event that no declaration is made respecting such lots, pieces or parcels of land, then such sum or sums as thereafter may be assessed against such lots, pieces or parcels of land, so owned and used, shall be payable by the city out of the general fund, unless the council shall in its resolution of intention designate another fund and the contract for said work or improvement thereafter made shall contain a provision to that effect.

Owners
may do
grading.

Subdivision Nine.—It shall be lawful for the owner or owners of lots or lands fronting upon any street, the width and grade of which have been established by the city council, to perform, at his or their own expense (after obtaining permission from the council so to do, but before said council has passed its resolution of intention to order grading inclusive of this), any grading upon said street, to its full width, or to

the center line thereof, and to its grade as then established, and thereupon to procure, at his or their own expense, a certificate from the city engineer, setting forth the number of cubic yards of cutting and filling made by him or them in said grading, and the proportions performed by each owner, and that the same is done to the established width and grade of said street, or to the center line thereof, and thereafter to file said certificate with the superintendent of streets, which certificate the superintendent shall record in a book kept for that purpose in his office, properly indexed. Whenever thereafter the city council orders the grading of said street, or any portion thereof, on which any grading certified as aforesaid has been done, the bids and contracts must express the price by the cubic yard for cutting and filling in grading; and the said owner or owners and his or their successors in interest, shall be entitled to credit on the assessment upon his or their lots and lands fronting on said streets for the grading thereof, to the amount of the cubic yards of cutting and filling set forth in his or their certificate, at the prices named in the contract for said cutting and filling; or, if the grade meanwhile has been duly altered, only for so much of said certified work as would be required for grading to the altered grade: *provided, however*, that such owner or owners shall not be entitled to such credit as may be in excess of the assessments for grading upon the lots and lands owned by him or them, and proportionately assessed for the whole of said grading; and the superintendent of streets shall include in the assessment for the whole of said grading upon the same grade the number of cubic yards of cutting and filling set forth in any and all certificates so recorded in his office, or for the whole of said grading to the duly altered grade so much of said certified work as would be required for grading thereto, and shall enter corresponding credits, deducting the same as payments upon the amounts assessed against the lots and lands owned, respectively, by said certified owners and their successors in interest; *provided, however*, that he shall not so include any grading quantities or credit any sums in excess of the proportionate assessments for the whole of the grading which are made upon any lots and lands fronting upon said street and belonging to any such certified owners or their successors in interest. Whenever any owner or owners of any lots and lands fronting on any street shall have heretofore done, or shall hereafter do any work (except grading) on such street, in front of any block, at his or their own expense, and the city council shall have subsequently ordered any work to be done of the same class in front of the same block, said work so done at the expense of such owner or owners shall be excepted from the order ordering work to be done; *provided*, that the work so done at the expense of such owner or owners shall be upon the official grade, and in condition satisfactory to the street superintendent at the time said order is passed.

Diagram
of district.

Subdivision Ten.—Whenever the resolution of intention declares that the cost and expenses of the work and improvement are to be assessed upon a district, the city council shall direct the city engineer to make a diagram of the property affected or benefited by the proposed work or improvement, as described in the resolution of intention, and to be assessed to pay the expenses thereof. Such diagram shall show each, separate lot, piece or parcel of land, the area in square feet of each of such lots, pieces or parcels of land, and the relative location of the same to the work proposed to be done, all within the limits of the assessment district; and when said diagram shall have been approved by the city council, the clerk shall, at the time of such approval, certify the fact and date thereof. Immediately thereafter the said diagram shall be delivered to the superintendent of streets of said city, who shall, after the contractor of any street work has fulfilled his contract to the satisfaction of said superintendent of streets or city council, on appeal, proceed to estimate upon the lands, lots or portions of lots within said assessment district, as shown by said diagram, the benefits arising from such work, and to be received by each such lot, portion of such lot, piece, or subdivision of land, and shall thereupon assess upon and against said lands in said assessment district the total amount of the costs and expenses of such work, and in so doing shall assess said total sum upon the several pieces, parcels, lots, or portions of lots, and subdivisions of land in said assessment district benefited thereby, to wit: Upon each respectively, in proportion to the estimated benefits to be received by each of said several lots, portions of lots, or subdivisions of land. In other respects the assessment shall be as provided in the next section.

Plan of as-
sessment.

Railroad
subject to
assess-
ment.

Subdivision Eleven.—The terms lot, lots, lands, piece or parcel of land wherever mentioned in this act shall be deemed to include and shall include property owned or controlled by any person, firm or corporation as a railroad, street or inter-urban railroad, right of way, and whenever a railroad, street or interurban railroad right of way shall front or abut on any street improved under the provisions of this act or shall be included within any district to be assessed for the cost of any improvement provided in this act, such railroad right of way (whether the same is owned in fee or as an easement) shall be included in the warrant, assessments, and diagram and shall be assessed in the same manner and with the same effect as other lots, lands or pieces or parcels of land are assessed as provided in this act and such railroad right of way shall be subject to sale for non-payment of assessments as in this act provided.

Railroads
to improve
streets
between
tracks.

Subdivision Twelve.—Whenever any railroad track or tracks of any description exist upon the street or streets upon which the city council of any city has ordered an improvement to be made, and has excepted therefrom the portions used by the track, between the rails and for two feet on each side thereof, and between the tracks if there be more than one, the said order, unless said city council shall by resolution thereto-

fore passed have declared the contrary, shall be deemed to be and constitute a requirement that the person or company having said railroad track or tracks thereon shall improve the said portion with improvements similar in all respects to, with the same materials, under the same specifications and superintendence, and to the like satisfaction as those ordered to be performed by said order ordering the work, and the resolution of intention and notice of proposed improvement shall be construed and are hereby declared to be notice to said person or company of the intention to order the same. Thereupon it shall be the duty of said person or company having such track or tracks on such street or streets to notify in writing the superintendent of streets if such person or company elects to perform such work at its own charge and expense and under its own direction; said notice must be delivered to the superintendent of streets within ten days after the first publication of notice or award of contract. The omission or neglect to make such election shall be construed as constituting the superintendent of streets the agent of the owner of said track or tracks; with authority to enter into a contract made in accordance with the provisions of this section for making the said improvements. Said superintendent of streets shall advertise for bids for the improvement of said portions of street or streets lying between the rails and for two feet on each side thereof, and between the tracks, if there be more than one. It shall be the duty of said city council to award the contract for the making of said improvements to the lowest regular responsible bidder. Such bidding and awarding of contracts shall be made in the same manner hereinbefore provided for the awarding of contracts for improvements, excepting that no notice of award shall be published. Immediately upon the award, the superintendent of streets shall enter into a contract with the person to whom said contract was awarded for the making of said improvement or improvements upon the portions of the street or streets described in said notice inviting bids, and at the price stated in said bid. The contractor shall execute bonds in the manner required for the execution of contracts for improvements. Upon the completion of the work and its acceptance, the street superintendent shall make a certificate of such completion together with a statement of the amount due under the terms of said contract for the performance of said work. Such certificate shall be countersigned by the mayor of said city, and shall be recorded in the office of said superintendent of streets. The contractor shall thereupon be entitled to payment of the full amount of said contract price, and the recording of such certificate shall be sufficient notice to the owner of such track or tracks that said contract price is due and payable. In the event that such amount is not paid within thirty days from the date of the recording of said certificate, the contractor may file a sworn statement to that effect with the superintendent of streets, who shall record the same in his office in the book in which the certificate of acceptance has been recorded. Said contractor shall thereupon have a cause of action against

Superintendent of streets may be agent of railroad.

Contract to lowest bidder.

Contractor may sue railroad if work is not paid for in thirty days.

said person or company owning said track or tracks for the amount of said contract, together with a reasonable attorney's fee, and shall also have as security for the recovery of such amount, a first lien upon the track and franchises of said person or company, between whose rails or tracks the said work has been performed, contained within the corporate limits of the said city. In such suit, the certificate of the superintendent of streets, hereinbefore mentioned, shall be and constitute prima facie evidence of the regularity of all proceedings, and of the right of the contractor to recover judgment against said person or company. Execution may be taken out upon the entry of judgment, and levied upon any property of said person or company subject to execution. In the event that said person or company shall file the written election to perform such work at its own cost and expense and under its own direction, no further proceedings shall be taken in the matter unless such person or company neglects or fails for thirty days, or for such further time as the city council may grant, to make said improvement. In the event that the improvement of the portions of the street or streets above described, between the rails and for two feet on each side thereof, and between the tracks if there be more than one, shall not be made with diligence, or in all respects similar to the improvement of the rest of the street, or with the same materials or under the same specifications, and to the satisfaction of the superintendent of streets, the city council of said city may, by resolution entered in its minutes, prescribe such terms and conditions as to it may seem fit and proper before permitting the said person or company to continue with the said improvement. If the said person or company shall, after three days' notice of the adoption of said resolution, fail to comply with the terms and conditions so prescribed, the said city council may declare said person or company to have forfeited its privilege of performing such work under its own direction. Whereupon the street superintendent shall advertise for bids for the performance of such work, or such portions thereof as may remain uncompleted, and the contract therefor shall be awarded and entered into in the same manner hereinbefore provided for the awarding and execution of contracts where said person or company has not elected to make the improvement under its own direction; and upon the completion of the improvement, the contractor to whom such contract may be awarded, or his assigns, shall be entitled to a certificate from the street superintendent similar to that hereinbefore provided for, and shall have the right to collect from said person or company by suit the amount specified in such certificate in all respects the same as is hereinbefore provided where the contract is let for such improvement in the first instance.

Subdivision Thirteen.—The said council may include in one resolution of intention and order any of the different kinds of work mentioned in this act, and may include any number of streets and rights of way or portion thereof in one proceeding and one contract, and it may except therefrom any of said

Forfeiture of
contract.

Council
may
include
different
kinds of
work in
its order.

work already done upon the street to the official grade. The lots and portions of lots fronting upon said accepted work already done shall not be included in the frontage assessment for the class of work from which the exception is made; *provided*, that this shall not be construed so as to affect the special provisions as to grading contained in this act.

SEC. 3. Section 13 of said act is hereby amended to read as follows:

Section 13. When any portion of any street, alley, or public place in said city shall be out of repair or needing reconstruction, or in a condition to interfere with the public convenience in the use thereof, it shall be the duty of the superintendent of streets to notify the owner of any lot or portion of a lot, fronting on the portion of such street, alley, or public place, so out of repair or needing reconstruction, to repair or reconstruct such portion of said street, alley, or public place, to the center line of said street, alley, or public place, in front of the property of which he is the owner, or to repair the sidewalk in front of such property in case such sidewalk shall need repair or reconstruction, and he shall state in such notice what work is required to be done, and what materials shall be used in said work and how the same shall be done. If said repairs or reconstruction be not commenced within ten days after notice given, as aforesaid, and prosecuted to completion diligently, the said superintendent of streets may under authority from said city council let a contract for the performance of such work. He shall post notice at his office for two days inviting bids for the doing of said work of repair or reconstruction, and the contract shall be awarded by him to the lowest bidder, and a contract in writing shall be entered into with the successful bidder. Upon the completion of said repairs or reconstruction to the satisfaction of said superintendent of streets, he shall make and deliver to said contractor a certificate to the effect that said repairs or reconstruction, or both, have been properly made, and state what amount is payable by each owner for the same, which certificate shall be recorded in the office of said superintendent of streets in a book kept for that purpose, and all owners of property in front of which such improvement shall have been performed, shall be deemed to have notice of the contents of the record thereof. The contractor may make demand for the amount due by serving written notice upon the owners, referring to the certificate so recorded, and if the contractor be not paid on demand, he shall have the right to sue each owner for the amount due and payable from each respectively, and the said certificate of the superintendent of streets shall be prima facie evidence of the amount claimed for the work and materials and of the right of the contractor to recover for the same in such action, and the amount so due and payable shall be a first lien upon the respective lots, pieces or parcels of land against which it may be charged and shall have the same effect as the lien hereinbefore provided for in section nine of this act and may be enforced in the same manner.

Repairs.

Contract for repair may be let.

Contractor may sue owners.

Penalties
for
neglecting
repairs.

In addition, the city council shall have power by ordinance to prescribe the penalties that shall be incurred by any owner for neglecting or refusing to make repairs when required, which penalties shall be recovered for the use of the city by prosecution in the name of the people of the State of California, in the court having jurisdiction thereof, and may be applied, if deemed expedient, by the said city council in the payment of the expense of any such repairs not otherwise provided for.

SEC. 4. Section thirty-five of said act is hereby amended to read as follows:

Super-
intendent
of con-
struction.

Section 35. The superintendent of streets shall, when in his judgment it is necessary, appoint a suitable person to take charge of and superintend the construction and improvement of each and every sewer constructed or improved under the provisions of this act, and of piling and capping sidewalks, or of the paving of whatever character heretofore mentioned, in whole or in part, of one block or more, whose duty it shall be to see that the contract made for the doing of said work is strictly fulfilled in every respect, and in case of any departure therefrom to report the same to the superintendent of streets. Such person shall be allowed for his time actually employed in the discharge of his duties such compensation as shall be just, but not to exceed five dollars per day. The sum to which the party so employed shall be entitled shall be deemed to be incidental expenses, within the meaning of those words as defined by this act.

Compensa-
tion

SEC. 5. Section fifty-three of said act is hereby amended to read as follows:

Act
liberally
construed

Section 53. This act shall be liberally construed to the end that its purposes may be effected. No error, irregularity, informality, and no neglect or omission of any officer of the city, in any proceeding taken hereunder which does not directly affect the jurisdiction of the city council to order the work or improvement, shall avoid or invalidate such proceeding or any assessment for the cost of work done thereunder. The exclusive remedy of any person affected or aggrieved thereby shall be by appeal to the city council as herein provided.

SEC. 6. A new section is hereby added to said act to be numbered section fifty-four and to read as follows:

Council
fixes time
and place
of hear-
ings

Section 54. Whenever in proceedings hereunder the time and place for hearing by the city council is fixed and from any cause the hearing is not then and there held or regularly adjourned to a time and place fixed, the power of the city council in the premises shall not thereby be divested or lost. The city council may fix a time and place for the hearing and cause notice thereof to be given by publication by at least one insertion in a daily, semi-weekly or weekly newspaper published and circulated in said city and designated by the council for that purpose, such publication to be at least five days before the date of the hearing, and thereupon the city council shall have power to act as in the first instance.

SEC. 7. A new section is hereby added to said act to be numbered section fifty-five and to read as follows:

Section 55. In all resolutions, notices, orders and determinations subsequent to the resolution of intention and notice of street work a description of the work or the assessment district by reference to the resolution of intention therefor shall be sufficient.

Description
of work
after res-
olution of
intention.

SEC. 9. Section 20 of said act is hereby repealed.

CHAPTER 361.

An act to provide for the organization, control and equipment of high school cadet companies, and for the promotion of rifle practice therein, and appropriating the sum of five thousand dollars therefor.

[Approved April 5, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The male students of any high school in this state, having forty or more such students, fourteen years of age or over, may be organized into a high school cadet company, or companies, of not less than forty members each, under such rules and regulations as the governing body of said school may prescribe. Said cadet company, or companies, shall at all times be under the guidance and control of the principal of the said school, whose duty it shall be to make regulations regarding the moral, educational, and physical welfare of said cadets.

High
school
cadet
company.

SEC. 2. Said companies shall each have one captain, one first lieutenant, one second lieutenant, elected by the members thereof, and such non-commissioned officers and privates as correspond to the non-commissioned officers and privates of the infantry companies of the national guard of California, the non-commissioned officers to be appointed by the captain.

Officers.

SEC. 3. In case any high school has more than one company, it shall have one cadet major, who shall be elected by the commissioned officers of the companies; one cadet adjutant, and one sergeant-major, who shall be appointed by the major.

SEC. 4. The principal of such high school may issue commissions to such officers so elected, and warrants to the non-commissioned officers.

Commis-
sions.

SEC. 5. Said cadets shall drill in accordance with the drill regulations prescribed by the United States army.

Drill.

SEC. 6. Said high school cadets may wear a uniform similar to that prescribed for the national guard of California, except that instead of shoulder straps, cadet chevrons indicating rank, and distinctive collar ornaments shall be worn.

Uniform.

Cancellation of commission

SEC. 7. Any commissioned officer, or non-commissioned officer, may have his commission or warrant canceled, and be reduced to the ranks, by the principal of the high school for falling back in his studies, or for misbehavior, either in school, or in the cadet company, or for other good cause appearing in the judgment of said principal.

Rifles.

SEC. 8. A sufficient number of obsolete rifles for drill purposes may be purchased by the board of high school trustees, board of education, county superintendent of schools, or the state superintendent of public instruction, out of any funds available and not otherwise appropriated.

Target practice.

SEC. 9. Target practice shall constitute a part of the instruction to be given to said cadets, and the adjutant general of the state shall purchase and supply to each of said high schools a sufficient number of rifles for Krag-Jorgensen, or other efficient, rifles for field target work and for gallery practice, and ammunition and equipment therefor, as in his judgment shall be necessary for efficient rifle practice. All target practice shall be under the supervision of competent members of the national guard of California, detailed for that purpose by the adjutant general of the state. The expenditures therefor shall be paid out of the moneys hereinafter appropriated.

Drill and rifle practice instructor

SEC. 10. The adjutant general of the state shall detail from the organizations of the national guard, when practicable, some competent member thereof who shall act as drill and rifle practice instructor for said high school cadets. The adjutant general may provide for compensating the person or persons detailed by him to instruct said cadets in drill and target practice.

Use of national guard rifle ranges.

SEC. 11. Whenever practicable, said high school cadets shall be permitted to shoot at target practice upon national guard rifle ranges, when not needed by the national guard, under the supervision of national guard instructors.

Yearly inspection.

SEC. 12. The inspectors of the national guard shall inspect and report on said high school cadet companies at least once each year.

Drill regulations, reports, etc.

SEC. 13. The adjutant general shall provide suitable drill regulations, books of instruction, and the necessary blank forms for reports for each of said high schools having a cadet company, relating to the drill, target practice, attendance, discipline, and condition of property of said high school cadet organizations. Such reports shall be made and forwarded, in duplicate, one copy to the state superintendent of public instruction, and one copy to the adjutant general's office, semi-annually, and shall bear the indorsement of the principal of said school, containing such remarks as the principal may deem pertinent.

Principal responsible for property

SEC. 14. The principal of the school shall be responsible for all public property supplied to said cadet companies, and shall supervise the proper care thereof.

School trustees, etc., to cooperate

SEC. 15. Each and every board of high school trustees, board of education, county superintendent of schools, and the state superintendent of public instruction, are, and each is

hereby authorized, empowered, and directed to facilitate the purposes of this act, by coöperating with the adjutant general of the state.

SEC. 16. The sum of five thousand dollars is hereby appropriated from funds in the state treasury, and not otherwise appropriated, for the purpose of carrying out the provisions of this act. Appropriation

SEC. 17. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

CHAPTER 362.

An act making an appropriation of one hundred thousand dollars, being an additional appropriation for the purpose of carrying out the provisions of an act entitled, "An act to provide for the building, equipping and furnishing of an armory to be used for the national guard and national guard purposes, in the city of Los Angeles, and to make an appropriation therefor," approved March 25, 1909.

[Approved April 5, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of one hundred thousand dollars to be paid to, and expended by the officer or officers authorized by law to receive the same, being an additional appropriation for the purpose of carrying out the provisions of an act entitled, "An act to provide for the building, equipping and furnishing of an armory to be used for the national guard and national guard purposes, in the city of Los Angeles, and to make an appropriation therefor," approved March 25, 1909. Appropriation:
armory.
Los Angeles.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrants in favor of the officer or officers authorized by law to receive the same, for the amount herein made payable in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

CHAPTER 363.

An act to amend section 2181 of the Civil Code of the State of California, defining what shall be considered baggage or luggage to be carried by common carriers, and prescribing the method of preparing such baggage for shipment.

[Approved April 5, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2181 of the Civil Code of the State of California is hereby amended to read as follows:

Baggage to
be carried
by common
carriers.

2181. Luggage may consist of whatever the passenger takes with him for his personal use and convenience, according to the habits or wants of the particular class to which he belongs, either with reference to the important necessities or to the ultimate purposes of his journey. Luggage within the meaning of this section shall include the samples, case, wares, appliances and catalogs of commercial travelers or their employers, used by them for the purpose of transacting their business and carried with them solely for that purpose, when securely packed and locked in substantial trunks or sample cases of convenient shape and weight for handling. No crate cover or other protection shall be required for any bicycle carried as luggage, but no passenger shall be entitled to carry as luggage more than one bicycle.

CHAPTER 364.

An act to provide for the purchase by the State of California of the armory building and wharf located on the bay of San Diego, and making an appropriation therefor.

[Approved April 5, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation
from
armory,
San Diego.

SECTION 1. The sum of thirty-five hundred dollars is hereby appropriated, out of any money in the state treasury not otherwise appropriated, to be paid to the adjutant general of the State of California, ex officio quartermaster general, to be expended by him in the purchase of the armory building and wharf and all parts thereof known as the naval reserve armory and wharf, located on the bay of San Diego at the foot of Twenty-eighth street, of the city of San Diego, California, for the use of the naval militia of the State of California.

SEC. 2. Before the payment or payments are made for the said building and wharf it must be shown to the quartermaster general that the building has been finished in a workmanlike manner, properly painted, and electric wired, and that the piling of said wharf has been concreted in a proper manner.

SEC. 3. The state controller is hereby authorized and directed to draw his warrant or warrants in favor of the person or persons at such times and in such sums as said adjutant general shall present claims for, and the treasurer is directed to pay the same.

CHAPTER 365.

An act to amend sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489 and 3492 of the Political Code of the State of California, and to repeal sections 3464, 3475 and 3493½ of the Political Code of the State of California, relating to reclamation and swamp land districts.

[Approved April 5, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3447 of the Political Code of the State of California is hereby amended to read as follows:

3447. The petition must be verified by the affidavit of one of the petitioners, and must be published for four weeks preceding the hearing thereof in some newspaper of general circulation published in the county in which the greater part of the lands are situated, together with a notice of the time when said petition will be presented to the board of supervisors; an affidavit of publication must be filed with such petition.

Verification of petition

Publication.

SEC. 2. Section 3448 of the Political Code of the State of California is hereby amended to read as follows:

3448. When a district is situated partly in different counties, the trustees must, after the petition has been granted, forward a copy thereof and a copy of the order approving the same to the clerk of the board of supervisors of each of the counties in which any portion of the district may lie.

When district is in different counties.

SEC. 3. Section 3449 of the Political Code of the State of California is hereby amended to read as follows:

3449. If the board of supervisors find, on the hearing of the petition, that its statements are correct, they must make an order approving the same. If it be shown that any land has been improperly included in the proposed district, they must, in their order, exclude the same therefrom. If the board shall conclude that any lands susceptible of the same mode of reclamation have been improperly omitted from the

Approval of petition.

proposed district, and the owners thereof shall not have appeared at such hearing, the board of supervisors shall by order continue the further hearing of the said petition, and direct that notice be given to all such non-appearing land owners, requiring them to appear before said board, and show cause, if any they have, why their lands should not be included in the proposed district. Said notice must be given by publication in the same manner as the original petition and for the same period. Proof of publication of the said notice shall be filed with the clerk of said board on or before the day to which such continuance is had. The board may grant further continuances, by order entered upon their minutes to the end that a full hearing may be had. Upon the final hearing of said matter the board shall make an order approving the said petition, as originally presented, or in a modified form, such order shall describe the exterior boundaries of the district, as determined by the board, and shall be endorsed upon or attached to the petition, and be signed by the president and attested by the clerk of the board.

Proof of publication.

SEC. 4. Section 3450 of the Political Code of the State of California is hereby amended to read as follows:

Recording of petition.

3450. The petition, together with the order of the board, endorsed thereon or attached thereto, must then be re-recorded by the county recorder in a book kept for the purpose of recording papers relating to reclamations, and a certified copy thereof forwarded to the register of the state land office.

SEC. 5. Section 3453 of the Political Code of the State of California is hereby amended to read as follows:

Election of district trustees.

3453. After the formation of the district and the adoption of by-laws, the board of supervisors of the county where the greater part of the district is situated, on the application of a landowner of the district, must call an election in compliance with the provisions of section thirty-four hundred and ninety-one of this code, at which election there must be elected, under and in pursuance of the provisions of said section thirty-four hundred and ninety-one, three eligible persons, who shall constitute, when elected and qualified, the board of trustees of the district for the management of the affairs thereof, and who shall hold office for two years next succeeding their election, and until their successors are elected and qualified. The board of trustees must keep an office in or near the district for the transaction of the business thereof, and the books, maps, papers, records, contracts, and other documents pertaining to the affairs of the district must be open to inspection at all times by any person interested. From and after the election of said trustees said district shall be deemed organized and shall have power to sue and be sued. The trustees of any reclamation district may commence a proceeding in the superior court of the county where the greater portion of the district is situated to determine the legality of the existence of such district. The complaint in such proceeding shall describe the district by number and the exterior boundaries thereof, and shall contain a

Office of trustees.

Proceedings to determine legality of district.

prayer that such district be adjudged a legal reclamation district. The summons in such proceeding shall be served by publishing a copy thereof for four weeks in some newspaper of general circulation published in each county where any part of said district is situated. Within thirty days after the last publication of said summons any person who may be interested may appear and answer said complaint, in which answer the facts relied upon to show the invalidity of the district shall be set forth. If no answer shall be filed, the court must render judgment as prayed for in the complaint. If any answer shall be filed, the court shall thereafter proceed as in other civil cases, but no district shall be adjudged invalid when it appears that such district has for five years prior to the commencement of such proceeding been prosecuting or maintaining its works of reclamation in good faith. The proceeding under this section is hereby declared to be a proceeding *in rem*, and the judgment rendered therein shall be conclusive against all persons whomsoever and against the State of California. No proceeding in *quo warranto*, nor any similar action or proceeding, shall be maintained in the name of the people of the State of California against any reclamation district that shall have continuously for five years next preceding the commencement of such proceeding been acting as such and prosecuting or maintaining its works of reclamation in good faith; *provided*, that this provision shall not affect proceedings that are now pending.

No proceeding against district which has existed five years.

SEC. 6. Section 3454 of the Political Code of the State of California is hereby amended to read as follows:

3454. The board of trustees shall have the power to elect one of its members president thereof; to employ engineers and others to survey, plan, locate, and estimate the cost of the works necessary for the reclamation of the lands of the district; to thereafter, at any time, in its discretion, modify or change such original plan or plans, or adopt new, supplemental, or additional plan or plans, when, in its judgment, the same shall have become necessary; to acquire by purchase, condemnation, or other legal means, the right of way, and the right to take material for the construction of all works necessary for the accomplishment of that object, including drains, canals, sluices, bulkheads, watergates, levees, embankments and pumping plants, and to construct, maintain, and keep in repair all works requisite and necessary to that end; and to do all other acts and things necessary or required for the reclamation of the lands embraced in the district. The several members of the board shall each be entitled to receive for actual and necessary services performed, and for expenses incurred by them, respectively, for and in the interest of the district, such compensation as the board may determine to be just and reasonable and shall allow the same which shall constitute an indebtedness of the district, which must be paid in the same manner, and out of the same fund, as other debts of the district: *provided*, that no warrant or order drawn for such purpose shall be valid until approved by the board of supervisors of the proper

Powers of trustees.

Expenses.

Compensation.

county. No trustee shall be disqualified from participating in any and all proceedings or actions of the board of trustees, excepting that he shall not cast the deciding vote upon a motion or resolution to pay money, or award a contract, directly to himself. Any meeting of the trustees at which all of the members of the board are present shall be deemed a regular meeting, at which any business may be transacted.

Meetings.

SEC. 7. Section 3455 of the Political Code of the State of California is hereby amended to read as follows:

Plans to be reported to supervisors.

3455. The board of trustees must report to the board of supervisors of the county where the district of the greater portion thereof is situated, such original plan or plans of the work; and every such new, supplemental, or additional plan, if any, together with the estimates of the cost of the works necessary for the reclamation of the lands of the district in pursuance of any such plan or plans; together, also, with an estimate of incidental expenses. The said plan or plans and estimates may include any levees or other reclamation works already constructed, and payments therefor may be made to the person or persons who constructed the same, or to the grantee of the lands for the benefit of which such levees or other works of reclamation were constructed by the owner of such lands, and no trustee shall be disqualified to make or approve such plans or estimates because of his ownership of any levee or other reclamation works included in such plan, or the cost of which is embraced in said estimates, but he shall be disqualified to vote for the issuance of any warrant or order to himself in payment therefor.

SEC. 8. Section 3456 of the Political Code of the State of California is hereby amended to read as follows:

Commissioners assess charges for reclamation.

3456. The board of supervisors of the county in which the district is situated, or if the district is in more than one county, then the board of supervisors of the county in which the greater portion of the land in said district is situated, must appoint three commissioners, who shall have no interest in any real estate within said district, each of whom, before entering upon his duties, shall make and subscribe an oath that he is not in any manner interested in any real estate within said district, directly or indirectly, and that he will perform the duties of a commissioner to the best of his ability. Said commissioners must view and assess upon the land within said district the said sum so estimated and shall apportion the same according to the benefits that will accrue to each tract of land in said district, respectively, by reason of the expenditures of said sums of money, and shall estimate the same in gold coin of the United States. The same must be collected and paid into the county treasury as hereinafter provided, and be placed by the treasurer to the credit of the district, and paid out for the works of reclamation upon the warrants of the trustees, approved by the board of supervisors, or, if bonds of such district have been issued upon said assessment, then said treasurer shall set the same apart as a sep-

arate fund for the purpose of paying the principal and interest of such bonds, and shall not pay any part of the moneys received from such assessment for any purpose other than the payment of the principal and interest of such bonds.

SEC. 9. Section 3457 of the Political Code of the State of California is hereby amended to read as follows:

3457. The warrants drawn by the trustees must, after they are approved by the board of supervisors, be presented to the treasurer of the county, and if they are not paid on presentation, such indorsement must be made thereon, and they must be registered and bear interest from the date of such warrant at the rate of seven per cent per annum, and such warrants are and shall be considered as contracts in writing for the payment of money, and the period prescribed for the commencement of an action based upon said warrants, or connected therewith, is and shall be the term of four years from the date of their issuance. Any owner of land in the district may at any time pay any assessment thereon (excepting an assessment upon which bonds have been issued), or any part thereof, with warrants of the district. No warrant shall be paid or received on an assessment, except within four years after the date of its issuance. The board of trustees and the treasurer must cancel all warrants not paid within four years after date of issuance; *provided*, that any warrant not paid or received on assessment within four years after the issuance may, before the expiration of such four years, upon the demand of the owner or holder, be extended for a like period of four years, upon the presentation of the same to the board of trustees of the district, such extension being indorsed thereon by said board and a record thereof filed with the treasurer. In case an action or proceeding based upon any warrant or connected therewith, be commenced within four years after the issuance of such warrant, and final judgment be obtained in favor of the holder or owner thereof, such warrant shall be paid or received on assessment the same as if it had been paid or received on assessment before the expiration of said four years from the date of its issuance. In any proceedings for a writ of mandate to compel the trustees to issue a warrant, if a controversy arises as to the amount that may be due to the plaintiff, the court must determine the same in the manner provided for determining controversies in other civil actions, and shall cause a writ to issue for such sum as may be found to be due.

Warrants

SEC. 10. Section 3460 of the Political Code of the State of California is hereby amended to read as follows:

3460. The commissioners appointed by the board of supervisors must make a list of the charges assessed against each tract of land; and if there be any error or mistake in the description of the land, or in the name of the owner, or if any land which should be assessed has been or shall be omitted from the list, or if there is any error or mistake in any other respect, the commissioners may amend or correct the same at

Commissioners to make assessment list.

any time before the lists shall have been approved by the board of supervisors as hereinafter provided.

SEC. 11. Section 3461 of the Political Code of the State of California is hereby amended to read as follows:

List must contain.

3461. The list must contain—

1. A description of each tract assessed by legal subdivisions, swamp-land surveys, or other boundaries sufficient to identify the same.

2. The number of acres in each tract.

3. The names of the owners of each tract, if known; and if unknown, that fact; but no mistake or error in the name of the owner or supposed owner of the property assessed, and no mistake in any other particular, shall render the assessment thereof invalid.

4. The amount of the charge assessed against each tract.

SEC. 12. Section 3462 of the Political Code of the State of California is hereby amended to read as follows:

Lists to be filed.

3462. Said lists, when completed, shall be filed with the clerk of the board of supervisors of the county. The board of supervisors shall appoint a time when it will meet for the purpose of hearing objections to said assessment, and notice of such hearing shall be given by publication for two weeks in some newspaper of general circulation published in said county.

Objections to assessment.

At any time before the date of such hearing, any person interested in any land upon which any charge has been assessed may file written objections to such assessment, stating the grounds of such objections, which said statement shall be verified by the affidavit of such person, or some other person who is familiar with the facts. At said hearing the board of supervisors shall hear such evidence as may be offered in support of said written objection and may modify or amend the said assessment in any particular, or make a reapportionment of the entire assessment. If the amount of any assessment in said list shall be changed, the board of supervisors shall set a day for hearing objections to said assessment as changed, and shall give notice thereof by publication for two weeks in some newspaper published in the county. At such hearing objections in writing may be made by any person interested and the board of supervisors shall proceed to hear the same in the same manner as upon the original hearing. If the amount of any assessment shall again be changed the board of supervisors shall proceed as before to give notice and to hear objections thereto, and shall proceed in a similar manner until the amount of each assessment shall be finally fixed and approved. The board of supervisors shall then make an order approving said assessment, and shall endorse such order upon said assessment list, which said endorsement shall be signed by the chairman of said board of supervisors and attested by the clerk thereof, and such decision of said board of supervisors shall be final, and thereafter said assessment list shall be conclusive evidence that the said assessment has been made and levied according to law, except in an action commenced as hereinafter provided.

The lists shall then be filed with the county treasurer, or, if the district is situated in more than one county, then the original list must be filed in the county where the greater portion of the lands of said district is situated, and copies thereof certified by the treasurer must be filed with the treasurer of each of the other counties. No objection to such assessment shall be considered by the board of supervisors, or allowed in any other action or proceeding, unless such objection shall have been made in writing to the board of supervisors as above specified. Any person aggrieved by the decision of the board of supervisors may commence an action in the superior court of the county in which the greater part of said district is situated to have said assessment corrected, modified or annulled. Such action must be commenced within thirty days after said assessment list has been filed in the office of the county treasurer. If said action shall not be commenced within thirty days, no action or defense shall thereafter be maintained attacking the legality of said assessment in any respect.

Objections
in writing.

Actions in
superior
court.

SEC. 13. Section 3463 of the Political Code of the State of California is hereby amended to read as follows:

3463. From and after the filing of the list or certified copy thereof with the treasurer, the charges assessed upon any tract of land within the county shall constitute a lien thereon and shall impart notice thereof to all persons. No subsequent act or conduct of the trustees shall invalidate said assessment or lien, but such trustees may be compelled by mandate, or other proper proceeding, to perform their duties as required by law.

Charges
assessed
become
lien.

SEC. 14. Section 3465 of the Political Code of the State of California is hereby amended to read as follows:

3465. The lists must remain in the office of the treasurer for thirty days; and during the time they so remain any person may pay the amount of the charge assessed against any tract of land, to the treasurer, in gold coin of the United States, or in warrants of the district drawn by order of the trustees thereof, and approved by the board of supervisors of the county.

Payment.

SEC. 15. Section 3466 of the Political Code of the State of California is hereby amended to read as follows:

3466. At the end of thirty days, the treasurer must return the lists to the board of trustees of the district, and all unpaid assessments shall thereafter bear interest at the rate of seven per cent per annum, and shall be collected and paid in separate installments, of such amounts, and at such times, respectively, as the board, from time to time, in its discretion, may, by order entered in its minutes, direct; if any such installment shall remain unpaid at the expiration of thirty days from the date of the order, then said installment shall become delinquent, together with the accrued interest thereon, and ten per cent of the amount of said installment and interest shall be added thereto, and collected for the use of the district; *provided, further,* that the trustees must on the first

Collection
of unpaid
assess-
ments.

Delin-
quent.

day of January of each year, except when bonds shall have been issued on the assessment, order the collection of a sufficient amount of said assessment to pay all warrants that have been issued and outstanding for a period of two years or more, together with the interest on such warrants.

Sale of
property
for delin-
quent in-
stallment.

Immediately after the said installment has become delinquent, the trustees of the district must publish a notice at least once each week for three weeks in some newspaper of general circulation published in the county where said district, or the greater part thereof, is situated, which notice shall contain a description of the property assessed, the name of the person to whom it is assessed, or a statement that it is assessed to unknown owners, if such is the fact; the amount of the delinquent installment, the amount of the interest at the date of delinquency, the amount of the penalty that has been added as above provided, and a notice that the property assessed will be sold on a date therein stated, in front of the court house of said county, to pay said installment with accrued interest and the penalty hereinbefore specified. At the time stated in said notice, or such other time to which said sale may have been postponed, the trustees must sell said property to the highest bidder for gold coin of the United States. Out of the proceeds of said sale the trustees must pay the amount of said installment with the accrued interest thereon and the penalty herein provided for to the county treasurer, who shall place the same in the proper funds of said district, and the trustees must pay to the owner of said property any surplus remaining after such payment to the county treasurer. The trustees may postpone said sale from time to time by a written notice posted at the place of sale.

Surplus to
owner.

District
may
become
purchaser.

If no bid is made for said property equal to the amount of said installment, accrued interest and penalty, the district shall become the purchaser, and the said property must be struck off to the district for the amount of said installment, accrued interest and penalty. A certificate of such sale shall be executed by the trustees to the purchaser, or to the district, if the property shall have been struck off to the district, and said certificate of sale shall be recorded in the office of the county recorder of said county. Any person interested in said property may redeem the same at any time within one year after the date of said sale, by paying to the county treasurer the amount of said installment with the accrued interest and penalty, and interest on the said sums at the rate of two per cent per month from the date of said sale.

Certificate
of sale.

Redemp-
tion.

If no redem-
ption
be made.

If no redemption shall be made within said one year, the purchaser, or the district, if said property shall have been sold to the district, shall be entitled to a deed executed by said trustees, and the effect of such deed shall be to convey said property free of all liens and incumbrances, excepting state, county and municipal taxes, and the unpaid balance of said assessment, which said balance must be called in and collected in the same manner as other assessments; *provided*, that where

said property shall have been deeded to the district and shall not have been sold by the trustees, the same shall not be offered for sale for subsequent installments of said assessment so long as the district shall remain the owner of said property, but the trustees may sell said property at any time at public auction after notice given for the same period and in the same manner as is herein provided for sales for delinquent installments, but not for a sum less than all delinquent unpaid installments with accrued interest and penalties, and the deed executed in pursuance of such sale shall convey said property free of all incumbrances, except state, county and other municipal taxes and the unpaid balance of said assessment. Assessments heretofore made in any reclamation district shall be validated and collected in the manner provided by law at the time such assessments were made.

Sec. 16. Section 3466½ of the Political Code of the State of California is hereby amended to read as follows:

3466½. In all cases in which an assessment shall have been levied or shall hereafter be levied for reclamation purposes upon the lands embraced within any reclamation district, and if the assessment upon any tract or tracts of land shall have thereafter been adjudged invalid by any court of competent jurisdiction, or if, for any reason, any tract or tracts of land shall not have been charged with said assessment, then such tract or tracts of land shall be charged in any subsequent assessment with such proportion of the former assessment, as the benefits derived by said land from the reclamation works for which said former assessment was levied bears to the whole amount of said former assessment; or a subsequent re-assessment of such tract or tracts of land may be made separately for the purpose of charging said land with its proper proportion of the costs of reclamation. Such re-assessment shall be made by commissioners appointed by the board of supervisors as provided in section 3456 of this code, and must be made and approved in the same manner as other assessments.

Invalid use
SEC. 16.

Sec. 17. Section 3476 of the Political Code of the State of California is hereby amended to read as follows:

3476. Whenever the trustees, or owners of land, if there be no trustees, certify under oath to the board of supervisors of the county where the greater part of the district is situated, and show to their satisfaction that the works of reclamation are completed, or that two dollars per acre, in gold coin, has been expended on the works of reclamation, the board of supervisors must thereupon certify such facts to the register. When the works of reclamation are completed and any money remains in the county treasury to the credit of any district, or when for any reason there is any money to the credit of said district in said treasury which may not be needed for the purposes of such district the board of trustees may, by an order entered on the records of said board, cause such money to be distributed amongst the owners of land within said district in such proportion as the owners of said lands contributed to the creation of said fund through assessments or otherwise.

Certificate
of comple-
tion of
work.

SEC. 18. Section 3478 of the Political Code of the State of California is hereby amended to read as follows:

All reclamation districts subject to provisions of Political Code.

3478. All reclamation districts now legally existing in this state, which were created by or formed under the provisions of any statute of the state, shall henceforth be subject to the provisions of the Political Code of the State of California relating to reclamation districts the same as though such districts had been formed by or created under the provisions of said code relating to "swamp and overflowed, salt marsh and tide lands"; *provided*, that this provision shall not affect any proceeding that shall have been already commenced for the levy or collection of assessments in such districts when this act takes effect; nor shall it affect any act done or performed in relation to the affairs of such districts prior to such last mentioned date, nor the indebtedness of such districts theretofore incurred, excepting as to the method of liquidating such indebtedness; and all the provisions of the Political Code for assessments and issuing bonds by reclamation districts are hereby made applicable to the districts mentioned in this section.

SEC. 19. Section 3480 of the Political Code of the State of California is hereby amended to read as follows:

Bonds may be issued.

3480. Whenever, in any reclamation district in this state, now formed or which may hereafter be formed, any assessment has been levied and assessed upon the lands of said district, and remains unpaid in whole or in part, and where in the judgment and opinion of the board of trustees of said district it would be for the best interests of said district or the land owners therein to issue bonds for the purpose of obtaining money to pay the costs of reclamation, the indebtedness of the district, or any other legal charge, or when a petition signed by the owners of more than one half of the land in the district is filed with the secretary of the board, the board of trustees of such district shall by order entered upon the records of said board order a special election to be held at some place in said district to be designated by said board of trustees, at which said special election shall be submitted to the owners of land in said district the question of whether or not bonds of said district shall be issued in an amount equal to the amount of such assessment, or the part of such assessment remaining unpaid, which said amount shall be entered by said board of trustees in its records and stated by them in the order for such special election.

Special election.

Notice of election.

Notice of such special election must be given by the board of trustees by posting notices thereof in at least three public places in the district at least twenty days prior thereto, and also by publication for the same length of time in some newspaper of general circulation published in each county in which any portion of said district may be situated; and such notice must specify the time and place of holding such election, the amount of bonds proposed to be issued and the names of three landholders of the district to act as a board of election. Affidavits of the publication and posting of such notice must be filed with the clerk of the board of supervisors.

At such election each owner of lands in the district shall be entitled to vote in person or by proxy and shall have the right to cast one vote for each dollar's worth of real estate owned by him in the district. the value thereof to be determined from the next preceding assessment roll of the county where the same is situated, and the board of trustees of the district shall, prior to the election, procure from the assessor of each county where any portion of the district is situated a list, certified by such assessor, containing a description of all the lands of the district situated in such county, the name of the person to whom each tract is assessed and the value thereof as appears from the assessment roll of said county, which said list shall be furnished to and be used by the said board of election in determining the number of votes each voter is entitled to cast. Executors, administrators, special administrators and guardians may cast the votes of the estates represented by them. Where a tract of land is situated partly within and partly without the boundaries of such district and the assessment roll contains a valuation of said tract of land as a whole, the same must be apportioned according to the number of acres lying within and without the boundaries of said district. No person shall vote by proxy at such election unless authority to cast such vote shall be evidenced by an instrument in writing, duly acknowledged and certified in the same manner as grants of real property and filed with the board of election. The ballots cast at such election shall contain the words: "Bonds—Yes," or the words: "Bonds—No," and also the name of the person casting the ballot with the number of votes cast by him. A list of the ballots cast shall be made by the board of election, containing the name of the voter and, if the ballot be cast by proxy, the name of the person casting it, the number of votes cast and whether the same be cast for or against the issuing of the bonds.

Vote.

Executors
may cast
vote.

Proxy.

Ballot.

If the persons, or any of them appointed and specified in the notice of election as the board of election, fail to attend at the time and place appointed for the election, the voters present at the time for opening the polls may appoint any landholder of the district then present to fill the place of any absent member thereof. Each member of such board of election must, before entering upon his duties as such, take an official oath as such member of the board of election, which said oath may be administered by any officer authorized to administer oaths or by any landholder in the district. The polls shall be kept open for the reception of votes from ten o'clock A. M. until four o'clock P. M. At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result and shall forward a certificate, showing the same and the number of votes cast for and against the issuing of bonds, to the clerk of the board of supervisors of the county in which the greater portion of the lands of said district is situated and deliver a duplicate thereof to the board of trustees of the district, and shall also deliver to

Election
officers.

Polls.

Canvass
of votes.

the said clerk of the board of supervisors all ballots cast at such election and all documents and papers used at such election. Any person interested may contest such election within twenty days after the result thereof has been declared by filing a complaint in the superior court of the county where such election was held, and if no contest shall be commenced within said time, the declaration of the result by the board of election shall be final and conclusive.

Contest.

Issue of bonds. If a majority of the votes cast at such election are in favor of the issuance of bonds, the board of trustees of the district shall cause bonds in the amount stated in the order for the election to be executed and delivered, together with the assessment list, to the treasurer of the county in which the greater portion of the lands of said district is situated. Said bonds shall be of the denomination of not less than one hundred dollars nor more than one thousand dollars each; they shall be signed by the president of the board of trustees of the district and attested by the county auditor of said county, and shall be numbered consecutively, as sold and bear date at the time of their execution, and shall bear interest at the rate of six per cent per annum, payable semi-annually on the first day of January and the first day of July in each year at the office of said county treasurer upon the presentation of the proper coupons therefor. If any coupon shall not be paid when presented because there are no funds, the treasurer shall indorse such coupon "not paid for want of funds" and thereafter the amount due on such coupon shall bear interest at the rate of six per cent per annum compounded semi-annually. Coupons for each installment of interest shall be attached to said bonds and shall be numbered the same as the bonds and attested by the fac simile signature of the county auditor. The principal of said bonds shall be payable at such times as the trustees may prescribe, which time must be expressed in said bonds but not less than ten per centum of the whole amount of bonds issued, according to their consecutive numbers, shall be paid in ten years from the date of their issue, and no less than five per centum thereof each succeeding year thereafter until all are paid. All bonds must be made payable either on the first day of July or the first day of January. If any bond shall not be presented for payment when the same becomes due, it shall cease to draw interest, but, if presented at such time and not paid for want of funds, the said county treasurer shall so indorse it and thereafter such bond shall draw interest until paid at said rate of six per centum per annum compounded semi-annually, until funds shall have been provided for its payment, which bonds shall be substantially in the following form:

Denomination.

Interest.

Coupon.

Bonds not presented when due cease to draw interest.

Form of bonds.

"No. Reclamation District No.
In the county of, State of California.

For value received, promises to pay the holder hereof, at the office of the treasurer of said county, on the first day of 19 the sum of

dollars, in gold coin of the United States, with interest in like gold coin at the rate of six per centum per annum, payable at the office of said treasurer semi-annually, on the first day of January and July in each year, on presentation and surrender of the interest coupons hereto attached. This bond is issued by authority of section 3480 of the Political Code of the State of California pursuant to an election held in said reclamation district on the day of nineteen hundred and authorizing its issuance, and is based upon an assessment levied in said district and filed in the office of the county treasurer of said county on the day of, 19.....

In testimony whereof, the said district, by its board of trustees, has caused this bond to be signed by the president of said board, and attested by the auditor of said county, with his seal of office attached, this day of, 19.....

.....
President of said Board.

Attest:

.....
Auditor of County."

And the interest coupons shall be in substantially the following form: Form of coupons.

"No.

The treasurer of county, California, will pay the holder hereof, on the day of, 19....., at his office in dollars, gold coin, out of the funds of Reclamation District No. for interest on bond numbered of said district.

Attest:

.....
County Auditor."

The treasurer of said county shall place the bonds prepared pursuant to this act to the credit of said district and shall, when directed by the trustees of the district, sell any of said bonds for the best price obtainable therefor, but in no event for less than the face value of said bonds and the accrued interest thereon. Before making a sale of said bonds, notice shall be given by the county treasurer that he will sell a specified amount of said bonds, and stating the day, hour and place of such sale. Such notice shall state that sealed proposals will be received by him for the purchase of said bonds or any part thereof till the day and hour named in the notice. Such notice shall be given at least twenty days before such sale, by publication in a newspaper of general circulation published in the county, and in such other newspaper as the board of trustees may designate. At the time appointed the county treasurer and board of trustees shall open the bids and award the purchase of the bonds to the highest and best respon- Sale of bonds.
Notice.

Work may
be paid for
in bonds.

sible bidder. They may reject any and all bids. In case no bid is received and accepted as herein provided, or a sufficient amount of bonds can not be sold to carry on the work of construction as contemplated, the board of trustees of said district may enter into contracts and make contracts for constructing the reclamation works of said district, payable in said bonds, at par, and may use such bonds in payment for labor or services performed for, or materials or property furnished to, said district, for the purpose of constructing the reclamation works thereof and the expenses necessarily incident thereto: and in making such payments in bonds, the board of trustees of said district may draw orders upon the county treasurer, payable in bonds to the amount therein named, for such labor, material, or services so rendered, which orders shall be approved by the board of supervisors and thereafter be paid with bonds at par by the county treasurer, upon presentation, to the amount therein provided for, if such bonds then remaining in said treasury be sufficient to pay the same. Any money derived from the sale of said bonds by said county treasurer shall be placed in the treasury to the credit of said district and a proper record of such transaction shall be placed upon the books of said county treasurer. As soon as said bonds shall have been delivered to the treasurer of the county a proceeding may be commenced in the superior court of the county where the greater part of the district is situated, by the trustees of said reclamation district or any owner of land therein, to have it determined that said bonds are a legal obligation of such reclamation district. The complaint in said proceeding shall allege that on a date therein named bonds of such reclamation district were delivered to the said treasurer, stating the amount of such bonds, and praying that said bonds be adjudged to be a valid, legal obligation of such district. The summons shall be published for three weeks in some newspaper of general circulation published in the county where the action is pending. Within ten days after the last publication of the summons any owner of land in such district, or any person interested, may appear and answer the complaint, which answer shall set forth the facts relied upon to show the invalidity of said bonds. If no answer shall be filed within said period the court shall enter judgment as prayed for in the complaint. If any person shall answer the complaint, the court must proceed as in other civil cases. The judgment in such proceeding shall be considered as a judgment *in rem* and shall be conclusive against said district, and against all owners of land therein and all other interested persons. The necessary expenses of such action shall be paid out of the funds of said district in the same manner that other claims against such districts are paid.

Are bonds
legal obli-
gation?

Answer to
complaint.

Expenses
of action.

Orders on
treasurer
to pay ob-
ligations.

The board of trustees of said district may draw orders upon the said county treasurer to pay any legal charge against said district out of the funds provided by sale of said bonds, which said orders shall be approved by the board of supervisors of the county in which the greater part of said district

is situated, and thereafter must be paid by said treasurer out of any money, excepting the bond fund, then remaining in said treasury to the credit of said district; and no order upon the said county treasurer shall be issued by the board of trustees unless there are sufficient funds in said treasury to the credit of said district to pay said order.

The principal of said bonds and the interest thereon shall be paid by revenue derived as follows: Ninety days before any sum or sums shall become due or payable on account of the principal or interest, or both, of said bonds, the board of trustees of the district shall direct that such an installment of the assessment theretofore levied on the lands of said district, and upon which the bonds were issued, as may be necessary to pay the same, shall be collected in the manner provided by law and paid into the county treasury to the credit of the bond fund of said district. Should default be made in the payment of any such installment hereinbefore provided for, or any part thereof, the same shall be collected in the manner provided by law, and all remedies or proceedings now or hereafter provided by law for the collection of reclamation assessment, or for installments thereof, are hereby made applicable to and available for the collection of the installments herein provided for. No part of the money collected upon the assessment or assessments, for which said bonds were issued, shall be used for any purpose other than the payment of the principal and interest of said bonds, and all sums received by the treasurer from said assessments shall be set apart as a separate fund to be known as the bond fund for the payment of said bonds and the interest thereon, such payments must be made upon the principal of said bonds in the order of their maturity.

How revenue to pay principal and interest is derived.

Whenever such reclamation district is situated partly in different counties, any installment or installments of assessments as herein provided for shall be paid as provided by the Political Code of the State of California for the payment of other installments of reclamation assessments. All sums which shall be paid to the treasurer of any county, other than the treasurer of the county in which the greater part of the district is situated, shall immediately be paid by said treasurer to the treasurer of the county in which the greater part of the district is situated, who shall place the same to the credit of the district as hereinabove provided. Upon a sale of any of said bonds the county treasurer is hereby authorized to accept valid outstanding warrants of such district with the accrued interest thereon in payment for said bonds.

Installments.

Warrants acceptable in payment for bonds.

No assessor, tax collector, auditor or clerk shall receive any fee for any service required to be performed by them under the provisions of this act. All expenses necessarily incurred in carrying out the provisions of this act shall be paid out of any funds in the county treasury, excepting the bond fund, to the credit of the district, for which the expenses are incurred, upon the order of the board of trustees of said district approved by the board of supervisors of said county.

Assessor, etc., to receive no fee.

Bonds
may be
purchased
by banks,
etc..

The bonds of reclamation districts issued pursuant to this act may be lawfully purchased, or received in pledge for loans by banks, trust companies, guardians, executors, administrators and special administrators or by any public officer or officers of this state or of any county, city, or city and county or other municipal or corporate body within this state having or holding funds which they are allowed by law to invest or loan.

Additional
assess-
ments
to pay de-
ficiencies

If the assessment in any district, upon which bonds may have been issued proves inadequate to provide funds to pay the principal and interest of said bonds in full or if any deficiency arises, another assessment must be made upon the lands in such district sufficient to pay such deficiency, and assessments must be made from time to time to meet any deficiency arising in the payment of such bonds.

Bonds
issued to
pay assess-
ments

If the trustees deem it advisable they may order a special election to be held prior to making an assessment, to determine whether or not bonds shall be issued for an amount to be stated in the order for such election, but no bonds shall, in such instance, be issued until an assessment for the amount of the bonds authorized at such election shall have been made and filed with the county treasurer.

SEC. 20. Section 3481 of the Political Code of the State of California is hereby amended to read as follows:

Owners of
unclaimed
land may
have it set
off in
separate
district.

3481. If the owners of lands representing more than two thirds of any body of lands within any reclamation or swamp land district, and in which the lands have not been reclaimed, desire to have the said body of lands set off from such district, they must, in addition to the petition required by section three thousand four hundred and forty-six, show to the board of supervisors that the said body of lands is capable of an independent reclamation, and that the district is not prosecuting its work of reclamation with reasonable diligence, or that the lands sought to be set off are not susceptible of practical reclamation in connection with the other lands in the district.

SEC. 21. Section 3483 of the Political Code of the State of California is hereby amended to read as follows:

De-lem-
tion of
districts.

3483. All districts organized or created under this chapter must have a state number, and the register, upon the receipt of a copy of a petition, or certificate of the county clerk that any such district has been formed, must number the same and send the number to the county recorder of the county from which the copy or certificate came, and the recorder must number the district, and the district must thereafter be known and designated by such number. Districts organized before May twenty-eighth, eighteen hundred and sixty-eight, may retain their respective numbers. Whenever any reclamation or swamp land districts are consolidated, the consolidated districts shall be known by the number of the district containing the larger area of land.

SEC. 22. Section 3489 of the Political Code of the State of California is hereby amended to read as follows:

3489. Reclamation districts formed, organized or created into districts under special or general laws heretofore or now in force, may reorganize and consolidate in the manner following: Whenever the owners of a majority of acres of land in each of two or more reclamation districts, shall desire to consolidate and reorganize, they may do so by filing a notice with the county recorder of the county in which the greater portion of the lands of the combined districts are situated, setting forth that they desire to consolidate and reorganize. The notice must give the exterior boundaries of the said districts, the name and number of each of them, the number of acres of land that each contains, and must be signed by the persons owning the majority of acres of land in each district, and shall designate the number of acres owned by each signer in the district in which the same is situated. The county recorder shall record said notice in a book kept for the purpose of recording papers in relation to reclamation districts. He shall make a certified copy of said notice, and forward the same to the state land register, who shall designate a number for the reorganized district, after which time the district shall be known by such number, and shall be under the operation of and governed by the provisions of this code, and all proceedings thereafter shall be the same as though said district was organized upon an original petition and granted by the board of supervisors; *provided, however,* that such consolidation and reorganization shall in no manner invalidate the indebtedness of the original districts; and all the laws, rules, and regulations for the assessing, levying and collecting taxes or assessments in said districts shall remain and be in full force and all assessments and collections required for the payment of the then outstanding indebtedness in said districts, shall be the same as though they had not consolidated and reorganized until such indebtedness shall be paid and liquidated; *provided, however,* that the provisions of this code relative to assessments and issuing and sale of bonds are hereby made applicable to such districts. The owners of a majority of acres of land in a compact form, capable of being embraced in a swamp-land or reclamation district contiguous thereto and not a part of another district, may, by consent of the trustees of such district, have such land embraced within such district, by filing a notice duly acknowledged with the county recorder of the county in which such district is organized; the notice must give the exterior boundaries of said land, the number of acres of land therein, as near as may be, and must be signed by all the persons owning land therein; and there shall be attached thereto or indorsed thereon a written consent of the trustees of said district, duly acknowledged, that said land be embraced therein. Said notice shall be filed with the county recorder of the county aforesaid, and recorded by him in a book kept for that purpose. From the time of filing of such notice, said land shall become and be held as a part of such district; *provided,* that the reorganization and consolidation of any

Reorgan-
ization
and con-
solidation
of dis-
tricts.

two or more districts under the provisions of this act shall not be so construed as to legalize any indebtedness or any act of any of said districts, or the officers thereof, prior to the act of reorganization and consolidation; *provided, further*, that no land not included in some of the original districts shall be included in the reorganization and consolidation without the consent of the owner.

SEC. 23. Section 3492 of the Political Code of the State of California is hereby amended to read as follows:

Formation of reclamation districts.

3492. The holders of title or evidences of title representing one half or more of any body of swamp and overflowed, salt marsh, or tide lands, susceptible of one mode of reclamation, and already reclaimed, or in progress of reclamation, and not included in any existing reclamation district, who may desire to form a reclamation district for the maintenance, protection, or repair of the reclamation works, in, upon, or appertaining to such body of lands, or for the completion of the reclamation thereof, may present a similar petition to that provided for in section three thousand four hundred and forty-six, and shall state that such land is reclaimed or in progress of reclamation. Such proceedings shall thereupon be had as are provided for in the formation of other reclamation districts. Such districts, when formed, and the board of trustees thereof, shall have all the rights, immunities, powers, and privileges of other reclamation districts, and the boards of trustees thereof. Such district shall be subject to all the provisions of the Political Code relating to reclamation districts and the proceedings thereof.

Repealed.

SEC. 24. Sections 3464, 3475 and 3493½ of the Political Code of the State of California are hereby repealed.

All acts and parts of acts in conflict with this act are hereby repealed.

This act shall take effect immediately.

CHAPTER 366.

An act making an appropriation to pay the deficiency in the appropriation for traveling expenses and per diem of officers on detail duty, national guard, for the fifty-eighth, fifty-ninth and sixtieth fiscal years.

[Approved April 5, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation: traveling expenses, national guard.

SECTION 1. The sum of four hundred ninety-four dollars and fifty cents (\$494.50) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for traveling expenses and per diem of officers on detail duty, national guard, for the fifty-eighth, fifty-ninth and sixtieth fiscal years.

SEC. 2. The state controller is hereby authorized to draw his warrant for the sum herein made payable and the state treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 367.

An act to amend section ten of an act entitled "An act to define the boundary and provide for the government of levee district number two of Sutter county," approved March 23, 1876.

[Approved April 5, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section ten of an act entitled "An act to define the boundary and provide for the government of levee district number two of Sutter county," approved March 23, 1876, is hereby amended so as to read as follows:

Section 10. Upon receipt of any money from the tax collector of the district, the county treasurer of Sutter county shall place the same to the credit of levee district number two fund, from which he shall set apart a sum sufficient to pay the interest and such part of the principal as may become due during the current fiscal year on any bonded indebtedness of the district, and shall pay the same out in accordance with law under which such bonds were issued; the remainder of such levee district number two fund shall be paid out only on warrants of the district, in the order of presentation to the treasurer. If the fund is insufficient to pay any warrant, it must be registered by the treasurer, and thereafter paid in the order of registration; *provided*, that warrants presented and registered shall bear only seven per cent interest per annum from date of registration.

Levee
district
No. 2
fund.

CHAPTER 368.

An act making an appropriation to pay the claim of John Lubben, against the State of California.

[Approved April 5, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of one hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of John Lubben, against the State of California.

Appropriation: claim of John Lubben.

SEC. 2. The controller is hereby directed to draw his warrant in favor of John Lubben for the sum of one hundred dollars, and the treasurer is hereby directed to pay the same, and this appropriation and this warrant are hereby exempted from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This act shall take effect immediately.

CHAPTER 369.

An act to amend an act entitled "An act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the superior court jurisdiction of such offenses, and repealing inconsistent acts," approved March 8, 1909.

[Approved April 5, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. An act entitled "An act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the superior court jurisdiction of such offenses, and repealing inconsistent acts." approved March 8, 1909, is hereby amended to read as follows:

Section 1. This act shall be known as the "juvenile court law" and shall apply only to persons under the age of twenty-one years not now or hereafter inmates of a state institution. For the purposes of this act, the words "dependent person" shall mean any person under the age of twenty-one years:

(1) Who is found begging, receiving or gathering alms, whether actually begging or under the pretext of selling or offering for sale; or

(2) Who is found in any street, road or public place for the purpose of so begging, gathering or receiving alms; or

Juvenile
court law.

"Depend-
ent
person"
defined.

(3) Who is a vagrant; or

(4) Who is found wandering and not having any home, or any settled place of abode, or any proper guardianship, or any visible means of subsistence; or

"Dependent person" defined.

(5) Who has no parent or guardian; or who has no parent or guardian willing to exercise, or capable of exercising, proper parental control; or

(6) Who is destitute; or

(7) Whose home by reason of neglect, cruelty or depravity of his parents or either of them, or on the part of his guardian, or on the part of the person in whose custody or care he may be, is an unfit place for such person; or

(8) Who frequents the company of reputed criminals, vagrants or prostitutes; or

(9) Who is found living or being in any house of prostitution or assignation; or

(10) Who habitually visits, without parent or guardian, any billiard room or pool room, or any saloon, or place where any spirituous, vinous or malt liquors are sold, bartered or given away; or

(11) Who persistently refuses to obey the reasonable and proper orders or directions of his parents or guardian; or

(12) Who is incorrigible; that is, who is beyond the control and power of his parents, guardian or custodian by reason of the vicious conduct or nature of said person; or

(13) Whose father is dead or has abandoned his family or is an habitual drunkard, or whose father or mother does not provide for such person, and it appears that such person is destitute of a suitable home or of adequate means of obtaining an honest living, or who is in danger of being brought up to lead an idle and dissolute or immoral life; or where both parents of such person are dead, or the mother or father, if living, is unable to provide proper support and care of such person; or

(14) Who is an habitual truant within the meaning of an act entitled "An act to enforce the educational rights of children and providing penalties for the violation of said act," approved March 24, 1903, and any act or acts amending or superseding the same and who is not placed in a parental school under the provisions of said act, or who being over the age of fourteen years refuses to attend public or private school, as directed by his parents, duly authorized guardian or legal custodian; or

(15) Who habitually uses intoxicating liquor as a beverage or habitually smokes cigarettes or who habitually uses opium, cocaine, morphine or other similar drug, without the direction of a competent physician; or

(16) Who from any cause is in danger of growing up to lead an idle, dissolute, or immoral life.

The words "delinquent person" shall include any person under the age of twenty-one years who violates any law of this state, or any ordinance of any town, city, county or city and county of this state, defining crime.

Superior
court to
sit as
juvenile
court.

SEC. 2. The superior court in every county of this state shall exercise the jurisdiction conferred by this act, and, while sitting in the exercise of its said jurisdiction, shall be known and referred to as the "juvenile court," and is hereinafter so referred to. In counties having more than one judge of the superior court, the judges of such court shall from time to time designate one or more of their number whose duty it shall be to hear all cases coming under this act. In counties of the second class, such designation shall be made by the presiding judge. The orders and filings, if any, of the superior court, in all cases coming under the provisions of this act, shall be entered in a book to be kept for that purpose and known as the "juvenile court record," and the court when acting under this act shall be called the "juvenile court." All cases coming under the provisions of this act shall be heard at a special or separate session of the court, and no other matter shall be heard at such session, nor shall there be permitted to be present at such session any person on trial or awaiting trial, or under accusation of crime, who does not come under the provisions of this act.

Juvenile
court
record.

Petition to
court to
deal with
dependent
person.

SEC. 3. Any person may file with the clerk of the superior court a petition showing that there is within the county, or residing within the county, a dependent or delinquent person, and praying that the superior court deal with such person as provided in this act. Such petition shall be verified and shall contain a statement of facts constituting such dependency or delinquency, as defined in section one of this act, and the names and residence, if known to petitioner, of the parents or guardian of said dependent or delinquent person. There shall be no fee for filing such petition.

Citation
to appear.

SEC. 4. Upon the filing of the petition provided for in section three hereof, a citation shall issue, requiring the person or persons having the custody or control of the alleged dependent or delinquent person, or with whom such alleged dependent or delinquent person may be, to appear with said alleged dependent or delinquent person at a time and place stated in the citation. Service of such citation must be made at least twenty-four hours before the time stated therein for such appearance. The parents or guardian of said alleged dependent or delinquent person, if residing within the county in which the court sits, and if their places of residence be known to the petitioner, or if there be neither parent nor guardian so residing, or if their places of residence be not known to petitioner, then some relative of said alleged dependent or delinquent person, if any there be residing within said county, and if his residence and relationship to such alleged dependent or delinquent person be known to petitioner, shall be notified of the proceedings by service of citation requiring him or them to appear at the time and place stated in such citation. In any case the judge may appoint some suitable person to act in behalf of said alleged dependent or delinquent person, and may order such further notice of the proceedings to be given as he may deem proper. If any person, cited as herein provided, shall fail, without reasonable cause, to appear and abide by the order of the court, or

Court may
appoint
some one
to act in
behalf of
dependent
person.

to bring said alleged dependent or delinquent person, if so required in the citation, such failure shall constitute a contempt of said court and may be punished as provided for in other cases of contempt of court.

In case such citation can not be served, or the party served fails to obey the same, and in any case in which it shall be made to appear to the court that such citation will probably be ineffective, a warrant of arrest shall issue on the order of the court, either against the parent or guardian, or the person having the custody of said alleged dependent or delinquent person, or with whom the said alleged dependent or delinquent person may be, or against the said alleged dependent or delinquent person himself, or any or all said persons; or if there be no person to be served with citation as above provided, a warrant of arrest may be issued against the said alleged dependent or delinquent person immediately. On the return of the citation or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Until the final disposition of any case, the said alleged dependent or delinquent person may be retained in the possession of the person having charge of said person, or may be kept, upon the order of the court, in some suitable place provided by the county, or city and county, or may be held otherwise as the court may direct.

Warrant
of arrest.

SEC. 5. When any alleged dependent or delinquent person under the age of twenty-one years shall be found by said court or judge to be dependent or delinquent, within the meaning of this act, the court may make an order committing said dependent or delinquent person, for such time as the court may deem fit, but not beyond the time when such dependent or delinquent person shall reach the age of twenty-one years, to the care of some reputable person of good moral character, or to the care of some association, society or corporation willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent or neglected children, or to the care of the probation officer or other person to remain in the home of said dependent or delinquent person; or the court may, if said dependent or delinquent person be a boy, commit him to the Preston State School of Industry, or to the Whittier State School, during his minority, or if a girl, commit her to the Whittier State School until twenty-one years of age; *provided, however,* that before conveying any such dependent or delinquent person to either of such institutions it shall be ascertained from the superintendent thereof whether such dependent or delinquent person can be received, and if such dependent or delinquent person can not be received, the court shall make such other order for the disposition of such dependent or delinquent person as is meet. After making any of the above-mentioned orders the court may, from time to time, change or modify the same, or set aside the same, or commit such dependent or delinquent person to such place or institution, and for such time as the court may deem fit, but not beyond the time when such person shall attain the age of twenty-one years.

Commit-
ment of
dependent
person.

Probation
committee.

SEC. 6. The judge of the superior court in and for each county, or city and county, of the state, and in counties where there is more than one judge of the said court, the judge who has been designated as "judge of the juvenile court" shall, by an order entered in the minutes of the court, appoint seven discreet citizens of good moral character and of either sex, to be known as the "probation committee," and shall fill all vacancies occurring in such committee. The clerk of said court shall immediately notify each person appointed on said committee and thereupon said persons shall appear before the judge of the superior court to whom has been assigned all proceedings under this act, and qualify by taking an oath, which shall be entered in said juvenile court record, to faithfully perform the duties of a member of such probation committee.

Term of
office.

SEC. 7. The members of such probation committee shall hold office for four years, and until their successors are appointed and qualify; *provided*, that of those first appointed, one shall hold office for one year, two for two years, two for three years, and two for four years, the terms for which the respective members shall hold office to be determined by lot as soon after their appointment as may be. When any vacancy occurs in any probation committee by expiration of the term of office of any member thereof, his successor shall be appointed to hold office for the term of four years; when any vacancy occurs for any other reason, the appointee shall hold office for the unexpired term of his predecessor.

Examina-
tion of
societies.

SEC. 8. The juvenile court or the judge thereof may at any time require said probation committee or probation officer to examine into the qualifications and management of any society, association or corporation, other than a state institution, receiving, or applying for, any dependent or delinquent person under this act, and to report thereon to the court. It shall be the duty of each probation committee to prepare each year one or more reports in writing on the qualifications and management of all societies, associations and corporations, except state institutions, applying for or receiving any dependent or delinquent person under this act from the courts of their respective counties, and in such report said committee may make such suggestions or comments as to them may seem fit; such report to be filed in the office of the clerk of the court appointing such committee for the information of the court. The probation committee shall also make to the court an annual report to be filed prior to the first day of December. It shall be the duty of the probation committee to exercise a friendly supervision and visitation over the dependent or delinquent person in accordance with the direction of the court, to furnish the court information and assistance whenever required, and, from time to time, to advise and recommend to the court any change or modification of the order made in the case of a dependent or delinquent person as may be for the best interests of such person. Upon request of the probation officer, any member of the probation committee shall investigate an alleged case coming under the provisions of this act, and render a

Duties of
probation
committee.

report thereon to the probation officer. The probation committee shall also have the control and management of the internal affairs of any detention home heretofore or hereafter established by the board of supervisors of their county; and it shall be the duty of the board of supervisors to provide for the payment of such employees as may be needed in the efficient management of such detention home.

SEC. 9. Members of the probation committee shall serve without compensation, but shall be allowed their reasonable traveling expenses as approved by the judge of the juvenile court; and the same shall be a charge upon the county in which the court appointing them has jurisdiction, and said expenses shall be paid out of the county treasury upon a written order of the judge of the juvenile court of said county directing the county auditor to draw his warrant upon the county treasurer for the specified amount of such expenses.

Compensation and expenses of committee.

SEC. 10. There shall be appointed, as hereinafter provided, a probation officer in every county, and he may appoint as many deputies as he may desire; *provided, however,* that such deputies shall not have authority to act until their appointment shall be approved in like manner as the appointment of the probation officer himself. Such deputies, except as hereinafter provided, shall serve without compensation.

Probation officer.

Section 10a. In counties of the first class there shall be one probation officer and nineteen assistant probation officers. The salaries of said officers shall be as follows: Probation officer, two hundred dollars per month; two assistant probation officers, one hundred and fifty dollars per month, each; sixteen assistant probation officers, one hundred dollars per month, each; one probation officers' clerk at a salary of seventy-five dollars per month.

Counties first class.

Section 10b. In counties or cities and counties, of the second class there shall be one probation officer and ten assistant probation officers. The salaries of said officers shall be as follows: Probation officer, two hundred and twenty-five dollars per month; one assistant probation officer, one hundred and seventy-five dollars per month; and nine assistant probation officers, at one hundred and twenty-five dollars per month, each.

Second class.

Section 10c. In counties of the third class there shall be one probation officer, and eight assistant probation officers. The salaries of said officers shall be as follows: Probation officer, two hundred dollars per month; one assistant probation officer, one hundred and fifty dollars per month; three assistant probation officers, one hundred and twenty-five dollars per month, each; two assistant probation officers, one hundred dollars per month, each; one assistant probation officer, seventy-five dollars per month; and one assistant probation officer, fifty dollars per month.

Third class.

Section 10d. In counties of the fourth class there shall be one probation officer and one assistant probation officer. The salaries of said officers shall be as follows: Probation officer, one hundred and fifty dollars per month; assistant probation officer, one hundred dollars per month.

Fourth class.

Fifth
class.

Section 10e. In counties of the fifth class there shall be one probation officer whose salary shall be one hundred and twenty-five dollars per month.

Sixth
class.

Section 10f. In counties of the sixth class there shall be one probation officer and two assistant probation officers. The salaries of said officers shall be as follows: Probation officer, one hundred and seventy-five dollars per month; one assistant probation officer, one hundred and fifty dollars per month; and one assistant probation officer, one hundred dollars per month.

Seventh
class.

Section 10g. In counties of the seventh class there shall be one probation officer and two assistant probation officers. The salaries of said officers shall be as follows: Probation officer, one hundred and twenty-five dollars per month; one assistant probation officer, one hundred and twenty dollars per month; and one assistant probation officer, one hundred dollars per month.

Eighth
class.

Section 10h. In counties of the eighth class there shall be one probation officer whose salary shall be one hundred dollars per month.

Ninth
class.

Section 10i. In counties of the ninth class there shall be one probation officer and two assistant probation officers. The salaries of said officers shall be as follows: Probation officer, one hundred dollars per month; one assistant probation officer, seventy-five dollars per month; and one assistant probation officer, fifty dollars per month.

Tenth
class.

Section 10j. In each of the counties of the tenth class there shall be one probation officer who shall maintain an office in the court-house at the county seat. The salary of said probation officer shall be one hundred and twenty-five dollars per month.

Eleventh
class, etc.

Section 10k. In each of the counties of the eleventh, twelfth, thirteenth, seventeenth, twenty-third, twenty-fifth, twenty-seventh and thirty-third classes there shall be one probation officer. The salary of each of said probation officers shall be one hundred dollars per month. In counties of the thirteenth class there shall be one assistant probation officer whose salary shall be twenty-five dollars per month.

Thirty-
fifth class.

Section 10l. In counties of the thirty-fifth class there shall be one probation officer who shall maintain an office in the courthouse at the county seat. The salary of said probation officer shall be one hundred dollars per month.

Fifteenth
class.

Section 10m. In each of the counties of the fifteenth class there shall be one probation officer. The salary of said probation officer shall be eighty dollars per month.

Four-
teenth
class, etc.

Section 10n. In each of the counties of the fourteenth, sixteenth, nineteenth, twentieth, twenty-second, thirtieth, thirty-second and thirty-eighth classes there shall be one probation officer. The salary of each of said probation officers shall be seventy-five dollars per month.

Twenty-
first class,
etc.

Section 10r. In each of the counties of the twenty-first, thirty-fourth and thirty-ninth classes there shall be one probation officer. The salary of each of said probation officers shall be fifty dollars per month.

Forty-
eighth
class.

Section 10t. In counties of the forty-eighth class there

shall be one probation officer whose salary shall be twenty-five dollars per month.

Section 10u. In each of the counties of the forty-second, forty-fourth, fiftieth, fifty-second and fifty-fifth classes there shall be one probation officer. The salary of each of said probation officers shall be ten dollars per month. Forty-second class, etc.

Section 10v. In each of the counties of the fifty-seventh and fifty-eighth classes there shall be one probation officer. The salary of each of said probation officers shall be five dollars per month. Fifty-seventh class, etc.

Section 10z. In every other county than those heretofore expressly enumerated the salary of the probation officer shall be thirty-five dollars per month. Other counties.

SEC. 11. The salaries of all probation officers and assistant probation officers shall be paid out of the county treasury of the county for which they are appointed, respectively, in the same manner as the salaries of county officers. How salaries are payable.

SEC. 12. The probation officers and assistant probation officers and deputy probation officers in all counties of the state shall be allowed such necessary incidental expenses as may be authorized by the judge of the juvenile court; and the same shall be a charge upon the county in which the court appointing them has jurisdiction, and said expenses shall be paid out of the county treasury upon a written order of the judge of the juvenile court of said county directing the county auditor to draw his warrant upon the county treasurer for the specified amount of such expenses. Expenses.

SEC. 13. The offices of probation officer and assistant probation officer are hereby created. The probation officers and assistant probation officers to serve hereunder in any county or city and county shall be nominated by the probation committee in such manner as the judge of the juvenile court in the respective counties or city and county shall direct; and the appointment of such probation officers and assistant probation officers shall then be made by the judges of the respective juvenile courts. The term of office of the probation officers and of assistant probation officers shall be two years from the date of their said appointments. In counties, or cities and counties, where this act provides for one probation officer and one or more assistant probation officers, all of such officers shall devote their entire time and attention to the duties of their offices, and no such probation officer or assistant probation officer while holding such office and receiving salary therefor, shall be a candidate or seek the nomination for any other public office or employment, and no person shall be appointed to and receive the salary attached to such office of either probation officer or assistant probation officer who is related to the judge of the juvenile court or to a member of the probation committee of such county, or city and county, by consanguinity or affinity, within the third degree computed according to the rules of law. Such probation officers and assistant probation officers may at any time be removed by the judge of the juvenile court in his discretion. Probation officer.
Term.
Officers to devote entire time to duties.
Removal.

SEC. 14. It shall be the duty of the clerk of any court

Clerk to
notify
officer.

Duties of
probation
officer.

before which a dependent or delinquent person is brought under the provisions of this act, before hearing, to notify the probation officer of the county thereof.

SEC. 15. The probation officer shall inquire into the antecedents, character, family history, environment and cause of dependency or delinquency of every alleged dependent or delinquent person brought before the juvenile court, and shall make his report in writing to the judge thereof; *provided, however,* that only when the judge so specially orders shall he make such inquiry or report in the case of a dependent or delinquent person who has already been placed by the juvenile court in charge of a society, association or corporation which embraces within its objects the care of dependent or delinquent children, and which has in the last report thereon by the probation committee of such county been favorably passed upon. In the event that such a society, association or corporation shall be so in charge it shall through its agents or superintendent make such report to the judge of the juvenile court in place of the probation officer. It shall be the duty of said probation officer, agent or superintendent of such society, association or corporation to be present in court in order to represent the interests of the dependent or delinquent person when the case is heard, and to furnish to the court such information and assistance as it may require and to make such report at such time; and to take charge of said dependent or delinquent person before and after the hearing as may be ordered. Every probation officer, assistant probation officer and deputy probation officer shall have the powers of a peace officer. At any time, in his discretion, such officer may bring any dependent or delinquent person committed to his care before the court for such further or other action as the court may deem proper. Every probation officer shall have the powers of a school attendance officer, in such portions of the county, in which such probation officer has been appointed, as are not otherwise provided with a school attendance officer, and shall exercise such powers when not inconsistent with his other duties. Any of the duties of a probation officer may be performed by an assistant or deputy probation officer, and shall be so performed whenever directed by the probation officer; and it shall be the duty of the probation officer to see that his assistant and deputy probation officers perform their duties.

To have
powers of
school
officer

Proceed-
ings in any
court other
than
superior
court
against
persons
under
eighteen
years of
age to be
suspended
until in-
vestigation
is made by
judge of
juvenile
court.

SEC. 16. Whenever a deposition or complaint shall be filed in any court other than a superior court, charging a person with a crime and it shall be suggested to the judge, justice or recorder before whom such person is brought that the person charged is under the age of eighteen years, said judge, justice or recorder shall immediately suspend all proceedings against such person on said charge and examine into the age of such person and if, from such examination, it shall appear to the satisfaction of said judge, justice or recorder that such person is under the age above specified, he shall forthwith certify to the juvenile court of his county (a) that said person (naming him) is charged with such crime (briefly stating its nature); (b) that such person appears to be under the age of eighteen

years and giving date of birth when known, and (c) the suspension of proceedings against such person on such charge by reason of his age, with the date of such suspension; and immediately thereupon all proceedings against the said person on said charge shall be suspended until said juvenile court shall issue its mandate, as hereinafter provided, directing the court before which said charge was pending to proceed with the examination into or trial thereof, and the court so suspending its proceedings shall forthwith cause such person to be taken before the juvenile court of the county for consideration and proceedings under this act. When such person shall be brought before the judge of the juvenile court said judge shall cause a complaint to be filed as provided in section three of this act and shall fix a time for considering said matter and shall cause citation to be issued, as provided in section four of this act. Pending such hearing, said judge may admit such person to bail or otherwise provide for his temporary custody in any manner provided herein for the care of a dependent or delinquent person after the finding of his delinquency. The judge of said juvenile court may further investigate the age of such person and may also inquire into the condition and care of such person and make such orders for his disposition under the provisions of this act as he may deem proper. If said judge shall, after such investigation, decide that such person was at the time said offense was alleged to have been committed of the age of eighteen years or more, such determination shall be conclusive and he shall immediately issue his mandate directing the court before which such charge is pending to proceed therewith, and upon receipt of such mandate said court shall proceed with the examination or trial of said charge as though no suspension thereof had taken place; *provided, however*, that if the court shall find that the person so charged is under the age of twenty-one years but a fit subject for consideration under the provisions of this act, he may make such order or orders hereunder as he may deem best in relation to such person; *provided, further, however*, that if such judge shall at any time conclude that such person is not a fit subject for further consideration under this act, he may remand such person to the court in which said person is charged with said offense for further proceedings on said charge. and upon receipt of the mandate of said juvenile court, or the judge thereof, the court before which said charge is then pending shall be vested with full authority to proceed with the examination or trial thereof. All statutes of limitations relating to the charge so pending against such person shall be suspended as to said person and charge from the issuance by said judge, justice or recorder of his certificate hereinbefore provided for until said juvenile court, or the judge thereof, shall issue its mandate remanding such person for further proceedings as aforesaid; and all statutes of limitation relating to any charge, made in any court, against any person under the age of twenty-one years, shall be suspended as to such charge and person whenever,

and as long as, such person is before the juvenile court for consideration under the provisions of this act, or is detained by virtue of any commitment issued hereunder and unrevoked; *provided, however,* that if said delinquent person shall be discharged by the juvenile court as reformed, such order of discharge shall constitute a bar to any further proceedings in any court against said dependent or delinquent person upon said charge.

Petition
that per-
son is a de-
linquent.

SEC. 17. Whenever it is claimed that any person under the age of twenty-one years is a dependent or delinquent person as defined in this act, a verified petition shall be filed in the juvenile court of the county wherein said alleged dependency or delinquency occurred, stating such dependency or delinquency and the facts constituting the same, and that said dependent or delinquent person is under the age of twenty-one years, and praying that the said court shall adjudge said person to be a dependent or delinquent person within the meaning of this act. Notice shall be given of the time and place of hearing as in the case of a person alleged to be a dependent or delinquent person, and the petition shall be heard at the time and place designated by the juvenile court. If the court shall adjudge said person to be a dependent or delinquent person, within the meaning of this act, such order shall be made as is meet in the premises, as in this act provided. If upon said hearing said court shall determine that said dependent or delinquent person is not a fit and proper subject to be dealt with under the reformatory provisions of this act, said court may dismiss the petition hereunder and direct that such dependent or delinquent person be prosecuted under the general law. No dependent or delinquent person under eighteen years of age shall be prosecuted for crime until the matter has first been submitted to the juvenile court by petition as herein provided, or by certificate of the lower court as provided in section sixteen hereof.

Person
over eigh-
teen and
under
twenty-one
charged
with felony
may be
dealt with
under pro-
visions of
this act.

SEC. 18. Whenever any person over the age of eighteen years and under the age of twenty-one years is accused of a felony, and the indictment or information has been filed in the superior court of the county wherein the crime was committed, charging said person with the commission of said felony, the judge may, in his discretion, with the consent of the accused, or upon his request, arrest said proceeding at the time of arraignment or at any time previous to the impanelment of a jury, except where the crime charged is a capital offense, and may proceed to investigate the charge against the defendant, and all the facts and circumstances necessary to determine the proper disposition to be made of said person, and shall determine whether said person shall be dealt with as a delinquent under the provisions of this act. If the court is satisfied upon such investigation that said person should be declared a delinquent and should be dealt with under this act, it may make such order as herein provided for the disposition of delinquent persons. If such person thereafter prove not to

be amenable to the discipline of the school to which he may be committed, and the trustees thereof shall determine that said person should be committed to a state penitentiary, such person shall be returned to the custody of the sheriff of the county in which such crime was committed, and thereafter proceedings shall be had upon the indictment or information commencing at the point at which proceedings were arrested; and said person shall be tried for the offense alleged in the information, and if convicted shall be sent to the penitentiary for such time as the court may determine, or otherwise dealt with in accordance with the law for dealing with persons convicted of a felony. If no request is made by the defendant for proceedings under this statute, or if the defendant desires a trial by jury, or if the judge declines to consent to the application of the defendant for proceedings under this statute, said cause shall proceed in the ordinary manner up to the verdict of guilty or not guilty as the case may be. If said person is convicted, the court may thereafter receive such evidence as may be offered, touching the question as to whether or not said person should be dealt with as a delinquent in the manner hereinbefore provided in case of the application and consent of the accused before trial, and may make such order of probation or commitment to said state schools, and may from time to time modify said probation orders, as is herein provided in the case of persons adjudged delinquent. If such person during the period of his commitment to said state institution, proves to be incorrigible or not amenable to the discipline of such institution, and it shall be deemed advisable in the judgment of the trustees of such institution that said person be sent to the penitentiary, then said person shall be returned to the superior court in which the verdict was rendered, for sentence, and thereupon the court shall pronounce judgment.

SEC. 19. In the case of a person alleged to be delinquent within the meaning of this act, the juvenile court may, pending the hearing, at any time before the person is adjudged delinquent or otherwise disposed of, order that said person be detained in any detention home, provided for that purpose by any county, or it may be otherwise temporarily provided for as to the court may seem fit in any manner provided herein for the care of a person after the termination of his delinquency.

Person may be detained in detention home.

SEC. 20. If the court find a person to be delinquent, then the court may commit such person to the care and custody of the probation officer and may allow the said person to remain in the home of said person, subject to the visitation of a probation officer, and such person shall report to the probation officer as often as may be required, and be subject to be returned to the court for further proceedings whenever such action may appear necessary or desirable, or the court may commit the person to the care and custody of the probation officer, to be placed in a suitable family home subject to the supervision of said probation officer and the further order of the court; or it may order the probation officer to board out the person in

Commitment of delinquent person.

some suitable family home in case provision is made by voluntary contribution or otherwise for the payment of the board of said person until suitable provision may be made for said person in a home without such payment; or the court may commit said person for such time until such person arrives at the age of twenty-one years as to the court may seem fit. to the care and custody of some association, society or corporation that will receive it, embracing within its object the care of dependent or delinquent children; or the court may commit said person to a state school as hereinbefore provided, or to such other state institution as may be authorized by law to receive it; *provided, further*, that should the legislative body of the county or city and county, or of a municipality, provide a suitable place for the detention of dependent or delinquent persons which they are hereby authorized and required to do, such dependent or delinquent persons may be committed thereto after the adjudication of dependency or delinquency for a definite period to be specified in such order, at the end of which time said person shall be brought before the court for further order of court. The court may thereafter set aside, change or modify said order and provide for a further detention in said place. The court shall retain the jurisdiction of any person who is found to be delinquent until such person attains his majority, or if a girl, until she attains the age of twenty-one years, unless she is married with the consent of the court, or until said court is satisfied that said person has fully reformed and that further direction and supervision under the provisions of this act are unnecessary for said person's reformation. If a boy, said person may be committed by said court to the Whittier State School or the Preston State School of Industry at any time during his minority for the period of his minority. If a girl, she may be committed to the said Whittier State School at any time before she is twenty-one years of age until she is twenty-one years of age. Such person may be committed to any other institution now or hereafter provided by the state for such persons. If such person, after being committed to the Whittier State School or the Preston State School of Industry or such other institution, shall there prove to be incorrigible or incapable of reformation under the discipline of the school to which such person may be committed, such person may be returned to the court for such further order or disposition as may at that time be determined. Upon the return of said person to the custody of the juvenile court, if said person be accused of felony, it shall be the duty of the judge of said court to sit as a committing magistrate and hold the preliminary examination of such person, and if upon said hearing he shall determine that there is probable cause to believe that the said person has committed the offense charged in the petition theretofore filed in said court, he shall hold such person to answer to the superior court, and thereupon, the usual proceedings shall be had for the trial of said case in the superior court after the filing of the information in pursuance

to said order of said judge sitting as a committing magistrate, and said person shall be tried by court and jury in the usual manner for the trial of a felony; *provided, however*, that no minor under the age of fourteen years at the time of the commission of the offense with which he is charged shall ever be sent to a penitentiary, until he has first been committed to the Whittier State School or the Preston State School of Industry, and has there proved to be incorrigible or not amenable to the discipline of said school. No minor who is under the age of eight years or who is suffering from any contagious, infectious or other disease which would probably endanger the lives or health of the other inmates of said state schools shall be committed thereto. No person shall be committed to said state schools unless the judge of said court shall be fully satisfied that the mental and physical condition and qualifications of said person are such as to render it probable that such person will be benefited by the reformatory educational discipline of such schools.

SEC. 21. Any order providing for the custody of a dependent or delinquent person may provide that the expense of maintaining such person shall be paid by the parent or parents or guardian of such person, and in such case shall state the amount to be so paid, and shall determine whether or not the parent or parents or guardian shall exercise any control of said person, and define the extent thereof. Any disobedience of such order or interference with the custody of the person as therein determined shall constitute a contempt of court. If it be found, however, that the parent or parents or guardian of a dependent or delinquent person is unable to pay the whole expense of maintaining such person, the court may, in the order providing for the custody of such person, direct such additional amount as may be necessary to support such person to be paid from the county treasury of the county for the support of such person, the amount so ordered to be paid from the treasury of said county not to exceed, in case of any one person, the sum of eleven dollars per month; *provided, further*, that no order for the payment of all or part of the expense of support and maintenance of a dependent or delinquent person from the county treasury shall be effective for more than six months, unless a new order is secured at the expiration of that period. The court may thereafter set aside, change or modify any order herein provided for.

Expenses of delinquent person may be paid by parent.

Part of expense may be paid by county.

SEC. 22. Any order made by the court in case of a dependent or delinquent person may at any time be changed, modified or set aside as to the judge may seem meet and proper.

Order of court may be changed.

SEC. 23. Any person may have a private hearing upon the question of his dependency or delinquency, and upon the request of said person, or either of his parents or guardian, such hearing may be had privately in the manner provided by law for private hearings at preliminary examinations. An order of court adjudging a person dependent or delinquent under the provisions of this act shall in no case be deemed to be a conviction of crime.

Private hearing.

Person under sixteen years not to be committed to jail or prison before trial.

SEC. 24. No court, judge, magistrate or peace officer shall commit a person under sixteen years of age to any jail or prison, before trial and conviction, but if any such person is not released pending such hearing, he may be committed to the care and custody of a sheriff, constable or other peace officer who shall keep such person in a detention home or some other suitable place outside of the enclosure of any jail or prison, as the court may direct. When any person under sixteen years of age shall be sentenced to confinement in any institution to which adult convicts or prisoners are sentenced or confined, it shall be unlawful to confine such persons in the same room, yard or enclosure with such adult convicts or prisoners, or to permit such person to come or remain in contact with such adult convicts or prisoners.

Detention home.

SEC. 25. It shall be the duty of the legislative body of every county, or city and county, immediately upon this act becoming effective, to provide and thereafter maintain, at the expense of such county, or city and county, in a location approved by the judge of the juvenile court, a suitable house or place to be known as the "detention home" of said county, or city and county, for the detention of dependent and delinquent persons. Such detention home must not be in, or connected with, any jail or prison, and shall be conducted in all respects as nearly like a home as possible and shall not be deemed to be or treated as a penal institution. Such legislative body must also provide for a suitable superintendent and matron to have charge of such detention home, and for such other employees as may be needed in the efficient management of such detention home, and provide for the payment, out of the general fund of the county, or city and county, of suitable salaries for such superintendent and matron, and such other employees, such superintendent, matron and other employees to be appointed by said legislative body, upon the nomination of the probation committee and approval of the judge of the juvenile court. The superintendent, matron or other employee for such detention home may, at any time, be removed by the probation committee, in its discretion.

Superintendent and matron.

Parents may be fined or imprisoned on account of delinquent persons.

SEC. 26. In all cases where any child shall be dependent or delinquent under the terms of this act, the parent or parents, legal guardian or person having the custody of such person or any other person who shall, by any act or omission, encourage, cause or contribute to the dependency or delinquency of such person shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine not exceeding one thousand dollars or imprisonment in the county jail for not more than one year or by both such fine and imprisonment, and the juvenile court shall have jurisdiction of all such misdemeanors; provided, however, that the court may suspend sentence for a violation of the provisions of this section and impose conditions as to the conduct, in the premises, of any person so convicted, and make such suspension to depend upon the fulfillment by such person of such conditions, and, in case of the breach of

such conditions, or any thereof, the court may impose sentence as though there had been no such suspension. The court may also, as a condition of such suspension, require a bond in such sum as the court may designate, to be approved by the judge requiring same, to secure the performance by such person of the conditions imposed by the court on such suspension. Such bond shall by its terms be made payable to the State of California, and any moneys received for a breach thereof shall be paid into the county treasury.

SEC. 27. This act shall be liberally construed to the end that its purpose may be carried out, to wit: That the care, custody and discipline of a dependent or delinquent person as defined in this act shall approximate as nearly as may be that which should be given by his parents, and in all cases where it can be properly done, the dependent or delinquent person as defined in this act shall be placed in an approved family, with people of the same religious belief, and become a member of the family, by legal adoption or otherwise. No dependent or delinquent person as defined in this act shall be taken from the custody of his parent or legal guardian, without the consent of such parent or guardian, unless the court shall find such parent or guardian to be incapable, or has failed or neglected to provide proper maintenance, training and education for said person: or unless said person has been tried on probation in said custody, and has failed to reform, or unless the court shall find that the welfare of said person requires his custody shall be taken from said parent or guardian. In this act, words used in any gender shall include all other genders, and the word "county" shall include "city and county," the plural shall include the singular and the singular shall include the plural.

This act shall be construed.

Definition.

SEC. 28. This act shall supersede all provisions of the act entitled: "An act to establish a state reform school for juvenile offenders, and to make an appropriation therefor," approved March 11, 1889, and all amendments thereto, and all provisions of the act entitled: "An act to establish a school of industry and to provide for the maintenance and management of same, and to make an appropriation therefor," approved March 11, 1889, and all amendments thereto relating to the mode of commitments to the institutions therein named; but said acts shall control as to all matters concerning the management of said institutions, respectively.

Supersedes act of 1889.

SEC. 29. An act entitled "An act defining and providing for the control, protection and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this act and prescribing the duties of such boards; and providing when proceedings under this act

Acts repealed.

shall be admissible in evidence," approved February 26, 1903; and the amendments thereto approved March 22, 1905, and March 27, 1907, are hereby repealed; *provided, however*, that all orders and judgments made heretofore under said act shall continue in full force and effect, and that the court shall retain jurisdiction of all children heretofore declared dependent or delinquent, and such children shall be hereafter dealt with in the same manner as if such orders had been made under the provisions of this act, and all proceedings now pending shall be continued under the provisions of this act. All children now on probation from justice courts shall remain on probation for the period fixed in the judgment, and if required may be certified to the superior court in the manner in said act provided. When so certified the said certificate shall be dealt with in the same manner as herein provided for a petition alleging delinquency.

SEC. 2. This act shall take effect immediately.

CHAPTER 370.

An act to amend section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class.

[Approved April 5, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4234 of the Political Code of the State of California is hereby amended to read as follows:

Salaries of
officers in
counties of
fifth class.

County
clerk.

4234. In counties of the fifth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, to wit:

1. The county clerk, twenty-four hundred dollars per annum. He shall have two deputies at a salary of fifteen hundred dollars each per annum and four deputies at a salary of twelve hundred dollars each per annum. He shall have for use in his office and under his supervision and control one filing clerk, which office of filing clerk is hereby, by the terms of this act, expressly created. The said position of filing clerk to be filled by the county clerk in the same manner as deputies are appointed by him, and said filing clerk is to be at all times as to his duties under the supervision and control of the county clerk the same as deputies of such county clerk are under his supervision and control, which said filing clerk shall receive a salary of twelve hundred dollars per annum. He shall also have a registration clerk, which office of registration clerk is hereby, by the terms of this act, expressly created. The said position of registration clerk to be filled by the county clerk

in the same manner as deputies are appointed by him, and said registration clerk is to be at all times as to his duties under the supervision and control of the county clerk the same as deputies of such county clerk are under his supervision and control, which said registration clerk shall receive a salary of twelve hundred dollars per annum.

2. The sheriff, six thousand dollars per annum and all fees ^{sheriff.} for the services of processes issued without his county. He shall have an under-sheriff, whose annual salary shall be eighteen hundred dollars per annum; two field deputies, whose salaries shall be fifteen hundred dollars each per annum; and four deputies, whose salaries shall be twelve hundred dollars each per annum. He shall also have for use in his office and under his supervision and control one stenographer, which office of stenographer is hereby, by the terms of this act, expressly created. The said position of stenographer to be filled by the sheriff in the same manner as deputies are appointed by him, and said stenographer is to be at all times, as to his duties, under the supervision and control of the sheriff in the same manner as deputies of such sheriff are under his supervision and control, which said stenographer shall receive a salary of twelve hundred dollars per annum. He shall also have for use in his office and under his supervision and control a jailer, which office of jailer is hereby, by the terms of this act, expressly created. The said position of jailer to be filled by the sheriff in the same manner as deputies are appointed by him, and said jailer is to be at all times, as to his duties, under the supervision and control of the sheriff in the same manner as deputies of such sheriff are under his supervision and control, which said jailer shall receive a salary of twelve hundred dollars per annum. He shall pay into the county treasury all sums received by him for services of processes issued within his county.

3. The recorder, twenty-one hundred dollars per annum. ^{Recorder.} He shall have two deputies, whose annual salary shall be fifteen hundred dollars, and two deputies, whose annual salary shall be twelve hundred dollars each per annum. He shall have for use in his office, and under his supervision and control, a statistician for compiling the vital statistics of the county, which office of statistician is hereby, by the terms of this act, expressly created. The said position of statistician to be filled by the recorder in the same manner as deputies are appointed by him, and said statistician is to be at all times, as to his duties, under the supervision and control of the recorder in the same manner as deputies of such recorder are under his supervision and control, which said statistician is to receive a salary of twelve hundred dollars per annum. He shall have for use in his office, and under his supervision and control an abstract clerk, which office of abstract clerk is hereby, by the terms of this act, expressly created. The said position of abstract clerk to be filled by the recorder in the same manner as deputies are appointed by him, and said abstract clerk is to

be at all times, as to his duties, under the supervision and control of the recorder in the same manner as deputies of such recorder are under his supervision and control, which said abstract clerk is to receive a salary of fifteen hundred dollars per annum. He shall have such copyists as are necessary to perform the duties of the office at a compensation of six cents per folio.

Auditor. 4. The auditor, twenty-one hundred dollars per annum, and one deputy at an annual salary of eighteen hundred dollars, and one deputy at an annual salary of twelve hundred dollars. He shall have for use in his office and under his supervision and control a redemption clerk, which office of redemption clerk is hereby, by the terms of this act, expressly created. The said position of redemption clerk to be filled by the auditor in the same manner as deputies are appointed by him, and said redemption clerk is to be at all times, as to his duties, under the supervision and control of the auditor in the same manner as deputies of such auditor are under his supervision and control, which said redemption clerk is to receive a salary of twelve hundred dollars per annum. He may also employ two additional deputies for a period of two months during each year, such additional deputies to receive a salary of one hundred dollars per month during their said employment.

Treasurer. 5. The treasurer, two thousand five hundred dollars per annum. He shall have one deputy at a salary of eighteen hundred dollars per annum, and one deputy at a salary of twelve hundred dollars per annum.

Tax collector. 6. The tax collector, two thousand dollars per annum. He shall have one deputy, who shall receive fifteen hundred dollars per annum; and three deputies at an annual salary of twelve hundred dollars each. He shall have for use in his office and under his supervision and control a bookkeeper, which office of bookkeeper is hereby, by the terms of this act, expressly created. The said position of bookkeeper to be filled by the tax collector in the same manner as deputies are appointed by him, and said bookkeeper to be at all times, as to his duties, under the supervision and control of the tax collector in the same manner as the deputies of such tax collector are under his supervision and control, which said bookkeeper is to receive a salary of twelve hundred dollars per annum. He shall have for use in his office and under his supervision and control a stenographer, which office of stenographer is hereby, by the terms of this act, expressly created. The said position of stenographer to be filled by the tax collector in the same manner as deputies are appointed by him, and said stenographer to be at all times, as to his duties, under the supervision and control of the tax collector in the same manner as deputies of such tax collector are under his supervision and control, which said stenographer is to receive a salary of nine hundred dollars per annum. He shall be allowed such fees in addition to his salary as are now allowed by law for the collection of license taxes.

7. The assessor shall receive four thousand dollars per annum for all services rendered as assessor. He shall have one deputy at an annual salary of eighteen hundred dollars. He shall have for use in his office and under his supervision and control a draftsman, which office of draftsman is hereby, by the terms of this act, expressly created, and whose duty it shall be to, under the supervision and control of the assessor, prepare for use in said office proper books, blanks, maps, and plat books; said position of draftsman to be filled by the assessor in the same manner as deputies are appointed by him, and said draftsman is to be at all times, as to his duties, under the supervision and control of said assessor, the same as deputies of such assessor are under his supervision and control, which said draftsman shall receive a salary of twelve hundred dollars per annum; and he shall have not exceeding twenty-two deputies for three months in each year, whose per diem shall be four dollars each when actually employed, and six deputies for six months at a per diem of four dollars when actually employed. He shall have four copyists and one stenographer for a period of six months each at seventy-five dollars per month each during such time. All sums collected by the assessor or his deputies, either as personal property taxes or the fees allowed by law for the making of the military roll shall be paid into the county treasury monthly as collected, with a statement of account of such collections.

8. In counties of this class grand and trial jurors shall receive three dollars per day while engaged in the performance of the duties required of them, and in addition thereto shall receive the mileage now allowed by law.

9. The district attorney, three thousand dollars per annum. He shall have one deputy at a salary of twenty-one hundred dollars per annum, and one deputy at a salary of fifteen hundred dollars per annum. He shall also have a detective at a salary of one hundred and ten dollars per month. He shall have for use in his office and under his supervision and control a stenographer, which office of stenographer is hereby, by the terms of this act, expressly created. The said position of stenographer to be filled by the district attorney in the same manner as deputies are appointed by him, and said stenographer to be at all times, as to his duties, under the supervision and control of the district attorney, in the same manner as deputies of such district attorney are under his supervision and control. Said stenographer shall receive a salary of nine hundred dollars per annum and shall receive no other compensation by reason of services rendered as a stenographic reporter in any action or proceeding wherein the fees or per diem of a stenographic reporter constitute a charge against the county.

10. The coroner such fees as are now or may hereafter be allowed by law.

11. The public administrator such fees as are now or may hereafter be allowed by law.

Superintendent of schools.

12. The superintendent of schools, twenty-four hundred dollars per annum. He shall have one deputy at an annual salary of fifteen hundred dollars per annum. He shall have for use in his office, and under his supervision and control, one assistant superintendent, which office of assistant superintendent is hereby, by the terms of this act, expressly provided. The said position of assistant superintendent to be filled by the superintendent of schools in the same manner as deputies are appointed and said assistant superintendent of schools to be at all times as to his duties under the supervision and control of the superintendent of schools, which said assistant superintendent is to receive a salary of twelve hundred dollars per annum. The superintendent shall be allowed actual traveling expenses when visiting the schools in his county.

Surveyor.

13. The surveyor, two thousand dollars per annum in full compensation for all services as county surveyor, as road viewer or inspector, and his actual expenses when at work in the field. He shall have one deputy at an annual salary of fifteen hundred dollars per annum.

Population of townships.

14. The registered population of the several judicial townships of this county is hereby determined to be the registered vote as shown by the great register of the county in the office of the county clerk January first, nineteen hundred and eleven. The salaries of the constables in the several townships shall be determined by the registered voting population, as shown by said register at the general election of the preceding even numbered year, and are as follows, to wit:

Judicial Township No. 1.....	375
Judicial Township No. 2.....	1064
Judicial Township No. 3.....	6807
Judicial Township No. 4.....	1183
Judicial Township No. 5.....	3360
Judicial Township No. 6.....	3360
Judicial Township No. 7.....	850
Judicial Township No. 8.....	660
Judicial Township No. 9.....	474
Judicial Township No. 10.....	407
Judicial Township No. 11.....	476
Judicial Township No. 12.....	215
Judicial Township No. 13.....	533
Judicial Township No. 14.....	315

The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers aforesaid in the month of December biennially.

Classification of townships.

14a. For the purpose of regulating the compensation of the constables and justices of peace, townships of this class of counties are hereby classified according to the registered voting population as shown by the great register of the county. Townships having a registered voting population of five thousand and more shall belong to and be known as townships of the first class: townships having a like population of one thousand and less than five thousand shall belong to and be

known as townships of the second class; townships having a like population of eight hundred and less than one thousand shall belong to and be known as townships of the third class; townships having a like population of four hundred and less than eight hundred shall belong to and be known as townships of the fourth class; townships having a like population of two hundred and fifty and less than four hundred shall belong to and be known as townships of the fifth class; townships having a like population of two hundred and fifty and less shall belong to and be known as townships of the sixth class.

14b. Justices of the peace, and persons performing duties of justices of the peace, shall receive the following monthly salaries, to be paid each month as the county officers are paid, and the same shall be in full compensation for all services rendered in criminal cases, and shall include their office rent, to wit:

Justices of
the peace.

In townships of the first class, two hundred dollars.

In townships of the second class, one hundred dollars.

In townships of the third class, one hundred dollars.

In townships of the fourth class, seventy-five dollars.

In townships of the fifth class, sixty dollars.

In townships of the sixth class, twenty dollars.

In addition to the monthly salaries herein allowed, each justice of peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions. Each justice of the peace must pay into the county treasury once a month all fines collected by him.

15. Constables shall receive the following monthly salaries, to be paid each month as the county officers are paid, and shall be in full compensation for all services rendered by them in criminal cases, to wit:

Constables.

In townships of the first class one hundred and twenty-five dollars.

In townships of the second class one hundred dollars.

In townships of the third class one hundred dollars.

In townships of the fourth class seventy-five dollars.

In townships of the fifth class sixty dollars.

In townships of the sixth class twenty dollars.

In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all services rendered by him in civil cases; and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or prison, which expenses shall be audited by the board of supervisors and paid out of the county treasury; *provided, further*, that where any constable is required to go out of his own county to serve a warrant of arrest or any other paper in a criminal case, he shall be allowed mileage in going and returning outside of his own county at the rate of five cents per mile.

16. The supervisors shall receive each the sum of eighteen hundred dollars per annum, payable monthly in installments

Super-
visors.

of one hundred and fifty dollars per month, in full compensation for all services rendered, either as supervisors or road overseers.

How
payable.

17. The salaries of all county and townships officers and their deputies shall be payable in installments monthly on the first day of each month.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 371.

An act to amend section number 1632 of the Code of Civil Procedure of the State of California relating to the settlement of accounts of executors and administrators, and filing of vouchers for expenditures.

[Approved April 5, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1632 of the Code of Civil Procedure of the State of California, is hereby amended to read as follows:

Expenditures less than \$20 may be allowed executors without vouchers.

1632. On the settlement of his account he may be allowed any item of expenditure not exceeding twenty dollars, for which no voucher is produced, if such item be supported by his own uncontradicted oath positive to the fact of payment, specifying when, where, and to whom it was made; but such allowances in the whole must not exceed five hundred dollars against any one estate; *provided*, that if it appears by the oath to the account and is proven by competent evidence, to the satisfaction of the court, that a voucher for any disbursement or disbursements whatsoever has been lost or destroyed, and that it is impossible to obtain a duplicate thereof and that such item or items were paid in good faith and for the best interests of the estate, and such item or items were legal charges against said estate, then the executor or administrator shall be allowed such item or items. If, upon such settlement of accounts, it appears that debts against the deceased have been paid without the affidavit and allowance prescribed by statute or sections fourteen hundred and ninety-four, fourteen hundred and ninety-five, and fourteen hundred and ninety-six of this code, and it shall be proven by competent evidence to the satisfaction of the court that such debts were justly due, were paid in good faith, that the amount paid was the true amount of such indebtedness over and above all payments or set-offs, and that the estate is solvent, it shall be the duty of the said court to allow the said sums so paid in the settlement of said accounts.

Amounts paid for debts may be allowed.

SEC. 2. This act shall take effect immediately.

CHAPTER 372.

An act to repeal an act entitled "An act to provide for independent and unattached companies of the national guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies," approved March 8, 1901.

[Approved April 5, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. An act entitled "An act to provide for independent and unattached companies of the national guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies," approved March 8, 1901, is hereby repealed.

CHAPTER 373.

An act to amend section 4267 of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the thirty-eighth class.

[Approved April 5, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4267 of the Political Code is hereby amended to read as follows:

4267. In counties of the thirty-eighth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum; and the said county clerk may appoint one deputy county clerk, which said office of deputy county clerk is hereby created. The salary of such deputy county clerk is hereby fixed at twelve hundred dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers is paid.

Salaries of officers in counties of thirty-eighth class.

County clerk.

2. The sheriff, four thousand dollars per annum, and actual traveling expenses incurred in the pursuit or arrest of criminals, either in or out of his county.

Sheriff.

3. The recorder, one thousand five hundred dollars per annum; and the said recorder may appoint one deputy recorder, which said office of deputy recorder is hereby created.

Recorder.

The salary of such deputy recorder is hereby fixed at one thousand dollars per annum, such salary to be paid at the same time and in the same manuer as the salary of county officers is paid.

Others

4. The auditor, one thousand dollars per annum.

5. The treasurer, one thousand five hundred dollars per annum.

6. The tax collector, one thousand dollars per annum, which shall be in full for all services as tax collector and as license collector.

7. The assessor, two thousand five hundred dollars per annum. The said assessor may appoint one deputy assessor, which said office of deputy assessor is hereby created, who shall serve as such only during the months of March, April, May and June of each year. Said deputy assessor shall receive a salary of one hundred dollars per month, payable during the period of such service, at the same time and in the same manner as the salary of county officers is paid.

8. The district attorney, two thousand dollars per annum.

9. The coroner, nine hundred dollars per annum, and his actual traveling and other expenses while performing the duties of his office.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, twelve hundred dollars per annum, and in addition thereto, he shall receive his actual traveling and other necessary expenses incurred by him while engaged in work for the county.

Township
officers.

13. In counties of this class the township officers shall receive the following compensation, to wit:

In townships having a population of three thousand or more, justices of the peace and constables shall each receive a monthly salary of sixty dollars per month.

In townships having a population of fifteen hundred and less than three thousand, the justices of the peace and constables shall each receive a monthly salary of forty-five dollars per month.

In townships having a population of eight hundred and less than fifteen hundred, the justices of the peace and constables shall each receive a monthly salary of thirty-five dollars per month.

In townships having a population of five hundred and less than eight hundred, the justices of the peace and constables shall each receive a monthly salary of twenty dollars per month.

In townships having a population of less than five hundred the justices of the peace and constables shall each receive a monthly salary of ten dollars per month.

The above-named salaries shall be in full compensation for

all services of said justices of the peace and constables in criminal cases; *provided*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his township, for service of a warrant of arrest or any other paper in a criminal case, such fees as they are now or may be hereafter allowed by law, for transporting prisoners to the county jail, the actual expenses of such transportation: *and provided, further*, that for the purpose of this subdivision, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election by five. But said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

14. Each member of the board of supervisors, twelve hundred dollars per annum, and mileage when acting as road commissioner, twenty-five cents per mile one way: *provided*, the amount of mileage shall not exceed the sum of three hundred dollars in any one year.

Super-
visors.

SEC. 2. This act shall take effect immediately.

CHAPTER 374.

An act to amend section 4277 of the Political Code of the State of California relating to salaries, fees and compensation of officers of counties of the forty-eighth class.

[Approved April 5, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4277 of the Political Code of the State of California is hereby amended to read as follows:

4277. In counties of the forty-eighth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following compensation and salaries, to wit:

Salaries of
officers in
counties of
forty-
eighth
class.

1. The county clerk, two thousand dollars per annum.
2. The sheriff, thirty-five hundred dollars per annum, and actual traveling expenses incurred in the pursuit or arrest of criminals, either in or out of his county.
3. The recorder, one thousand five hundred dollars per annum; and the said recorder may appoint one deputy recorder, which said office of deputy recorder is hereby created. The salary of such deputy recorder is hereby fixed at one thousand dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers is paid.
4. The auditor, five hundred dollars per annum.
5. The treasurer, twelve hundred dollars per annum.

6. The tax collector, eight hundred dollars per annum, which shall be in full for all services as tax collector and license collector.

7. The assessor, eighteen hundred dollars per annum. The said assessor may appoint one deputy assessor, which said office of deputy assessor is hereby created, who shall serve as such only during the months of March, April, May and June of each year. Said deputy assessor shall receive a salary of one hundred dollars per month, payable during the period of such service, at the same time and in the same manner as the salary of county officers is paid.

8. The district attorney, fifteen hundred dollars per annum.

9. The coroner, five hundred dollars per annum, and his actual traveling and other expenses while performing the duties of his office.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, sixteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, nine hundred dollars per annum, and in addition thereto, he shall receive his actual traveling and other necessary expenses incurred by him while engaged in work for the county.

Super-
visors.

13. Each supervisor, fifty dollars per month, payable at the same time and in the same manner as other county officers are paid, and his necessary and actual expenses when attending to the business of the county by order of the board, and mileage at the rate of twenty cents per mile for traveling from his residence to the county seat to attend the sessions of the board, and mileage at the rate of twenty cents per mile one way for all actual distances traveled by him in the performance of his duties as road commissioner.

Township
officers.

14. In counties of this class the township officers shall receive the following compensation:

In townships having a population of twenty-five hundred or more, justices of the peace and constables shall each receive a salary of thirty dollars per month.

In townships having a population of fifteen hundred and less than twenty-five hundred, the justices of the peace and constables shall each receive a salary of fifteen dollars per month.

In townships having a population of less than fifteen hundred, the justices of the peace and constables shall each receive a salary of ten dollars per month.

The above-named salaries shall be in full compensation for all services of the said justices of the peace and constables in criminal cases; *provided*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his township for service of a warrant of arrest or any other paper in a criminal case such fees as are now or may be hereafter allowed by law,

and for transporting prisoners to the county jail the actual expenses for such transportation, and his actual and necessary expenses in the keeping and caring for property seized by him under a writ of attachment or execution; *and provided, further*, that justices of the peace and constables may retain for their own use, the fees which are now, or may be hereafter allowed to them respectively in civil cases; *and provided, further*, that for the purpose of this section, the population of the several townships shall be ascertained by multiplying the number of registered voters in each township at the last general election by five.

Sec. 2. This act shall take effect immediately.

CHAPTER 375.

An act to regulate the keeping of bathing places and swimming resorts on rivers and streams.

[Approved April 6, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be unlawful for any person, firm or corporation to maintain any public bathing or swimming place or resort on the rivers and streams of this state unless they shall carefully sound the depths of water and locate the eddies and pools and determine the presence and nature of dangerous currents or sunken logs, rocks or obstructions in such streams or rivers. Signs indicating in plain letters the depth of water, the location of pools or eddies, and the presence and direction of currents of water shall be placed and maintained in the streams and rivers during the season when bathing and swimming is permitted or invited in said streams or rivers. Safety ropes shall be stretched wherever necessary to show the line of eddies, pools, sunken obstructions and other hidden dangers to bathers in such streams and rivers. Any violation of this act shall be a misdemeanor.

Keepers of
public
bathing
resorts to
provide for
safety of
bathers

CHAPTER 376.

An act to amend section 128 of the Civil Code, by providing that a cross-complainant in an action for divorce need not be or have been a resident of the state, or of the county in which the action is brought or pending, but must personally verify the cross-complaint and all but certain amendments thereto.

[Approved April 6, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one hundred and twenty-eight of the Civil Code is hereby amended to read as follows:

Residence
of plaintiff
and cross-
complain-
ant in
action for
divorce.

128. A divorce must not be granted unless the plaintiff has been a resident of the state one year, and of the county in which the action is brought three months, next preceding the commencement of the action; *provided*, that a cross-complainant in an action for divorce need not be or have been a resident of the state or of the county in which the action is brought or pending in order to entitle such cross-complainant to a divorce in said action; *and provided, further*, that in an action for divorce a cross-complaint must personally verify the cross-complaint.

CHAPTER 377.

An act to amend section four thousand and ninety-three of the Political Code of the State of California, relating to the duty of auditors to settle with debtors of counties, and providing the manner of payment of money into the county treasury.

[Approved April 6, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four thousand and ninety-three of the Political Code of the State of California is hereby amended to read as follows:

Settlement
with
debtors of
county.

4093. The auditor must examine and settle the accounts of all persons indebted to the county, or holding moneys payable into the county treasury, and must certify the amount to the treasurer, and upon the presentation and filing of the treasurer's receipt therefor, give to such persons a discharge, and charge the treasurer with the amount received by him; *provided*, that all persons, or officers, indebted to the county or holding moneys payable into the county treasury, must make oath, before the auditor, of the total amount of money payable

by him to the county or into the county treasury, and on what account. Moneys payable into the county treasury, as the term is used in this section, shall include moneys belonging to estates of deceased persons and required by law to be paid to the county treasurer, taxes on inheritances and transfers, all moneys deposited by order of court, and all other moneys deposited with such treasurer by virtue of any official authority whatever.

SEC. 2. This act shall take effect and be in force immediately from and after its passage.

CHAPTER 378.

An act to amend section 241 of the Penal Code, relating to the punishment of the crime of assault.

[Approved April 6, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section two hundred and forty-one of the Penal Code is hereby amended to read as follows:

241. An assault is punishable by fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months, or by both. Punishment of assault.

CHAPTER 379.

An Act to amend the Penal Code of California, by adding new sections thereto, to be numbered 270d, 270e, and 273h, relating to the abandonment and neglect of children, and the non-support of wife, and the evidence required to prove and the punishment of such offenses.

[Approved April 6, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There are hereby added to the Penal Code of the State of California three new sections to be numbered 270d, 270e and 273h respectively to read as follows:

270d. In any case where there is a conviction and sentence under the provisions of either section 270 or section 270a, of this code, should a fine be imposed such fine may be directed by the court to be paid in whole or in part to the wife of the de- Fine may be paid to wife of defendant.

defendant or guardian or custodian of the child or children of such defendant.

Proof of marriage, etc.

270c. No other evidence shall be required to prove marriage of husband and wife, or that a person is the lawful father or mother of a child or children, than is or shall be required to prove such facts in a civil action. In all prosecutions under either section 270 or 270a of this code any existing provisions of law prohibiting the disclosure of confidential communications between husband and wife shall not apply, and both husband and wife shall be competent to testify to any and all relevant matters, including the fact of marriage and the parentage of a child or children. Proof of the abandonment and non-support of a wife, or of the omission to furnish necessary food, clothing, shelter, or of medical attendance for a child or children is prima facie evidence that such abandonment and non-support or omission to furnish necessary food, clothing, shelter or medical attendance is wilful.

Confidential communications.

Proof of abandonment.

Person convicted may be compelled to work on roads.

273h. In all prosecutions under the provisions of either section 270 or section 270a, or section 270b, or section 271, or section 271a of this code where a conviction is had and sentence of imprisonment in the county jail is imposed, the court may direct that the person so convicted shall be compelled to work upon the public roads or highways, or any other public work, in the county where such conviction is had, during the term of such sentence. And it shall be the duty of the board of supervisors of the county where such conviction and sentence are had, and where such work is performed by a person under sentence to the county jail, to allow and order the payment out of any fund available to the wife, or to the guardian, or to the custodian of a child or children, or to an organization, or to an individual appointed by the court as trustee, at the end of each calendar month, for the support of such wife, child or children, a sum not to exceed one and fifty one-hundredths dollars for each day's work of such person.

Payment made to wife, etc.

CHAPTER 380.

An act to amend section eleven hundred and ninety-one of the Penal Code of the State of California relating to the time for pronouncing judgment.

[Approved April 6, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1191 of the Penal Code of the State of California is hereby amended to read as follows:

1191. After a plea or verdict of guilty, or after a verdict against the defendant on a plea of a former conviction or acquittal, or once in jeopardy, the court must appoint a

Time for pronouncing judgment.

time for pronouncing judgment, which must not be less than two, nor more than five days after the verdict or plea of guilty; *provided, however*, that the court may extend the time not more than ten days for the purpose of hearing or determining any motion for a new trial, or in arrest of judgment; *and provided, further*, that the court may extend the time not more than twenty days in any case where the question of probation is considered in accordance with section 1203 of this code; *provided, however*, that upon the request of the defendant such time may be further extended not more than ninety days additional. If in the opinion of the court there is a reasonable ground for believing a defendant insane, the court may extend the time of pronouncing sentence until the question of insanity has been heard and determined, as provided in chapter VI, title X, part II, of this code.

CHAPTER 381.

An act to amend section twelve hundred and three of the Penal Code of the State of California relating to the probation of persons arrested for crime after a plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation.

[Approved April 6, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1203 of the Penal Code of the State of California is hereby amended to read as follows:

1203. After plea or verdict of guilty, where discretion is conferred upon the court as to the extent of the punishment, the court, upon oral suggestions of either party, or of its own motion, that there are circumstances which may properly be taken into view, either in aggravation or mitigation of the punishment, may in its discretion refer the same to the probation officer, directing said probation officer to investigate, and to report, recommending either for or against release upon probation, at a specified time, and the court shall hear the same summarily at such specified times, and upon such notice to the adverse party as it may direct. At such specified time, if it shall appear from the report furnished by the probation officer, or otherwise, and from the circumstances, of any person over the age of eighteen (18) years, so having pleaded guilty, or having been convicted of crime, that there are circumstances in mitigation of the punishment, or that the ends of justice shall be subserved thereby, the court shall have power, in its dis-

Court may suspend sentence pending investigation by probation officer.

cretion, to place the defendant upon probation in the manner following:

Defendant placed on probation.

1. The court, judge or justice thereof, may suspend the imposing, or the execution of sentence, and may direct that such suspension may continue for such period of time, not exceeding the maximum possible term of such sentence, and upon such terms and conditions as it shall determine, which terms and conditions may include, in the discretion of the court, the requirement of bonds for the appearance of the person released upon probation before the court, at any time that the court may require such appearance in the investigation of any alleged violation of said terms and conditions of probation, and such bonds may be at any time by the court exonerated without affecting any of the other terms or conditions of such probation; and in case of such suspension of imposition or execution of sentence, the court shall place such person on probation and under the charge and supervision of the probation officer of said court, during such suspension, or under the charge and supervision of the probation officer of the county in which such probationer is by the court permitted to reside.

Defendant given opportunity to pay fine.

2. If the judgment is to pay a fine, and that the defendant be imprisoned until it be paid, the court, judge, or justice, upon imposing sentence, may direct that the execution of the sentence of imprisonment be suspended for such period of time, not exceeding the maximum possible term of such sentence, and on such terms as it shall determine, and shall place the defendant on probation, under the charge and supervision of the probation officer during such suspension, to the end that he may be given the opportunity to pay the fine; *provided, however,* that upon the payment of the fine being made, judgment shall be satisfied and the probation cease.

Person on probation may be rearrested.

3. At any time during the probationary term of the person released on probation, in accordance with the provisions of this section, any probation officer may, without warrant, or other process, at any time until the final disposition of the case, rearrest any person so placed in his care and bring him before the court, or the court may, in its discretion, issue a warrant for the rearrest of any such person and may thereupon revoke and terminate such probation, if the interest of justice so requires, and if the court, in its judgment, shall have reason to believe from the report of the probation officer, or otherwise, that the person so placed upon probation is violating the conditions of his probation, or engaging in criminal practices, or has become abandoned to improper associates, or a vicious life. Upon such revocation and termination, the court may, if the sentence has been suspended, pronounce judgment after the said suspension of the sentence for any time within the longest period for which the defendant might have been sentenced, but if the judgment has been pronounced and the execution thereof has been suspended, the court may revoke such suspension, whereupon the judgment shall be in full force and effect.

and the person shall be delivered over to the proper officer to serve his sentence.

4. The court shall have power at any time during the term of probation to revoke or modify its order of suspension, of imposition or execution of sentence. It may, at any time, when the ends of justice will be subserved thereby, and when the good conduct and reform of the person so held on probation shall warrant it, terminate the period of probation and discharge the person so held, and in all cases, if the court has not seen fit to revoke the order of probation and impose sentence or pronounce judgment, the defendant shall, at the end of the term of probation, be by the court discharged.

Court may revoke order of suspension.

5. Every defendant who has fulfilled the conditions of his probation for the entire period thereof, or who shall have been discharged from probation prior to the termination of the period thereof, shall at any time prior to the expiration of the maximum period of punishment for the offense of which he has been convicted, dating from said discharge from probation or said termination of said period of probation, be permitted by the court to withdraw his plea of guilty and enter a plea of not guilty; or, if he has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and in either case the court shall thereupon dismiss the accusation or information against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted.

Defendant who has fulfilled conditions of probation to be released from penalties.

6. The same probation officers and assistant probation officers and deputy probation officers shall serve under this act as are appointed under the act known as the juvenile court law, and entitled "An act concerning dependent and delinquent minor children, providing for their care, custody, and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the superior court jurisdiction of such offenses, and repealing inconsistent acts." approved March 8, 1909, or under any laws amending or superseding the same.

Probation officers appointed under act of 1909 to serve under this act.

7. Such probation officers shall serve under this act whenever required to do so by any court having original jurisdiction of criminal actions in this state.

8. At the time of the plea or verdict of guilty of any crime of any person over eighteen years of age, the probation officer of the county of the jurisdiction of said crime shall, when so directed by the court, inquire into the antecedents, character, history, family environment, and offense of such person, and must report the same to the court, and file his report in writing in the records of said court. His report shall contain his rec-

Probation officer to report on convicted person over eighteen years.

ommendation for or against the release of such person on probation. If any such person shall be released on probation and committed to the care of the probation officer, such officer shall keep a complete and accurate record in suitable books or other form in writing, of the history of the case in court, and of the name of the probation officer, and his acts in connection with said case; also the age, sex, nativity, residence, education, habits of temperance, whether married or single, and the conduct, employment, and occupation, and parents' occupation, and condition of such person so committed to his care during the term of such probation and the result of such probation. Such record of such probation officer shall be and constitute a part of the records of the court, and shall at all times be open to the inspection of the court, or of any person appointed by the court for that purpose, as well as of all magistrates, and the chief of police, or other head of the police, unless otherwise ordered by the court. Said books of record shall be furnished for the use of said probation officer of said county, and shall be paid for out of the county treasury.

Terms of probation to be furnished person released.

9. The probation officer shall furnish to each person who has been released on probation, and committed to his care, a written statement of the terms and conditions of his probation, unless such statement has been furnished by the court, and shall report to the court, judge or justice, releasing such person upon probation, any violation or breach of the terms and conditions imposed by such court on the person placed in his care.

10. Such probation officer shall have, as to the person so committed to the care of said probation officer, the powers of a peace officer.

SEC. 2. This act shall take effect immediately.

CHAPTER 382.

An act to amend section 1247 of the Penal Code of California, relating to appeals.

[Approved April 6, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1247 of the Penal Code of California is hereby amended so as to read as follows:

1247. Upon an appeal being taken from any judgment or order of the superior court, to the supreme court or to a district court of appeal, in any criminal action or proceeding where such appeal is allowed by law, the defendant, or the district attorney when the people appeal, must, within five days, file with the clerk and present an application to the trial court, stating in general terms the grounds of the appeal and the

Settlement of grounds of appeal.

points upon which the appellant relies, and designate what portions of the phonographic reporter's notes it will be necessary to have transcribed to fairly present the points relied upon. If such application is not filed within said time, the appeal is wholly ineffectual and shall be deemed dismissed and the judgment or order may be enforced as if no appeal had been taken. The court shall, within two days after the filing of such application, make an order directing the phonographic reporter who reported the case to transcribe such portion of his notes as in the opinion of the court may be necessary to fairly and fully present the points relied upon by the appellant. If the court fails to make the order within two days after the application is filed, the notes requested in the application shall be transcribed without such order. The phonographic reporter shall, within twenty days after the filing of such application, file with the clerk of the court an original transcription and three carbon copies of the portion of the notes so required to be transcribed, excluding therefrom all argument of counsel not objected to at the time it was made. The same shall be typewritten as prescribed by the rules of the supreme court. He shall append to the original and to each copy his original affidavit that it is correct.

Reporter's
notes.

CHAPTER 363.

An act to amend section 1260 of the Political Code relating to county and township officers of counties of the thirty-first class.

[Approved April 6, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4260 of the Political Code is hereby amended to read as follows:

4260. In counties of the thirty-first class the county and township officers shall receive as compensation for the services required of them by law, and by virtue of their offices the following salaries and fees, to wit:

Salaries of
officers in
counties of
thirty-first
class.

1. The county clerk, three thousand two hundred and fifty dollars per annum; and in each year in which a new and complete registration of voters is required by law, he shall receive such additional amount as shall be necessary to pay deputy registration clerks for taking affidavits of registration outside of the office at the rate of ten cents each, the claims for which shall be presented and allowed by the board of supervisors as other claims are presented and allowed; he may also appoint a deputy clerk, which office of deputy clerk is hereby created, whose salary shall be three hundred dollars per annum, payable as the salaries of all other county officers are paid.

County
clerk.

- Sheriff. 2. The sheriff, six thousand dollars per annum.
- Recorder. 3. The recorder, two thousand two hundred and fifty dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury for the use and benefit of the county the fees required by law to be so collected; *and provided*, that when the amount of said fees so collected shall amount to more than two hundred dollars in any one month, the said recorder may receive and retain for his own use, in addition to his salary, one half of all fees in excess of two hundred dollars in one month so collected; *and provided*, that in counties of this class the recorder may appoint two copyists for service in his office, which office of copyists for the county recorder is hereby created, and said copyists shall receive as compensation for their services the sum of five hundred forty dollars each per annum, to be paid out of the county treasury in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the recorder is paid.
- Auditor. 4. The auditor, two thousand dollars per annum.
- Treasurer. 5. The treasurer, two thousand dollars per annum.
- Tax collector. 6. The tax collector, one thousand dollars per annum.
- Assessor. 7. The assessor, four thousand two hundred and fifty dollars per annum; *provided*, that in the counties of this class the assessor may appoint a field deputy, which office of field deputy is hereby created, who shall hold office from the first day of March of each year up to and including the last day of July of each year. The salary of said field deputy herein provided for is fixed at the sum of one hundred fifty dollars per month, to include expenses for each month during which the said field deputy holds office, as herein provided. The salary of said field deputy shall be paid at the same time, in the same manner and out of the same fund as the salaries of other county officers are paid.
- District attorney. 8. The district attorney, two thousand four hundred dollars per annum; he may also appoint a deputy, which office of deputy district attorney is hereby created, whose salary shall be one thousand dollars per annum, payable as the salaries of other county officers are paid.
- Coroner. 9. The coroner, such fees as are now or may hereafter be allowed by law.
- Administrator. 10. The public administrator, such fees as are now or may hereafter be allowed by law.
- Superintendent of schools. 11. The superintendent of schools, eighteen hundred dollars per annum, including services on the board of education. He shall be allowed his actual traveling expenses not to exceed three hundred dollars per annum; he shall also be allowed one deputy whose salary shall be fifty dollars per month, payable the same as the salary of county officers; *provided*, that he shall keep his office open from nine o'clock A. M. to five o'clock P. M. of each business day.
- Surveyor. 12. The surveyor shall receive a per diem of ten dollars for all work performed for the county, in addition thereto all necessary expenses and transportation on work performed in the field.

13. The justices of the peace, such fees as are now or may hereafter be allowed by law; *provided*, that the amount allowed by the board of supervisors for services in prosecutions under section six hundred and forty-seven of the Penal Code, and prosecutions for fraudulently evading or attempting to evade the payment of fare for traveling on any railroad, shall not exceed twenty dollars for any one month; *provided, further*, that the amount allowed by the board of supervisors for services in prosecutions of misdemeanor cases other than those hereinbefore specified in this subdivision, shall not exceed the sum of thirty dollars for any one month. Justice of the peace.

14. The constable shall receive the following fees, to wit: for serving summons and complaint, for each defendant served, one dollar; for each copy of summons for service when made by him, twenty-five cents; for levying writ of attachment or execution or executing order of arrest or for the delivery of personal property, one dollar; for keeping personal property, such sum as the court may order, but no more than two dollars per day shall be allowed for a keeper when necessarily employed; for taking bond or undertaking, fifty cents; for copies of writs and other papers, except summons, complaints and subpoenas, per folio ten cents; *provided*, that when corrected copies are furnished him for use, no charge shall be made for copies, for serving any writ, notice or order, except summons, complaint or subpoenas, for each person served, fifty cents; for writing and posting each notice of sale of property, twenty-five cents; for serving subpoenas, each witness, including copy, twenty-five cents; for collecting money on execution, two and one half per cent, to be charged against the defendant named in the execution; for executing and delivering a certificate of sale, one dollar; for executing and delivering constable's deeds, two dollars; for every mile necessarily traveled in his township, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to a prison, twenty-five cents, outside of his township, but within his county, twenty cents; but when two or more persons are served or summoned in the same suit and at the same time, mileage shall be charged only for the more distant if they live in the same direction; for each mile traveled outside his county in making criminal arrests, both going and returning from the place of arrest, ten cents; in transporting prisoners to the county jail, or before a magistrate, either upon arrest or for trial or examination, or after conviction, he shall receive in addition to the above mileage his actual and necessary expenses for himself and prisoners; *provided*, that two or more prisoners are transported at the same time, no more than one mileage shall be allowed; for making each arrest in criminal cases, one dollar and fifty cents; for sales of estrays, the same fees as for sales on execution; for summoning a jury, two dollars including mileage; for all other services the same fees as are allowed sheriffs for like services; *provided, further*, that no more than sixty dollars shall be allowed to any constable in counties of this class in any one month for fees and mileage in criminal matters. Constable.

Super-
visor.

15. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to and from the county seat; *provided*, such mileage shall not be allowed more than once a month; and for his services as road commissioner he shall receive twenty cents a mile one way, for all distances actually and necessarily traveled by him in the performance of his duties; *provided*, he shall not in any one year receive more than three hundred dollars as such road commissioner. The road commissioners shall be reimbursed for all traveling, personal and other necessary expenses while actually engaged in the performance of their duties upon the road; *provided*, that the full amount of expenses incurred shall not exceed three hundred dollars in any one year, to be allowed as any other claim by the board of supervisors.

Jurors.

16. In counties of this class grand jurors and jurors in the superior court shall receive for each day's attendance the sum of three dollars, and for each mile actually and necessarily traveled from residence to county seat the sum of twenty-five cents: such mileage to be allowed but once during each session such jurors are required to attend.

Settlement
of fees.

17. In counties of the thirty-first class, the sheriff, county clerk, district attorney, assessor, tax collector, recorder, coroner, public administrator, and each and every justice of the peace in said counties, and each and every constable in said counties, shall make and file with the county clerk of said county, on the first day of each year, a statement in writing and verified by the oath of each official respectively making the same, setting forth in detail all fees, commissions, percentages, emoluments and moneys received for official services of every kind and description, during the last preceding year; a failure so to do shall be and constitute a waiver of all future fees to be paid to and retained by said official as compensation and shall be and constitute a bar to the retention or recovery of any fees, commissions, or percentages for compensation.

Sec. 2. This act shall take effect immediately.

CHAPTER 384.

An act to amend section 4278 of the Political Code, relating to salaries and fees of officers of counties of the forty-ninth class.

[Approved April 6, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4278 of the Political Code is hereby amended to read as follows:

Salaries of
officers in
counties of
forty-ninth
class.

4278. *Salaries and fees of officers of.* In counties of the forty-ninth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, eighteen hundred dollars per annum; *County clerk.*
provided, that in counties of this class the county clerk shall be allowed a copyist, who shall be appointed by the county clerk and paid the salary of seventy-five dollars per month; said salary to be paid at the same time, in the same manner and out of the same fund as the salary of the county clerk; *and provided, further*, that in counties of this class, during the years when the compilation of a great register is required by law, the registration clerks in the several precincts of the county shall be allowed the sum of ten cents per name for each affidavit legally taken for registration; said sum to be allowed and paid to said registration clerks by the board of supervisors as other county charges are allowed and paid.

2. The sheriff, twenty-five hundred dollars per annum. *Sheriff.*

3. The recorder, one thousand dollars per annum; *Recorder*
provided, that in counties of this class there shall be and is hereby allowed to the recorder a copyist, who shall be appointed by the recorder, and paid the salary of seventy-five dollars per month; said salary to be paid by said county in monthly installments, at the time and in the same manner and out of the same fund as the salary of the recorder is paid.

4. The auditor, six hundred dollars per annum. *Auditor*

5. The treasurer, one thousand dollars per annum. *Treasurer.*

6. The tax collector, twelve hundred dollars per annum, *Tax collector*
 and ten per cent on all licenses collected by him as license collector; *provided*, that in counties of this class there shall be and is hereby allowed to the tax collector an assistant for the months of April, October and November, who shall be appointed by the tax collector and paid the salary of seventy-five dollars per month for said above-named months, said salary to be paid by the said county in monthly installments, at the time and in the same manner, and out of the same fund as the salary of the tax collector is paid.

7. The assessor, one thousand five hundred dollars per annum; *Assessor.*
provided, that in counties of this class there shall be and is hereby allowed to the assessor one deputy, to be appointed by him, who shall receive the salary of seventy-five dollars per month for not exceeding four months in any calendar year, said salary to be paid by said county in monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the assessor is paid.

8. The district attorney, one thousand two hundred dollars per annum. *Other officers.*

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

Super-
visors.

15. Each supervisor, six dollars per day when the board is in session, not to exceed three hundred dollars per year, and twenty-five cents per mile for traveling one way only from his residence to the county seat at each sitting of the board, and, in addition thereto, his necessary expenses while supervising the roads of his district or attending to the business of the county other than the meetings of the board, not exceeding the sum of four hundred sixty dollars per annum; *provided*, that the said words "necessary expenses," shall mean each supervisor may furnish his own horse, team and vehicle in supervising the roads of his district or in attending to county business other than the meetings of the board, and the same shall be deemed his necessary expenses, said necessary expenses not to exceed five dollars per day.

Reporter

16. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said courts, and for preliminary examinations in justices' courts, and at coroners' inquests, a per diem of ten dollars, and for transcription of said notes when required during the progress of a trial, he shall receive the sum of twenty-five cents per folio for the original and five cents per folio for one copy; but if such transcription is not required until after the conclusion of the trial, then he shall receive the sum of ten cents per folio for original, and five cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases, to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

Jurors.

Mileage.

17. For attending as a grand juror or as a trial juror in the superior court, in criminal cases, three dollars per day for each day's attendance, and in civil cases, two dollars per day for each day's attendance. For each mile actually traveled in attending upon the superior court, in going only, per mile, twenty-five cents; *provided*, that in counties of this class, the county treasurer shall pay said jurors the amounts due them as per their certificate of per diem and mileage issued by the clerk, and said certificates shall be counted as so much cash; and at the next regular session of the board of supervisors, the said county treasurer shall present said certificates to said board, who, after an examination of said certificates, shall direct the auditor to draw his warrant on the general fund of the county in favor of said county treasurer for the amount paid on said certificates, and surrendered.

CHAPTER 385.

An act to amend section 4258 of the Political Code, relating to salaries and fees of officers of counties of the twenty-ninth class.

[Approved April 6, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4258 of the Political Code is hereby amended to read as follows:

4258. In counties of the twenty-ninth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Salaries of officers in counties of twenty-ninth class.

1. The county clerk, three thousand five hundred dollars per annum.
2. The sheriff, six thousand dollars per annum.
3. The recorder, thirty-five hundred dollars per annum.
4. The auditor, two thousand dollars per annum.
5. The treasurer, eighteen hundred dollars per annum.
6. The tax collector, fifteen hundred dollars per annum.
7. The assessor, four thousand dollars per annum.
8. The district attorney, two thousand dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, two thousand dollars per annum, and his reasonable traveling expenses incurred in visiting schools of the county, to be fixed and allowed by the board of supervisors, not to exceed the sum of five hundred dollars per annum; *provided*, he shall devote his entire time to the duties of said office.

Superintendent of schools.

12. The surveyor, such fees as are now or may be hereafter allowed by law; *provided*, he shall be given all work for the county in which the county employs a surveyor or civil engineer; *and provided, further*, that it shall be the duty of the board of supervisors of counties of this class to so employ him.

Surveyor.

13. Justices of the peace, in townships having a population of fifteen hundred, or more, shall receive a monthly salary of forty dollars per month; in townships having a population of one thousand or less than fifteen hundred shall receive a salary of thirty dollars per month, and in townships having a population of less than one thousand, shall receive a salary of ten dollars per month, and all justices shall make monthly reports and pay all fines to county every month.

Justices of the peace.

14. Constables, in townships having a population of two thousand, or more, shall receive a monthly salary of fifty dollars per month; in townships having a population of one

Constables.

thousand or less than two thousand, shall receive a salary of forty dollars per month and in townships having a population of less than one thousand shall receive a salary of twenty dollars per month. Constables shall also receive actual traveling expenses in transporting prisoners to the county jail. The salaries of township officers, herein provided for, shall be paid monthly, in the same manner as the salaries of the county officers are paid, and shall be in full compensation for all services rendered by them in criminal cases. In civil cases they may retain the fees that are now or may hereafter be allowed by law.

Super-
visors.

15. The meetings of the board of supervisors shall be monthly and be held on the first Monday of each and every month. Each member of the board of supervisors is to receive a salary of one thousand dollars per annum and mileage at the rate of twenty cents per mile from his home to and from county seat.

Reporter.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and when requested by the district attorney, for preliminary examinations in justice's court, a monthly salary of one hundred dollars payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for a transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Jurors.

17. Grand jurors or trial jurors in criminal cases in the superior court shall receive, as compensation for each day's attendance, per day two dollars and fifty cents, and for each mile actually traveled in attending court as a grand juror or juror at a criminal case, in the superior court in going only, per mile fifteen cents. The county clerk shall certify to the auditor the number of days attendance and the number of miles traveled by each juror, and the auditor shall draw his warrant for the amount to which each juror is entitled, and the treasurer shall pay the same.

CHAPTER 386.

An act to amend the railroad commission act by amending section fifteen thereof relating to powers and duties of the railroad commission of the State of California, and to amend section thirty-seven thereof relating to free and reduced-rate transportation for freight and passengers.

[Approved April 6, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 15 of the railroad commission act is hereby amended to read as follows:

Section 15. The commission shall have the power and it shall be its duty to establish rates of charges, including joint rates over through routes, for the transportation of freight and passengers by all railroad or other transportation companies subject to the provisions of this act. Likewise to prescribe and establish classifications of freight. The commission shall also have the power to prescribe and establish, or modify or abrogate, from time to time, rules and regulations affecting the public of all such railroad and other transportation companies, for demurrage, damage and for receiving, storing, carrying, handling, delivering, switching, time of transit of freight and time of transit of passengers and affecting directly or indirectly the rendition to the public of any service connected with or incidental to the transportation of freight and passengers; likewise to prescribe from time to time forms of bills of lading, the same, however, to be as nearly as practicable in the form of bills of lading approved by the interstate commerce commission of the United States; to establish through routes over connecting lines of such railroad or other transportation companies and the terms and conditions under which such through routes shall be operated and, in case the companies do not agree upon the divisions between them of the joint rates established by the commission over such through routes, to establish such divisions; *provided, however,* that where any railroad or other transportation company is made a party to a through route with another company, and such railroad or other transportation company has itself over its own line an equally satisfactory through route between the termini of the through route established, such railroad or other transportation company shall have the right to require as its division of the joint rate its local rate over the portion of its line comprised in such through route. The commission shall likewise have the power to require any railroad company to construct, maintain and operate, upon reasonable terms which the commission shall have the power to fix, a switch connection or switch connections with the railroad of any other company or with any private sidetrack or spur of any shipper which may be constructed to connect with its railroad, where, in the opinion of the commission, such connection is reasonably practicable and can be

Powers of
railroad
commission.

Regulations
affecting
public.

Bills of
lading.

Through
routes.

Switch
connections.

put in with safety and will furnish sufficient business to justify the construction and maintenance of the same, and to furnish cars for the movement of such traffic to the best of its ability, without discrimination in favor of or against any shipper. The commission shall have the power to make rules, regulations and orders to prevent discrimination in the construction, operation or maintenance of industrial tracks. The commission shall likewise have the exclusive power to determine and prescribe the manner, including the particular point of crossing, of any crossing of a railroad or other transportation line by another such line, and also the terms of the installation, maintenance, use and protection of such crossing, and to require at any crossing of one railroad by another, where the same is practicable, a separation of their grades and to prescribe the terms upon which such separation shall be made and to prescribe, abolish or change any crossing of a railroad by a public road or highway, and to fix the terms of the construction, maintenance, use and protection of such crossing, and to require that such crossing be either at grade, or above or beneath the tracks of the railroad, and the proportions in which the expense of installing and maintaining such crossing shall be divided between the railroad company and the county or other public authority in charge of the public highway. The commission shall likewise have the power to require one railroad company to switch to private spurs and industrial tracks of shippers upon its own line the cars of the connecting railroad, and to prescribe the terms and compensation for such service. The commission shall have the power under such uniform rules as it may make, to prescribe the amount of demurrage which shall be paid by any railroad or other transportation company for the failure on the part of any such company to furnish cars in accordance with such rules, and likewise the amount which any shipper or consignee shall pay to any such company for failure to load or unload cars ordered by, or delivered to, such shipper or consignee under such rules. Such charges shall be uniform, the commission being required to prescribe the same penalties for both shipper or consignee and company for an equal number of cars for each day for which such demurrage is charged. Any such penalty may be recovered by action therefor as provided in section twenty-eight of this act.

SEC. 2. Section thirty-seven of the railroad commission act is hereby amended to read as follows:

Section 37. No railroad or other transportation company subject to the provisions of this act shall, directly or indirectly, issue, give or tender any free ticket, free pass or free or reduced-rate transportation for freight or passengers between points within this state except to its officers, agents, employees, surgeons, physicians, attorneys-at-law, and members of their families; to ministers of religion, traveling secretaries of railroad men's religious associations, to executive officers, organizers or agents or railroad employees' mutual benefit associations giving the greater portion of their time to the work of any such asso-

Crossing.

Switch line to private spurs.

Demurrage.

To whom passes may be issued.

ciation, inmates of hospitals and charitable and eleemosynary institutions and persons exclusively engaged in charitable and eleemosynary work, and persons and property engaged or employed in educational and patriotic work and scientific research, when permitted by the commission; to the executive officers of mercantile or promotion boards or bodies within this state when traveling in the performance of duties affecting the advancement of business, of the development of trade or industry without or within this state, when authorized by the commission; to hotel employees of season resort hotels, when authorized by the commission; to indigent, destitute and homeless persons and such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the national homes or state homes for disabled volunteer soldiers and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge; to necessary care-takers, going and returning, of live stock, poultry, milk, fruit and other freight under uniform and non-discriminatory regulations; to employees of sleeping car companies, express companies, telegraph and telephone companies; to railway mail service employees, United States internal revenue officers, post office inspectors, customs officers and inspectors and immigration inspectors when traveling in the course of their official duty; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the company is interested, persons injured in accidents or wrecks and physicians and nurses attending such persons; for the carriage, free or at reduced rates, of persons or property for the United States, state or municipal governments, or for charitable purposes, or of property to or from fairs and expositions for exhibit thereat. Nothing in this act contained shall be construed to prohibit the interchange of free or reduced-rate transportation between common carriers, for their officers, agents, employees, attorneys, physicians, surgeons and members of their families; nor to prevent railroads or other transportation companies from entering into contracts with telegraph, telephone and cable companies for the exchange of services; nor to prohibit a carrier from transporting, free or at reduced rates, contractors or their employees, materials or supplies for use or engaged in the carrying out of their contracts with such railroad or other transportation companies; *provided*, such arrangements for free or reduced-rate carriage are made a part of the specifications upon which the contract is based or of the contract itself; nor to prohibit the carriage of passengers or property, free or at reduced rates, with the object of providing relief in cases of general epidemic, pestilence or other calamitous visitation. Nothing in this act shall be construed to prevent the carrying out of contracts for free or reduced-rate transportation heretofore made, founded upon adequate consideration and lawful when made or to prevent the issuance of mileage, excursion or commutation passenger tickets, or joint interchangeable mileage tickets with special privileges as to the amount of free

To whom
 passes
 may be
 issued

baggage that may be carried under mileage tickets of one thousand miles or more; *provided*, that the commission may put reasonable restrictions upon the issuance and terms of such mileage, excursion and commutation passenger tickets and joint interchangeable mileage tickets; *provided*, that the term "employees" as used in this section shall include furloughed, pensioned and superannuated employees, persons who have become disabled or infirm in the service of any such company, ex-employees traveling for the purpose of entering the service of any such company, and the remains of persons dying while in the employment of any such company; and the term "families" as used in this section shall include the families of those persons heretofore named in this proviso, the families of persons killed, and the widows during widowhood and minor children during minority of persons who died while in the service of any such company; *provided*, that no free tickets, free passes or free or reduced-rate transportation shall be issued, given or tendered to any officer, agent or employee of a railroad or other transportation company, who is at the same time a shipper or receiver of freight, or an officer, agent or employee of a shipper or receiver of freight, unless such officer, agent or employee devotes substantially his entire time to the service of such railroad or other transportation company; *provided, further*, that members of the railroad commission, their appointees and employees shall be entitled, when in the performance of their official duties, to free transportation over the lines of all railroad or other transportation companies within this state. Nothing in this act shall be so construed as to prohibit the issuance of passenger transportation in exchange for advertising space in newspapers and other publications, at full rates, to the proprietors and employees of such newspapers and other publications and the members of their immediate families, subject, however, to such reasonable restrictions as the commission may impose.

"Employees."

"Families."

Officer of railroad company who ships freight.

Railroad commission.

Transportation in exchange for newspaper space.

CHAPTER 387.

An act providing for placing the names of candidates for United States senator in congress upon the official ballot at general elections, for counting, canvassing and making returns of the votes therefor, providing the method of notifying the legislature of the results of such election, and defining the duties of certain officers in relation thereto.

[Approved April 7, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Names of candidates for United States senator to go on ballots of general elections.

SECTION 1. At all general elections next preceding the election of a United States senator in congress by the legislature of the State of California, there shall be placed on the official ballot by each county clerk or registrar of voters the names of those persons who have received in their respective

parties the highest number of votes for United States senator at the preceding primary election. The votes for such persons at such general elections shall be counted, certified to and forwarded to the county clerk or registrar of voters by the election officers, in the same manner as votes for state officers are counted, certified to and return thereof made to the county clerk or registrar of voters at such general election. The returns so certified to the county clerk or registrar of voters shall be canvassed at the same time and in the same manner and the result thereof entered on the records of the canvassing board, as votes for state officers are canvassed and entered. Each county clerk or registrar of voters, so soon as the statement of the vote of his county is made out and entered on the records of the canvassing board, must prepare an abstract of so much thereof as relates to the votes given or cast for persons for the office of United States senator in congress and certify to said abstract. The county clerk or registrar of voters must seal up said abstract, endorse it "Election returns for United States senator in congress" and without delay transmit the same, by registered mail or express, to the secretary of state. On the fortieth day after the day of election, or so soon as the returns have been received from all the counties of the state, if received within that time, the secretary of state must compile and total the vote, and make out and file in his office a statement thereof, and deliver a copy of such statement under his official seal to the governor of the state. He shall also transmit duplicate copies of such statement so certified to the legislature at the commencement of its next ensuing session at which a United States senator in congress is to be elected, by delivering one copy to the president of the senate and the other to the speaker of the assembly immediately after the organization of such bodies, which officers shall forthwith open and lay the same before their respective houses and such statements shall thereupon be printed in the journal of each house.

Returns to
secretary
of state

CHAPTER 388.

An act to amend sections twelve hundred and eighty-six, twelve hundred and eighty-nine, thirteen hundred and nine and thirteen hundred and forty-five of the Political Code of the State of California, relating to the mode of transmitting election returns.

[Approved April 7, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section twelve hundred and eighty-six of the Political Code of the State of California is hereby amended to read as follows:

1286. The clerk must seal up such abstract, indorse it "Election Returns," and, without delay, transmit the same by mail or

Transmit-
ting
election
returns.

express to the county clerk of the county which stands first in alphabetical arrangement in the list of counties composing such district.

SEC. 2. Section twelve hundred and eighty-nine of the Political Code of the State of California is hereby amended to read as follows:

Transmit-
ting
election
returns.

1289. The clerk must seal up such abstract, indorse it "Election Returns," and without delay transmit it by mail or express to the secretary of state.

SEC. 3. Section thirteen hundred and nine of the Political Code of the State of California is hereby amended to read as follows:

1309. The clerk must seal up such abstract, indorse it "Presidential Election Returns," and without delay transmit it to the secretary of state by mail or express, or in the manner hereinafter prescribed.

SEC. 4. Section thirteen hundred and forty-five of the Political Code of the State of California is hereby amended to read as follows:

1345. The clerk must seal up such abstract, indorse it "Congressional Election Returns," and without delay transmit it by mail or express to the secretary of state.

CHAPTER 389.

An act to amend section twenty-one of an act entitled, "An act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the state for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

[Approved April 7, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section twenty-one of an act entitled "An act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the state for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provisions for the payment of such bonds and the disposal of their proceeds," approved March 31, 1891, is hereby amended to read as follows:

Section 21. The district may at any time be dissolved upon the vote of two thirds of the qualified electors thereof, upon an

election called by the sanitary board upon the question of dissolution. Such election shall be called and conducted in the same manner as other elections of the district. Upon such or any other dissolution the property of the district shall vest in any incorporated city or town that may at said time be in occupation of a considerable portion of the territory of the district, and if there be no such incorporated city or town then the property shall be vested in the board of supervisors of the county until the formation of such a city or town; *provided, however*, that if at the time of such election to dissolve such district there be any outstanding bonded indebtedness of such district, then, in such event, the vote to dissolve such district shall dissolve the same for all purposes excepting only the levy and collection of taxes for the payment of such indebtedness; and from the time such district is thus or otherwise dissolved until such bonded indebtedness, with the interest thereon, is fully paid, satisfied, and discharged, the legislative authority of said incorporated city or town, or the board of supervisors, if there be no such incorporated city or town, is hereby constituted *ex officio* the sanitary board of such district. And it is hereby made obligatory upon such board to levy such taxes and perform such other acts as may be necessary in order to raise money for the payment of such indebtedness and the interest thereon, as herein provided; and said board shall maintain the sewer system installed in proper condition and shall fulfill and compel fulfillment of any and all contracts made by the sanitary district for the right of connections made with property lying outside of the boundaries of said district; and shall maintain and protect all other rights acquired by the district; *provided*, that all moneys received shall be placed in the bond and interest fund or be used for making extensions within the boundaries of said sanitary district: and shall not permit connection to be made with the system installed by any property outside of the boundaries of said sanitary district existing at the time of dissolution, unless the owner of such property shall agree to pay annually from the time of connection made the property's pro rata of the tax levied to pay off any existing bonded indebtedness as though the property affected were within the boundaries of said sanitary district at the time of dissolution.

Dissol-
tion of
sanitary
districts.

CHAPTER 390.

An act to amend section 1616 of the Code of Civil Procedure, relating to the compensation and expenses of executors, administrators, and their attorneys.

[Approved April 7, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1616 of the Code of Civil Procedure is hereby amended to read as follows:

1616. The executor or administrator shall be allowed all

Expense-
of ex-
ecutors.

necessary expenses in the care, management, and settlement of the estate, and for his services such fees as provided in this chapter; but when the decedent, by his will, makes some other provision for the compensation of his executor, that shall be a full compensation for his services, unless by a written instrument, filed in the court, he renounces all claim for compensation provided for in the will. At any time after one year from the admission of a will to probate, or the granting of letters of administration, any executor, or administrator, may, upon such notice to the other parties interested in the estate as the court shall by order require, apply to the court for an allowance to himself upon his commissions, and the court shall on the hearing of such application make an order allowing such executor or administrator such portion of his commissions as to the court shall seem proper, and the portion so allowed may be thereupon charged against the estate. Any attorney who has rendered services to an executor or administrator may at any time during the administration, and upon such notice to the other parties interested in the estate as the court shall by order require, apply to the court for an allowance to himself of compensation therefor, and the court shall on the hearing of such application make an order requiring the executor or administrator to pay to such attorney out of the estate such compensation on account of services rendered by such attorney up to the date of such order as to the court shall seem proper, and such payment shall be forthwith made. Any attorney making such application to the court for compensation and all other persons interested in the estate may appeal from any order made by the court fixing the amount of such compensation, and ordering the same paid.

Their
attorney-

Appeal
from order
of court

CHAPTER 391.

An act to amend section 1667 of the Code of Civil Procedure, relating to distribution when decedent was not a resident of the state.

[Approved April 7, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1667 of the Code of Civil Procedure is hereby amended to read as follows:

1667. Upon application for distribution, after final settlement of the accounts of administration, if the decedent was a non-resident of this state, leaving a will which has been duly proved or allowed in the state of his residence, and an authenticated copy thereof has been admitted to probate in this state, or if the decedent died intestate, and an administrator has been duly appointed and qualified in the state of his residence, and it is necessary, in order that the estate, or any part thereof, may be distributed according to the will,

Distribu-
tion when
decedent
was not a
resident of
the state.

or if the court is satisfied that it is for the best interests of the estate, that the estate in this state should be delivered to the executor or administrator in the state or place of the decedent's residence, the court may order such delivery to be made, and, if necessary, order a sale of the real estate, and a like delivery of the proceeds. The delivery, in accordance with the order of the court, is a full discharge of the executor or administrator with the will annexed or administrator, in this state, in relation to all property embraced in such order, which, unless reversed on appeal, binds and concludes all parties in interest. Sales of real estate, ordered by virtue of this section, must be made in the same manner as other sales of real estate of decedents by order of the court.

CHAPTER 392.

An act to amend section 19 of an act entitled "An act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a state board of forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this act, and making an appropriation therefor," approved March 18, 1905, relating to slash burning.

[Approved April 7, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 19 of the above entitled act approved March 18, 1905, is hereby amended so as to read as follows:

Section 19. It shall be the duty of the state board of forestry, whenever it shall be deemed necessary, to notify the owner of any forest area within the state by a written notice to be served upon the person or persons or corporation, or either of them, owning or having charge of such area, or upon the agents, attorney or representative of either, by any firewarden, deputy firewarden or special firewarden or any employee of the state board of forestry, in the same manner as a summons in a civil action, or if such area belongs to any non-resident person or corporation and there is no person in control or possession thereof, and such non-resident person or corporation has no tenant, attorney, representative or agent upon whom such service can be had, or if the owner or owners of such area, or their tenants, attorneys, representatives, or agents can not after due diligence be found, then by posting the said notice in some conspicuous place upon such area and by mailing a copy thereof to the owner thereof at his last known place of residence if the same is known or can be

Inspection
of forest
area.

Posting
notice.

ascertained, that the said state board of forestry intends to cause an inspection to be made of the said forest area for the purpose of ascertaining whether or not the same constitutes a nuisance as hereinafter provided. The said notice shall describe the forest area to be inspected by general description and shall designate the time of such inspection. At the time so designated in said notice the said state board of forestry shall cause an inspection to be made of the said forest area and the said owner or his agent shall be permitted to be present during such inspection and shall be given a full opportunity of showing that such forest area is not a nuisance as contemplated by this act. If the said state board of forestry after such inspection finds any forest area inadequately protected adjoining, lying near, or intermingled with other forest and covered wholly or in part with inflammable debris, which by reason of such location or condition or lack of protection endangers life or property, the state board of forestry shall in writing notify the owner or owners of such areas that the condition of said areas endangers life or property and shall require such persons or corporation to clean up such areas by the use of fire or otherwise at a time and in a manner to be therein specified. Said notice may be served upon the person or persons or corporation, or either of them, owning or having charge of such areas or upon the agents of either, by any firewarden, deputy firewarden or special firewarden or any employe of the state board of forestry, in the same manner as a summons in a civil action; *provided, however*, that if any such area belong to any non-resident person or corporation and there is no person in control or possession thereof and such non-resident person or corporation has no tenant, bailee, depository or agent upon whom such service can be had; or if the owner or owners of such areas can not after due diligence be found, then such notice may be served by posting the same in some conspicuous place upon such area, and by mailing a copy thereof to the owner thereof at his last known place of residence, if the same is known or can be ascertained. Any and all such inadequately protected forest areas adjoining, lying near, or intermingled with other forest and covered wholly or in part with inflammable debris, which by reason of such location or condition or lack of protection endangers life or property, are hereby declared to be a public nuisance: and whenever any such nuisance shall exist within the state, and the proper notice shall have been served, as herein provided, and the time specified in said notice shall have elapsed without the nuisance having been abated, it shall be the duty of the state board of forestry to cause said nuisance to be at once abated, by burning or otherwise disposing of the inflammable debris. The expense thereof shall be paid by the state in like manner as bills for fire fighting are paid. Any and all such sum or sums so paid shall be and become a lien on the property from which said nuisance has been removed or abated in pursuance of this section, and said lien shall continue as long as

Board of
forestry
may order
area
cleaned up

Area may
be de-
clared a
nuisance.

Expense
may be-
come lien.

the said sum or sums above referred to shall remain unpaid. The claim for any lien shall be filed by the state forester, or, under his direction, by any of his assistants or firewardens, in the office of the county recorder of the county in which the property on which said nuisance existed is situated. Proceedings for the enforcement of such lien shall be instituted by the district attorney of the county where the nuisance existed, at the request of the state board of forestry and in the name of the State of California as claimant; and the costs shall be recovered in the usual manner. The state board of forestry is hereby vested with the power to cause any and all such nuisances to be abated in a summary manner.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

CHAPTER 393.

An act to establish the legality of certain school districts and to validate all bonds heretofore issued or ordered to be issued by or on behalf of such districts.

[Approved April 7, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. In all cases where the board of supervisors of any county of this state has established a school district consisting of a portion of the territory of an incorporated city or town, all of the proceedings of said board of supervisors had in the formation of such school district are hereby validated, ratified and confirmed and such district is hereby declared to be a legal school district, and in all cases where the board of supervisors of any county of the state purporting to act under and by virtue of the provisions of the Political Code applicable thereto, has ordered the issuance of bonds of any such school district, after a special election in such district has been held to determine whether such indebtedness shall be incurred, at which election not less than two thirds of all the qualified voters voting at such election have voted in favor of incurring such indebtedness, all the proceedings of the trustees of such district and of the board of supervisors, preceding and including the issuance and the proposed issuance of such bonds, are hereby validated, ratified and confirmed, and all such bonds sold or to be sold for not less than par and accrued interest are hereby declared to be legal and valid obligations of such district, in accordance with their terms.

Establishment of school district validated.

Bonds.

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

CHAPTER 394.

An act to amend section 1444 of the Code of Civil Procedure of the State of California, relating to appraisers of estates of deceased persons.

[Approved April 7, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1444 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Appraisers
of estates
of deceased
persons

1444. To make the appraisement, the court, or a judge thereof, must appoint three disinterested persons, one of whom must be one of the inheritance tax appraisers provided for by law (any two of which appraisers may act): *provided*, that the court may, in its discretion, appoint said inheritance tax appraiser as sole appraiser to appraise said estate. Said appraisers are entitled to receive a reasonable compensation for their services, not to exceed five dollars per day, to be allowed by the court or judge. The appraisers or appraiser must, with the inventory, file a verified account of their or his services and disbursements. If any part of the estate is in any other county than that in which letters issued, an appraiser or appraisers thereof may in the same manner as above provided, be appointed, either by the court or judge having jurisdiction of the estate, or by the court or judge of such other county, on request of the court or judge having jurisdiction. No clerk or deputy, nor any person related by consanguinity or affinity to or connected by marriage with, or being a partner or employee of the judge of the court, shall be appointed or shall be competent to act as appraiser in any estate, or matter or proceeding pending before said judge or in said court.

SEC. 2. This act shall take effect and be in force from and after July 1, 1911.

CHAPTER 395.

An act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and for suits to quiet title against claims of lien arising hereunder; to repeal an act entitled "An act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and for suits to quiet title against claims of lien arising hereunder; to repeal an act entitled "An act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and to repeal all acts and parts of acts in conflict with this act," approved March 20, 1905, and all amendments thereto and all acts and parts of acts in conflict with this act.

[Approved April 7, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A tax shall be and is hereby imposed upon the transfer of any property, real, personal or mixed, or of any interest therein or income therefrom, in trust or otherwise, to persons, institutions or corporations, not hereinafter exempted, to be paid to the treasurer of the proper county, as hereinafter directed, for the use of the state, in the following cases:

Tax on transfer of property.

(1) When the transfer is by will or by the intestate or homestead laws of this state, from any person dying seized or possessed of the property while a resident of the state, or by any probate homestead set apart from said property.

By will of resident.

(2) When the transfer is by will or intestate laws of property within this state and the decedent was a non-resident of the state at the time of his death.

By will of non-resident.

(3) When the transfer is of property made by a resident, or by a non-resident when such non-resident's property is within this state, by deed, grant, bargain, sale, assignment or gift, made without valuable and adequate consideration in contemplation of the death of the grantor, vendor, assignor or donor, or intended to take effect in possession or enjoyment at or after such death. When any such person, institution or corporation becomes beneficially entitled in possession or expectancy to any property or the income therefrom, by any such transfer, whether made before or after the passage of this act.

Transfer without adequate consideration.

(4) Such taxes shall be and remain a lien upon the property passed or transferred until paid, and the person to whom the property passes or is transferred, and all administrators,

Taxes to be lien against property.

executors, and trustees of every estate so transferred or passed, shall be liable for any and all such taxes until the same shall have been paid as hereinafter directed; *provided*, that unless sued for within five years after they are due and legally demandable, such taxes shall cease to be a lien as against any bona fide purchaser of real property; and *provided*, that no such lien shall cease within five years from the date of the passage of this act. The tax so imposed shall be upon the market value of such property at the rates hereinafter prescribed and only upon the excess over the exemptions hereinafter granted.

Exercise of
power of
appoint-
ment
deemed
transfer.

Whenever any person or corporation shall exercise a power of appointment derived from any disposition of property made either before or after the passage of this act, such appointment, when made, shall be deemed a transfer taxable under the provisions of this act, in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power, and had been bequeathed or devised by such donee by will; and whenever any person or corporation possessing such power of appointment so derived shall omit or fail to exercise the same within the time provided therefor, in whole or in part, a transfer taxable under the provisions of this act shall be deemed to take place to the extent of such omission or failure, in the same manner as though the persons or corporations thereby becoming entitled to the possession or enjoyment of the property to which such power related had succeeded thereto by a will of the donee of the power failing to exercise such power, taking effect at the time of such omission or failure.

Rates
of tax.

SEC. 2. When the property or any beneficial interest therein so passed or transferred exceeds in value the exemption hereinafter specified and shall not exceed in value twenty-five thousand dollars the tax hereby imposed shall be:

When
beneficiary
is hus-
band, etc.

(1) Where the person or persons entitled to any beneficial interest in such property shall be the husband, wife, lineal issue, lineal ancestor of the decedent or any child adopted, as such in conformity with the laws of this state, or any child to whom such decedent for not less than ten years prior to such transfer stood in the mutually acknowledged relation of a parent; *provided, however*, such relationship began at or before the child's fifteenth birthday, and was continuous for said ten years thereafter, or any lineal issue of such adopted or mutually acknowledged child, at the rate of one per centum of the clear value of such interest in such property.

When
brother,
etc.

(2) Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister or a descendant of a brother or sister of the decedent, a wife or widow of a son, or the husband of a daughter of the decedent, at the rate of two per centum of the clear value of such interest in such property.

When
brother of
father,
etc.

(3) Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the father or mother or a descendant of a brother or sister of the

father or mother of the decedent, at the rate of three per centum of the clear value of such interest in such property.

(4) Where the person or persons entitled to any beneficial interests in such property shall be the brother or sister of the grandfather or grandmother or a descendant of the brother or sister of the grandfather or grandmother of the decedent, at the rate of four per centum of the clear value of such interest in such property.

When brother of grandfather, etc.

(5) Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the decedent, or shall be a body politic or corporate, at the rate of five per centum of the clear value of such interest in such property.

Other degrees of consanguinity.

SEC. 3. The foregoing rates in section two are for convenience termed the primary rates. When the market value of such property or interest exceeds twenty-five thousand dollars, the rates of tax upon such excess shall be as follows:

Rates on property in excess of \$25,000.

(1) Upon all in excess of twenty-five thousand dollars and up to fifty thousand dollars, two times the primary rates.

(2) Upon all in excess of fifty thousand and up to one hundred thousand dollars, three times the primary rates.

(3) Upon all in excess of one hundred thousand dollars and up to five hundred thousand dollars, four times the primary rates.

(4) Upon all in excess of five hundred thousand dollars, five times the primary rates.

SEC. 4. The following exemptions from the tax are hereby allowed:

(1) All property transferred to societies, corporations, and institutions now or hereafter exempted by law from taxation, or to any public corporation, or to any society, corporation, institution, or association of persons engaged in or devoted to any charitable, benevolent, educational, public, or other like work (pecuniary profit not being its object or purpose), or to any person, society, corporation, institution, or association of persons in trust for or to be devoted to any charitable, benevolent, educational, or public purpose, by reason whereof any such person or corporation shall become beneficially entitled, in possession or expectancy, to any such property or to the income thereof shall be exempt.

Property exempt from tax.

To charitable, etc., societies.

(2) Property of the clear value of twenty-four thousand (\$24,000.00) dollars transferred to the widow or to a minor child of the decedent, and of ten thousand (\$10,000.00) dollars transferred to each of the other persons described in the first subdivision of section two shall be exempt.

To widow

(3) Property of the clear value of two thousand (\$2,000.00) dollars transferred to each of the persons described in the second subdivision of section two shall be exempt.

(4) Property of the clear value of one thousand five hundred (\$1,500.00) dollars transferred to each of the persons described in the third subdivision of section two shall be exempt.

(5) Property of the clear value of one thousand (\$1,000.00) dollars transferred to each of the persons described in the fourth subdivision of section two shall be exempt.

(6) Property of the clear value of five hundred (\$500.00) dollars transferred to each of the persons and corporations described in the fifth subdivision of section two shall be exempt.

Tax on
life estate
becomes
due immediately
after
death of
decedent.

SEC. 5. When any grant, gift, legacy, devise or succession upon which a tax is imposed by section one of this act shall be an estate, income, or interest for a term of years, or for life, or determinable upon any future or contingent event, or shall be a remainder, reversion, or other expectancy, real or personal, the entire property or fund by which such estate, income, or interest is supported, or of which it is a part, shall be appraised immediately after the death of the decedent, and the market value thereof determined, in the manner provided in section fifteen of this act, and the tax prescribed by this act shall be immediately due and payable to the treasurer of the proper county, and, together with the interest thereon, shall be and remain a lien on said property until the same is paid; *provided*, that the person or persons, or body politic or corporate, beneficially interested in the property chargeable with said tax, may elect not to pay the same until they shall come into the actual possession or enjoyment of such property, and in that case such person or persons, or body politic or corporate, shall execute a bond to the people of the State of California, in a penalty of twice the amount of the tax arising upon personal estate, with such sureties as the said superior court may approve, conditioned for the payment of said tax, and interest thereon, at such time or period as they or their representatives may come into the actual possession or enjoyment of such property, which bond shall be filed in the office of the county clerk of the proper county and a certified copy thereof shall be immediately transmitted to the state controller; *provided, further*, that such person shall make a full and verified return of such property to said court, and file the same in the office of the county clerk within one year from the death of the decedent, and within that period enter into such security, and renew the same every five years.

Bequest
to ex-
ecutors.

SEC. 6. Whenever a decedent appoints or names one or more executors or trustees, and makes a bequest or devise of property to them in lieu of commissions or allowances, which otherwise would be liable to said tax, or appoints them his residuary legatees, and said bequest, devise, or residuary legacies exceed what would be a reasonable compensation for their services, such excess over and above the exemptions herein provided for shall be liable to said tax; and the superior court in which the probate proceedings are pending shall fix the compensation.

When
taxes are
due

SEC. 7. All taxes imposed by this act, unless otherwise herein provided for, shall be due and payable at the death of the decedent, and if the same are paid within eighteen months,

no interest shall be charged and collected thereon, but if not so paid, interest at the rate of ten per centum per annum shall be charged and collected from the time said tax accrued; *provided*, that if said tax is paid within six months from the accruing thereof a discount of five per centum shall be allowed and deducted from said tax. And in all cases where the executors, administrators, or trustees do not pay such tax within eighteen months from the death of the decedent, they shall be required to give a bond in the form and to the effect prescribed in section five of this act for the payment of said tax, together with interest.

SEC. 8. The penalty of ten per cent per annum imposed by section seven hereof, for the non-payment of said tax, shall not be charged in cases where, in the judgment of the court, by reason of claims made upon the estate, necessary litigation, or other unavoidable cause of delay, the estate of any decedent, or a part thereof, can not be settled at the end of eighteen months from the death of the decedent; but in such cases seven per cent per annum shall be charged upon the said tax from the expiration of said eighteen months until the cause of such delay is removed, after which ten per cent interest per annum shall again be charged until the tax is paid; but litigation to defeat the payment of the tax shall not be considered necessary litigation.

When penalty for non-payment of tax may be suspended.

SEC. 9. Any administrator, executor, or trustee having in charge or trust any legacy or property for distribution, subject to the said tax, shall deduct the tax therefrom, or if the legacy or property be not money he shall collect the tax thereon, upon the market value thereof, from the legatee or person entitled to such property, and he shall not deliver, or be compelled to deliver, any specific legacy or property subject to tax to any person until he shall have collected the tax thereon; and whenever any such legacy shall be charged upon or payable out of real estate, the executor, administrator, or trustee shall collect said tax from the distributee thereof, and the same shall remain a charge on such real estate until paid; if, however, such legacy be given in money to any person for a limited period, the executor, administrator, or trustee shall retain the tax upon the whole amount; but if it be not in money he shall make application to the superior court to make an apportionment, if the case require it, of the sum to be paid into his hands by such legatees, and for such further order relative thereto as the case may require.

Executor to deduct tax from property before delivery to legatee.

SEC. 10. All executors, administrators, and trustees shall have full power to sell so much of the property of the decedent as will enable them to pay said tax, in the same manner as they may be enabled by law to do for the payment of debts of the estate, and the amount of said tax shall be paid as hereinafter directed.

Executors to sell enough property to pay tax.

SEC. 11. Every sum of money retained by an executor, administrator, or trustee, or paid into his hands, for any tax on property, shall be paid by him, within thirty days there-

Tax paid to county treasurer.

Receipts.

after, to the treasurer of the county in which the probate proceedings are pending. Upon the payment to any county treasurer of any tax due under this act, such treasurer shall issue a receipt therefor in triplicate, one copy of which he shall deliver to the person paying said tax, and the original and one copy thereof he shall immediately send to the controller of state, whose duty it shall be to charge the treasurer so receiving the tax with the amount thereof, and said controller shall retain one of said receipts and the other he shall countersign and seal with the seal of his office, and immediately transmit to the clerk of the court fixing such tax. And an executor, administrator, or trustee shall not be entitled to credits in his accounts, nor be discharged from liability for such tax, nor shall said estate be distributed, unless a receipt so sealed and countersigned by the controller, or a copy thereof, certified by him, shall have been filed with the court. Any person shall, upon payment to the county treasurer of the sum of fifty cents, be entitled to a duplicate, or copy, of any receipt that may have been given by said treasurer for the payment of any tax under this act.

Refund of
tax paid
before
debts are
proven.

SEC. 12. Whenever any debts shall be proven against the estate of a decedent after the payment of legacies or distribution of property from which the said tax has been deducted or upon which it has been paid, and a refund is made by the legatee, devisee, heir, or next of kin, a proportion of the tax so deducted or paid shall be repaid to him by the executor, administrator, or trustee, if the said tax has not been paid to the county treasurer or to the state treasurer, or by said county treasurer, or said state treasurer (on warrant of the state controller) if it has been so paid.

When
stock is
transferred,
by foreign
executor
tax shall
be paid.

SEC. 13. If a foreign executor, administrator or trustee shall assign or transfer any stock or obligation in this state standing in the name of a decedent, or in trust for a decedent, liable to any such tax, the tax shall be paid to the treasurer of the proper county on the transfer thereof. No safe deposit company, trust company, corporation, bank or other institution, person or persons having in possession or under control securities, deposits, or other assets belonging to or standing in the name of a decedent who was a resident or non-resident or belonging to, or standing in the joint names of such a decedent and one or more persons, including the shares of the capital stock of, or other interests in, the safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer herein provided, shall deliver or transfer the same to the executors, administrators or legal representatives of said decedent, or to the survivor or survivors when held in the joint names of a decedent and one or more persons, or upon their order or request, unless notice of the time and place of such intended delivery or transfer be served upon the state controller and county treasurer at least ten days prior to said delivery or transfer; nor shall any such safe deposit company, trust company, corporation, bank or other institution, person

Banks
may not
deliver
stock
without
giving ten
days'
notice.

or persons deliver or transfer any securities, deposits or other assets belonging to or standing in the name of a decedent, or belonging to, or standing in the joint names of a decedent and one or more persons, including the shares of the capital stock of, or other interests in, the safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer, without retaining a sufficient portion or amount thereof to pay any tax and interest which may thereafter be assessed on account of the delivery or transfer of such securities, deposits or other assets, including the shares of the capital stock of, or other interests in, the safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer. under the provisions of this act, unless the state controller, or person by him in writing authorized so to do, consents thereto in writing. And it shall be lawful for the state controller or the county treasurer, personally or by representatives, to examine said securities, deposits or assets at the time of such delivery or transfer. Failure to serve such notice or failure to allow such examination, or failure to retain a sufficient portion or amount to pay such tax and interest as herein provided, or violation of the provisions of this section, shall render said safe deposit company, trust company, corporation, bank or other institution, person or persons liable to the payment of the amount of the tax and interest due or thereafter to become due upon said securities, deposits or other assets, including the shares of the capital stock of, or other interests in, the safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer, and in addition thereto, a penalty of not less than one thousand nor more than twenty thousand dollars; and the payment of such tax and interest thereon, or of the penalty above prescribed, or both, may be enforced in an action brought by the state controller or county treasurer in any court of competent jurisdiction.

State controller may examine securities.

Penalty.

SEC. 14. The state controller shall appoint, and may at his pleasure remove, one or more persons in each county of the state to act as inheritance tax appraisers therein. Every such inheritance tax appraiser (in addition to any fees paid him as appraiser under section 1444 of the Code of Civil Procedure) shall be paid by the county treasurer out of any funds that he may have in his hands on account of said tax, on presentation of a sworn itemized account and on the certificate of the superior court, at the rate of five dollars per day for every day actually and necessarily employed in said inheritance tax appraisement, together with his actual and necessary traveling and other incidental expenses, and the fees paid such witnesses as he shall subpoena before him, which fees shall be the same as those now paid to witnesses subpoenaed to attend in courts of record. Any such appraiser who shall take any fee or reward, other than such as may be allowed him by law, from any executor, administrator, trustee, legatee, next of kin, or heir of any decedent, or from any other person liable to pay

Inheritance tax appraisers.

Penalty for taking fee not allowed by law.

said tax, or any portion thereof, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars, or be imprisoned in the county jail ninety days, or both, and in addition thereto the court shall dismiss him from such service.

Superior court to order valuation of property

SEC. 15. (1) The superior court having jurisdiction to determine any such tax, either upon its own motion or upon the application of any interested person, including the state controller or county treasurer, shall by order direct the person, or one of the persons, appointed pursuant to section 14 of this act to fix the clear market value of property of persons whose estates shall be subject to the payment of any tax under this act. Every such appraiser shall forthwith give notice by mail to all persons known to have a claim or interest in the property to be appraised, including the state controller and the treasurer of the county in which such tax is to be paid, and to such person or persons as the superior court may by order direct, of the time and place when he will hear all persons interested in the appraisement of such estate. He shall thereupon appraise the said property at its fair market value as herein prescribed; and for the purpose of making said appraisement the said appraiser is hereby authorized to issue subpoenas and compel the attendance of witnesses before him, to administer oaths, and to take the evidence of such witnesses under oath concerning such property and the value thereof; and he shall make report thereof and of such value in writing to the said superior court, together with the depositions of the witnesses examined, and such other facts in relation thereto as said superior court may order or require; and the value of every future or contingent or limited estate, income, or interest shall, for the purposes of this act, be determined by the rule, method, and standards of mortality and of value that are set forth in the actuaries' combined experience tables of mortality for ascertaining the value of policies of life insurance and annuities, and for the determination of the liabilities of life insurance companies, save that the rate of interest to be assessed in computing the present value of all future interests and contingencies shall be five per centum per annum.

Appraiser may issue subpoenas.

Report to court

Insurance commissioner to determine value of contingent estate.

The insurance commissioner shall, on the application of any superior court, determine the value of any future or contingent estates, income or interest therein limited, contingent, dependent or determinable upon the life or lives of persons in being, upon the facts contained in any such appraiser's report, or other facts to him submitted by said court, and certify the same to the superior court, and his certificate shall be conclusive evidence that the method of computation adopted therein is correct.

No allowance on account of contingent incumbrance.

In estimating the value of any estate or interest in property, to the beneficial enjoyment or possession whereof there are persons or corporations presently entitled thereto, no allowance shall be made on account of any contingent incumbrance

thereon, nor on account of any contingency upon the happening of which the estate or property or some part thereof or interest therein might be abridged, defeated or diminished; *provided, however*, that in the event of such incumbrance taking effect as an actual burden upon the interest of the beneficiary, or in the event of the abridgement, defeat or diminution of said estate or property or interest therein as aforesaid, a return shall be made to the person properly entitled thereto of a proportionate amount of such tax on account of the incumbrance when taking effect, or so much as will reduce the same to the amount which would have been assessed on account of the actual duration or extent of the estate or interest enjoyed. Such return of tax shall be made in the manner provided by section twelve hereof upon order of the court having jurisdiction.

Where any property shall, after the passage of this act, be transferred subject to any charge, estate or interest, determinable by the death of any person, or at any period ascertainable only by reference to death, the increase accruing to any person or corporation upon the extinction or determination of such charge, estate or interest, shall be deemed a transfer of property taxable under the provisions of this act in the same manner as though the person or corporation beneficially entitled thereto had then acquired such increase from the person from whom the title to their respective estates or interests is derived.

Increase deemed a transfer and taxable.

When property is transferred in trust or otherwise, and the rights, interest or estates of the transferees are dependent upon contingencies or conditions whereby they may be wholly or in part created, defeated, extended or abridged, a tax shall be imposed upon said transfer at the highest rate which, on the happening of any of the said contingencies or conditions, would be possible under the provisions of this act, and such tax so imposed shall be due and payable forthwith by the executors or trustees out of the property transferred; *provided, however*, that on the happening of any contingency whereby the said property, or any part thereof, is transferred to a person or corporation exempt from taxation under the provisions of this act, or to any person taxable at a rate less than the rate imposed and paid, such person or corporation shall be entitled to a return of so much of the tax imposed and paid as is the difference between the amount paid and the amount which said person or corporation should pay under the provisions of this act. Such return of overpayment shall be made in the manner provided by section twelve of this act, upon order of the court having jurisdiction.

Highest rate on property dependent on variable contingencies.

Possible return of overpayment.

Estates in expectancy which are contingent or defeasible and in which proceedings for the determination of the tax have not been taken or where the taxation thereof has been held in abeyance, shall be appraised at their full, undiminished value when the persons entitled thereto shall come into the beneficial enjoyment or possession thereof, without diminution for

Estates in expectancy to be appraised at full value.

or on account of any valuation theretofore made of the particular estates for purposes of taxation, upon which said estates in expectancy may have been limited.

Where an estate for life or for years can be divested by the act or omission of the legatee or devisee it shall be taxed as if there were no possibility of such divesting.

Report of appraiser.

The report of the appraiser shall be made in duplicate, one of which duplicates shall be filed with the clerk of said court and the other in the office of the state controller.

Superior court to fix value of property and amount of tax.

(2) From such report of appraisal and other proof relating to any such estate, or property, before the superior court, said court shall, by order, forthwith assess and fix the market value of such property and the amount of tax to which the same is liable, and the clerk of said court shall immediately give notice thereof by mail to the county treasurer and the state controller and to all interested persons who shall have furnished said clerk with their names and addresses for the purpose of receiving such notice.

Court may fix tax without appointing appraiser.

But said superior court may determine such tax or taxes without appointing an inheritance tax appraiser: *provided*, that in such determination, said court shall first fix a day upon which it will hear all parties interested in said property and in said tax, and said court shall order the clerk thereof to give notice of said hearing for such time, not less than ten days, and in such manner as said court shall direct, and said clerk shall at least ten days before said hearing mail a copy of such notice to the county treasurer and a copy to the state controller.

Superior court to have jurisdiction.

SEC. 16. The superior court in the county in which is situate the real property of a decedent who was not a resident of the state, or if there be no real property, then in the county in which any of the personal property of such non-resident is situate, or in the county of which the decedent was a resident at the time of his death, shall have jurisdiction to hear and determine all questions in relation to the tax arising under the provisions of this act, and the court first acquiring jurisdiction hereunder shall retain the same, to the exclusion of every other.

Court to cite persons to appear when transfer has been made and tax not paid.

SEC. 17. If it shall appear to the superior court upon petition of the state controller or the county treasurer or any other interested person that any transfer has been made within the meaning of this act and the taxability thereof and the liability for such tax and the amount thereof have not been determined, and that no proceedings are pending in any court in this state wherein the taxability of such transfer, the liability therefor and the amount thereof may be determined, said court shall issue a citation, citing the persons who may appear liable therefor, or known to own any interest in or part of the property transferred, to appear before the court on a day certain, not more than ten weeks from the date of such citation, and show cause why said tax should not be determined and paid. The service of such citation, and the time, manner, and proof thereof, and the hearing and determination thereon, and

the enforcement of the determination or decree, shall conform to the provisions of chapter XII of title XI of part three of the Code of Civil Procedure; and the clerk of the court shall, upon the request of the state controller or the treasurer of the county, furnish, without fee, one or more transcripts of such decree, and the same shall be docketed and filed by the county clerk of any county in the state, without fee, in the same manner and with the same effect as provided by section six hundred and seventy-four of said Code of Civil Procedure for filing a transcript of an original docket. The superior court may hear the said cause upon the relation of the parties and the testimony of witnesses, and evidence produced in open court, and, if the court shall find said property is not subject to any tax, as herein provided, the court shall, by order, so determine; but if it shall appear that said property, or any part thereof, is subject to any such tax, the same shall be appraised and taxed as in other cases.

SEC. 18. If, after the expiration of eighteen months from the accrual of any tax under this article, such tax shall remain due and unpaid, after the refusal or neglect of the persons liable therefor to pay the same, the county treasurer shall notify, or the state controller may notify, the district attorney of the county in writing of such failure or neglect, and such district attorney shall bring and prosecute an action or actions in the name of the state as plaintiff, for the recovery of such tax and for the purpose of enforcing any lien or liens against all or any of the property subject thereto. In any such action the owner of any property or of any interest in property against which the lien of any such tax is sought to be enforced, and any predecessor in interest of any such owner whose title or interest was deaigned through any such decedent by will or succession or by decree of distribution of the estate of such decedent, and any lienor or incumbrancer subsequent to the lien of such tax may be made a party defendant. The enumeration in this section of the persons who may be made defendants shall not be deemed to be exclusive, but the joinder or non-joinder of parties, except when otherwise herein provided, shall be governed by the rules in equity in similar cases.

(a) Actions may be brought against the state for the purpose of quieting the title to any property, against the lien or claim of lien of any tax or taxes under this act, or for the purpose of having it determined that any property is not subject to any lien for taxes under this act. In any such action, the plaintiffs may be any administrator or executor of the estate or will of any decedent, whether the said estate shall have been fully administered and the estate settled and closed or not, and any heir, legatee or devisee of any such decedent, or trustee of the estate or of any part of the estate of such decedent, or distributee of the estate or of any part of the estate of any such decedent, and any assignee, grantee or successor in interest of any of such persons, and all or any other persons who might be made parties defendant in any action brought by the state

After
eighteen
months
district
attorney
to bring
suit to
collect
tax.

Actions
against
state to
quiet title

under the provisions of this section, and notwithstanding that all or any of the persons enumerated in this section shall or may have assigned, granted, conveyed or otherwise parted with all or any interest in or title to the property, or any thereof, involved in any such claim of lien before the commencement of such action. All or any of the persons in this action enumerated may be joined or united as parties plaintiff. The enumeration in this section of the persons who may be made parties shall not be deemed to be exclusive, but the joinder or non-joinder of parties, except when otherwise herein provided, shall be governed by the rules in equity in similar cases. In all cases any person who might properly be a party plaintiff in any such action who refuses to join as plaintiff may be made a defendant.

Actions
commenced
in superior
court.

(b) All actions under this section shall be commenced in the superior court of the county in which is situated any part of any real property against which any lien is sought to be enforced, or to which title is sought to be quieted against any lien, or claim of lien; but if in said action no lien against real property is sought to be enforced, the action shall be brought in the superior court of the county which has or which had jurisdiction of the administration of the estate of the decedent mentioned herein.

Service of
summons

(c) Service of summons in the actions brought against the state shall be made on the controller of state and on the district attorney of the county in which the estate of the decedent mentioned herein is being administered, or has been administered in probate proceedings, and it shall be the duty of said district attorney to defend all such actions.

Procedure.

(d) The procedure and practice in all actions brought under this section, except as otherwise provided in this act, shall be governed by the provisions of the Code of Civil Procedure in relation to civil actions, so far as the same shall or may be applicable, including all provisions relating to motions for new trials and appeals.

Remedies
in addition.

(e) The remedies provided in this section shall be in addition to and not exclusive of any remedies provided in the sections preceding this section.

County
treasurer
to notify
district
attorney
of transfer
without
tax being
paid.

SEC. 19. Whenever the treasurer of any county shall have reason to believe that any transfer has been made within the meaning of this act and that a tax due thereon remains undetermined and unpaid, he shall notify the district attorney in writing of such transfer, and the district attorney, if he have probable cause to believe a tax is due, and remains undetermined, shall prosecute the necessary proceeding in the superior court to determine and fix such tax and for the enforcement and collection thereof.

Special
attorney
for county
treasurer.

The county treasurer in his discretion, for the better furtherance of the purposes of this act, shall be allowed to employ such special attorney or attorneys as he may deem necessary; *provided*, that such attorney shall be paid for his services out of the fees allowed such treasurer, as provided in section twenty-two of this act.

Sec. 20. Whenever the superior court of any county shall

certify that there was probable cause for issuing a citation and taking the proceedings specified in section seventeen or eighteen of this act or for taking any proceeding or action to determine the taxability of any transfer within the meaning of this act, or to secure a fair appraisal of any property taxable under this act, or for taking any appeal from any order or judgment fixing such tax or determining the taxability of any transfer within the meaning of this act, the state treasurer shall pay, or allow, to the treasurer of any county, all expenses incurred therefor, and for his other lawful disbursements that have not otherwise been paid.

State treasurer to allow expenses of action.

SEC. 21. The treasurer of each county shall collect and pay the state treasurer all taxes that may be due and payable under this act, who shall give him a receipt therefor; of which collection and payment he shall make a report, under oath, to the controller, between the first and fifteenth days of May and December of each year, stating for what estate paid, and in such form and containing such particulars as the controller may prescribe; and for all such taxes collected by him and not paid to the state treasurer by the first day of June and January of each year he shall pay interest at the rate of ten per centum per annum.

Taxes collected by county treasurers to be paid controller in May and December.

SEC. 22. The treasurer of each county shall be allowed to retain, on all taxes paid and accounted for by him each year under this act, in addition to his salary or fees now allowed by law, three per centum on the first fifty thousand dollars so paid and accounted for by him, one and one half per centum on the next fifty thousand dollars so paid and accounted for by him, and one half of one per centum on all additional sums so paid and accounted for by him; *provided*, that no county treasurer shall be entitled to retain to his own use more than the sum of two hundred dollars out of the inheritance taxes paid on account of any transfer or transfers made by, or resulting from the death of, any one decedent.

Amounts county treasurers may retain.

SEC. 23. The treasurer of each county, in his discretion, for the better furtherance of the purposes of this act, shall be allowed to employ such special attorney or attorneys, as he may deem necessary, who shall have all the authority conferred upon the district attorney by sections seventeen and eighteen of this act, and such attorney shall be paid for his services out of the money collected under the provisions of this act a reasonable fee to be allowed by the probate court having jurisdiction, said fee, together with the sum retained by the county treasurer, in no one case to exceed the per centum allowed in such case by section twenty-two of this act.

Special attorney for county treasurer.

SEC. 24. The state controller, whenever he shall be cited as a party in any proceeding or action to determine any tax under this act provided, or whenever he shall deem it necessary for the better enforcement of this act to commence or appear in any proceeding or action to determine any tax hereunder, may, by and with the consent and approval of the attorney general, designate and employ counsel to represent him on behalf of the state, and, by and with such consent of

Controller may employ counsel in tax cases.

the attorney general, he is hereby authorized to incur the necessary expense for such employment and any reasonable and necessary expense incident thereto. And the county treasurer is hereby authorized and directed to pay out of any funds which may be in his hands on account of this tax, on presentation of a sworn itemized account and on certificate of the state controller and attorney general, all expenses incurred as in this section above provided, but no expense for legal services, up to and including the entry of the order of the court fixing the tax and the same becoming final, shall exceed ten per centum of the tax and penalties collected; *provided*, that all reasonable and necessary expenses incurred, other than attorneys' fees, including expense of serving processes, procuring evidence and printing and preparing of necessary legal papers, may be allowed and paid in the manner above provided, even though no tax be recovered in such action or proceeding, and the limitations herein made shall not apply thereto.

County
treasurer
authorized
to pay.

Disposi-
tion of
taxes
collected.

SEC. 25. All taxes levied and collected under this act, up to the amount of two hundred and fifty thousand dollars annually, shall be paid into the treasury of the state, for the uses of the state school fund, and all taxes levied and collected in excess of two hundred and fifty thousand dollars annually shall be paid into the state treasury to the credit of the general fund thereof.

Officer
failing to
perform
duty

SEC. 26. Every officer who fails or refuses to perform, within a reasonable time, any and every duty required by the provisions of this act, or who fails or refuses to make and deliver within a reasonable time any statement or record required by this act, shall forfeit to the State of California the sum of one thousand dollars, to be recovered in an action brought by the attorney general in the name of the people of the state on the relation of the controller.

Defini-
tions.
"estate,"
"prop-
erty."

SEC. 27. The words "estate" and "property" as used in this act shall be taken to mean the real and personal property or interest therein of the testator, intestate, grantor, bargainor, vendor, or donor passing or transferred to individual legatees, devisees, heirs, next of kin, grantees, donees, vendees, or successors, and shall include all personal property within or without the state. The word "transfer" as used in this act shall be taken to include the passing of property or any interest therein, in possession or enjoyment, present or future, by inheritance, descent, devise, succession, bequest, grant, deed, bargain, sale, gift, or appointment in the manner herein described. The word "decendent" as used in this act shall include the testator, intestate, grantor, bargainor, vendor, or donor. The words "county treasurer" and "district attorney" and "inheritance tax appraiser," as used in this act, shall be taken to mean the treasurer or the district attorney or the inheritance tax appraiser of the county of the superior court having jurisdiction, as provided in section sixteen of this act. The words "contemplation of death," as used in this act, shall be taken to include that expectancy of death which actuates the mind of a person on

"Trans-
fer."

"Dec-
dent"

"County
treas-
urer,"
"District
attorney,"
"Inher-
itance
tax ap-
praiser"
"Contem-
plation of
death."

the execution of his will, and in nowise shall said words be limited and restricted to that expectancy of death which actuates the mind of a person in making a gift *causa mortis*; and it is hereby declared to be the intent and purpose of this act to tax any and all transfers which are made in lieu of or to avoid the passing of the property transferred by testate or intestate laws.

SEC. 28. An act entitled "An act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and for suits to quiet title against claims of lien arising hereunder; to repeal an act entitled 'An act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all acts and parts of acts in conflict with this act," approved March 20, 1905, and all amendments thereto, and all acts and parts of acts in conflict with this act are hereby expressly repealed; *provided, however*, that such repeal shall in no wise affect any suit, prosecution or court proceeding pending at the time this act shall take effect, or any right which the State of California may have at the time of the taking effect of this act, to claim a tax upon any property under the provisions of the act or acts hereby repealed, for which no proceeding has been commenced; nor affect any appeal, right of appeal in any suit pending, or orders fixing tax, existing in this state at the time of the taking effect of this act.

SEC. 29. This act shall take effect and be in force from and after July 1, 1911.

CHAPTER 396.

An act to amend sections one thousand seventy-five, one thousand seventy-seven and one thousand seventy-eight of the Political Code, relating to boards of election commissioners and providing for clerks and secretaries of such boards.

[Approved April 7, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one thousand seventy-five of the Political Code is hereby amended to read as follows:

1075. The board of supervisors of each county is ex officio the board of election commissioners in and for the county, and the common council, or other governing body of a city, is ex officio the board of election commissioners in and for such city; *provided*, that in any city and county of this state having four hundred thousand or more inhabitants as shown by the

Board of
election
commis-
sioners.

last federal census, the board of election commissioners shall consist of four persons, citizens and electors of such city and county, each of whom must be a freeholder, and have been an actual resident of said city and county at least five years preceding his appointment, who shall be appointed by the mayor; *provided*, that the respective executive committees of the state committees of either of the political parties who may be entitled under the provisions of this act to have members of their party appointed as members of said board of election commissioners, shall have the right, within ten days after such appointment, to file with the mayor a written protest against the appointment of a member of said board of election commissioners, as having been appointed as one of affiliation with said party, on the grounds that said appointee is not a person of well-known affiliation and standing with said party from which he has been appointed; and the mayor thereupon shall make another appointment in the place of the party against whom the protest has been filed. The members of said commission shall be ineligible to any other office or public employment, elective or appointive, during the term for which they have been appointed and for one year thereafter. Two of the persons so appointed shall be selected from the body of citizens and electors of such city and county, of known affiliation with and belonging to the political party or organization which at the last presidential election held in such city and county, polled within said city and county, the highest number of votes cast for the candidates of the political party for presidential electors at such election; and the two remaining members of said board shall be selected from the body of electors of such city and county, of known affiliation with and belonging to the political party which, at the last presidential election held at such city and county, polled within such city and county, the next highest number of votes cast for the candidates for presidential electors of a political party. The members of said commission shall, every two years, choose one of their number as chairman; in the event of their failure to select a chairman in five ballots, the oldest of said members in point of years shall be chairman. The persons first appointed as such board of election commissioners shall be appointed on the first Monday of July, eighteen hundred and ninety-five, and shall each hold their office for the term of four years from and after the date of their appointment, except that of those first appointed, two (one belonging to each political party or organization as aforesaid), to be designated by the mayor, shall retire at the end of two years, when their successors shall be appointed by the mayor. Whenever any vacancy shall occur in the said board, such vacancy shall be filled by appointment as herein prescribed, and the persons so appointed to fill such vacancy shall be selected in the same manner and from the same political party or organization with which his predecessor in office affiliated and belonged at the time of his appointment thereto, and shall hold office for the balance of the unexpired term to which he was

May not hold other office.

Composition of board

Chairman

Term of office

Vacancy.

appointed. The salary of each member of the board of election commissioners in and for a city and county, having four hundred thousand or more inhabitants as shown by the last federal census shall be seven hundred and fifty dollars per annum, payable, in equal monthly installments, out of the treasury of such city and county, in the same manner as the salaries of other officers of said city and county, are paid.

SEC. 2. Section one thousand seventy-seven of the Political Code is hereby amended to read as follows:

1077. The county clerk is ex officio clerk of the board of election commissioners of the county, and the clerk or secretary of the common council or other governing body of a city is ex officio the clerk or secretary of the board of election commissioners of the city; *provided*, that in cities and counties, of this state having four hundred thousand or more inhabitants, the board of election commissioners shall appoint a suitable person, not one of their own number, to act as secretary, at a salary not to exceed two hundred and fifty dollars per month, payable in the same manner as the salaries of the commissioners are paid. Such secretary shall hold his office during the pleasure of the said board. The secretary of the board of election commissioners shall not, during the term of his office, engage in any other calling or trade, or profession or employment, and shall be ineligible to be a candidate or delegate to any convention which shall nominate candidates for office, and he shall be ineligible to be voted for for any office while acting as such secretary; and if these provisions of the law are not obeyed, it shall be the duty of the board of election commissioners forthwith to declare his place vacated, and the vacancy shall be filled in the same manner and terms as provided for in the original appointment. Each member of the board of election commissioners, and the secretary elected by said board of election commissioners, shall, within fifteen days after receiving notice of their appointment, take the usual oath of office before any judge of the superior court of said city and county, and said oaths of office shall be filed with the county clerk of said city and county. The board of election commissioners shall have the power to appoint all deputies, and such clerks as may be necessary, and to fix their salaries at the time of their employment. All deputies and clerks thus appointed shall be equally divided between the representatives of the political parties that polled the highest and the next to the highest number of votes at the preceding presidential election. The salaries of all deputies and clerks that may be appointed by said board of election commissioners shall be payable in equal monthly installments out of the treasury of said city and county, in the same manner as the salaries of other officers of such city and county are paid. The members of the board of election commissioners, the secretary of the board of election commissioners, all deputies and clerks appointed by the board of election commissioners, and all election officers, shall have the power to administer oaths; and any false oaths taken before them, or either of

Salary.

Clerk of board of election commissioners.

Clerk not to engage in other business.

Oath of office.

Deputies and clerks.

Power to administer oaths.

them, shall be deemed to be perjury, and the person so convicted thereof shall be punished according to law.

SEC. 3. Section one thousand seventy-eight of the Political Code is hereby amended to read as follows:

Duties of
clerks.

1078. The county clerk of each county, and the clerk or secretary of the common council of a city, shall, within their respective counties or cities, exercise all the powers conferred, and shall discharge and perform all the duties imposed by this code, or by any law of this state, upon such officers in respect to the conduct, management, and supervision of elections, and matters pertaining to elections, held within the respective counties or cities, as the same are now or may be hereafter prescribed by law; *provided*, that in any city and county, having four hundred thousand or more inhabitants, the secretary of the board of election commissioners, under the direction of the board of election commissioners, shall exercise all the powers conferred, and shall discharge and perform all the duties imposed by this code, or by any law of this state, upon the county clerk or any other officer in such cities and counties, in respect to the conduct and supervision of matters relating to elections held within such cities and counties, as the same are now or may be hereafter prescribed by law.

SEC. 4. This act shall take effect immediately.

CHAPTER 397.

An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds.

[Approved April 7, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

PART I.

- | | |
|---------|----------------------------------|
| Section | 1. Public streets defined. |
| | 2. What work may be done. |
| | 3. Resolution of intention. |
| | 4. When chargeable on district. |
| | 5. Notice of improvement. |
| | 6. Protest and hearing. |
| | 7. Jurisdiction—when acquired. |
| | 8. Plans and specifications. |
| | 9. Descriptions by reference. |
| | 10. Inviting sealed proposals. |
| | 11. Notice of awarding contract. |

- Section 12. Owners may take contract.
 13. Re-advertising for bids.
 14. Delinquent contractors.
 15. Bond for faithful performance.
 16. Protesting erroneous proceedings.
 17. Advancing incidental expenses.
 18. Conditions in contract.
 19. Bond for labor and material.
 20. Methods of assessment.
 Sub. 1. Frontage assessment.
 2. Main street crossings.
 3. Main street terminations.
 4. Alley and main street crossings.
 5. Alley and subdivision street crossings.
 6. Alley terminations.
 7. One side of street.
 8. Public property.
 9. When owners may grade.
 10. Diagram of assessment district.
 21. Making the assessment.
 22. Warrant.
 23. Recording warrant, etc.
 24. Demanding payment.
 25. Contractor's return.
 26. Final objections.
 27. Contractor's suit.
 28. New assessment permitted.
 29. Selling premises on execution.
 30. Partial assessment.
 31. Repairs.
 32. Suit for repairs.
 33. Additional penalty for neglect.
 34. Tenant may pay assessment.
 35. Service of notice.
 36. Accepted streets.
 37. Records of street superintendent.
 38. Duty of street superintendent.
 39. Damages—defective streets.
 40. Partial expense from treasury.
 41. City engineer.
 42. Inspector.

PART II

- Section 43. Change of grade.
 44. Claiming damages.
 45. Commissioners.
 46. Damages and benefits.
 47. Report of commissioners.
 48. Notice of hearing report.
 49. Objections to report.
 50. Advertising for bids.
 51. Making assessment.
 52. Assessment roll.
 53. Collecting assessments.
 54. Sale of property.
 55. Redeemable within one year.
 56. Separate funds.
 57. Notice of damages awarded.
 58. Condemnation proceedings.

PART III.

- Section 59. Serial bonds may be issued.
 60. When and where payable.
 61. Notice in resolution of intention.
 62. Notification to treasurer.
 63. Form of bond.
 64. Limitation, twenty-five dollars.
 65. Owner may stop issuance.
 66. Description of bonds.
 67. Penalty for default.
 68. Sale of property.
 69. Treasurer's affidavit.

- Section 70. Costs and fees.
 71. Certificate of treasurer.
 72. Lien on the property.
 73. Redemption.
 74. Recording certificate.
 75. Deed to purchaser.
 76. Absolute title.
 77. Railroad property.
 78. No protests.

PART IV.

- Section 79. Definitions.
 80. Hearings.
 81. Publication and posting.
 82. Construction of act.
 83. Saving clause.

PART I.

Public
streets
defined

SECTION 1. All streets, lanes, alleys, places or courts, in the municipalities of this state now open or dedicated, or which may hereafter be open or dedicated to public use, shall be deemed and held to be open public streets, lanes, alleys, places or courts, for the purpose of this act, and the city council of each municipality is hereby empowered to establish and change the grades of said streets, lanes, alleys, places, or courts, and fix the width thereof, and is hereby invested with jurisdiction to order to be done thereon any of the work mentioned in this act under the proceedings hereinafter described.

What work
may be
done

SEC. 2. Whenever the public interest or convenience may require, the city council is hereby authorized and empowered to order the whole or any portion or portions, either in length or width of any one or more of the streets, avenues, lanes, alleys, courts, places or public ways of any such city graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, oiled or recoiled, and to order the construction or reconstruction therein of sidewalks, crosswalks, culverts, bridges, gutters, curbs, steps, parkings and parkways, sewers, ditches, drains, conduits and channels for sanitary and drainage purposes or either or both thereof, with outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels and other appurtenances; pipes, hydrants and appliances for fire protection; tunnels, viaducts, conduits and subways, breakwaters, levees, bulkheads and walls of rock or other material to protect the same from overflow or injury by water; and poles, posts, wires, pipes, conduits, lamps and other suitable or necessary appliances for the purpose of lighting said streets, avenues, lanes, alleys, courts, places or public ways; the planting of trees thereon, and the construction or reconstruction in, over or through property or rights of way owned by such city, of tunnels, sewers, ditches, drains, conduits, and channels for sanitary and drainage purposes or either or both thereof, with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels and other appurtenances, pipes, hydrants and appliances

Sidewalks.

Cess-pools.

Conduits.

Poles.

Tree
planting.

for fire protection and breakwaters, levees, bulkheads and walls of rock or other material to protect the streets, avenues, lanes, alleys, courts, places, public ways and other property in any such city, from overflow by water, and to order any work to be done which shall be deemed necessary to improve the whole or any portion of such streets, avenues, sidewalks, lanes, alleys, courts, places, or public ways or property or rights of way of such city.

SEC. 3. Before ordering any work done or improvement made, which is authorized by this act, the city council shall pass a resolution of intention so to do referring to the street by its lawful or official name, or the name by which it is commonly known, and briefly describing the work. Said resolution of intention shall be published twice in one or more daily, semi-weekly, or weekly newspapers published and circulated in said city, and designated by said council for that purpose. The city council may include in one proceeding, under one resolution of intention and in one contract, any of the different kinds of work mentioned in this act and any number of streets and rights of way or portions thereof, and it may except therefrom any of said work already done upon a street to the official grade. The lots and portions of lots fronting upon said excepted work already done shall not be included in the frontage assessment for the class of work from which the exception is made; *provided*, that this shall not be construed so as to affect the special provisions as to grading contained in subdivision nine of section twenty of this act.

Resolu-
tion of in-
tention.

Publica-
tion.

SEC. 4. Whenever the contemplated work or improvement, in the opinion of the city council, is of more than local or ordinary public benefit, or whenever, according to estimate to be furnished by the city engineer, the total estimated costs and expenses thereof would exceed one half the total assessed value of the lots and lands assessed, if assessed upon the lots or land fronting upon said proposed work or improvement, according to the valuation fixed by the last assessment roll whereon it was assessed for taxes for municipal purposes, and allowing a reasonable depth from such frontage for lots or lands assessed in bulk, the city council may make the expense of such work or improvement chargeable upon a district, which the said city council shall, in its resolution of intention, declare to be the district benefited by said work or improvement, and to be assessed to pay the costs and expenses thereof.

When
chargeable
on a
district

SEC. 5. The street superintendent shall immediately after the adoption of the resolution of intention, cause to be conspicuously posted along the line of said contemplated work or improvement, at not more than three hundred feet in distance apart, but not less than three in all, or when the work to be done is only upon an entire crossing or intersection or any part thereof, in front of each quarter block or irregular block liable to be assessed, notices of the passage of said resolution. In case the work is chargeable upon a district as herein provided, copies of said notice shall also be posted along all the

Notice of
improvement

streets within such district at not more than three hundred feet in distance apart but not less than three in all on each street. Said notice shall be headed "Notice of Improvement," in letters of not less than one inch in length; and shall, in legible characters, state the fact of the passage of the resolution of intention, its date, and briefly, the work or improvement proposed, and refer to the resolution of intention for further particulars. Upon the completion of the posting of the notices of improvement the superintendent of streets shall forthwith cause to be filed in the office of the city clerk an affidavit stating the fact of the completion of the posting of such notices and the date of such completion and thereafter all persons shall be deemed to have notice of the date of the completion of such posting.

Form of
notice.

Protest of
property
owner

Hearing

When
majority
opposes.

SEC. 6. At any time within fifteen days after the date of the second publication of the resolution of intention, or if the posting of the notice of improvement has been completed after the second publication of the resolution of intention, then within fifteen days after the date of the completion of the posting of the said notice of improvement, any owner of property liable to be assessed for said work may make written protest against the proposed work or against the extent of the district to be assessed, or both. Such protest must be in writing and be delivered to the said clerk of the city council, who shall endorse thereon the date of its receipt by him. At the next regular meeting of the city council after the expiration of the time within which said protest may be so made, the city council shall proceed to hear and pass upon all protests so made and its decision shall be final and conclusive; *provided, however*, that when the protest is against the proposed work, and the cost thereof is to be assessed upon the property fronting thereon, and the city council finds that such protest is made by the owners of a majority of the property fronting on the proposed work, or when the protest is against the proposed work and the cost thereof is to be assessed upon the property within a district, and the city council finds that such protest is made by the owners of more than one half of the area of the property to be assessed for said improvements, no further proceedings shall be taken for a period of six months from the date when said protest was received by the said clerk of said city council, unless the said protest be overruled by an affirmative vote of four fifths of the members of the city council. The city council may adjourn said hearing from time to time.

When juris-
diction is
acquired.

SEC. 7. When no protests have been delivered to the clerk of the city council within fifteen days after the date of the second publication of the resolution of intention, or if the posting of the notice of improvement has been completed after the second publication of the resolution of intention, then within fifteen days after the date of the completion of the posting of the said notice of improvement, or when a protest shall have been found by said city council to be insufficient, or shall have

been overruled, or, when a protest against the extent of the proposed district, shall have been heard and denied, immediately thereupon the city council shall be deemed to have acquired jurisdiction to order the proposed improvements.

SEC. 8. Before passing any resolution for the construction of improvements, plans and specifications and careful estimates of the costs and expenses thereof shall be furnished to said city council, if required by it, by the city engineer of said city: and for the work of constructing sewers, specifications shall always be furnished by him.

SEC. 9. In all resolutions, notices, orders and determinations subsequent to resolution of intention and notice of improvement, it shall be sufficient to briefly describe the work or the assessment district or both and to refer to the resolution of intention for further particulars.

SEC. 10. Before the awarding of any contract by the city council for doing any work authorized by this act, the city council shall pass a resolution ordering the work. Notice with specifications, shall be posted conspicuously for five days on or near the council chamber door of said council, inviting sealed proposals or bids for doing the work ordered. Notice inviting such proposals, and referring to the specifications posted or on file, shall be published twice in a daily, semi-weekly, or weekly newspaper published and circulated in said city, designated by the council for that purpose, and in case there is no newspaper published in said city, then it shall only be posted as hereinbefore provided. The time fixed for the opening of bids shall be not less than ten days from the time of the first publication or posting of said notice. All proposals or bids offered shall be accompanied by a check payable to the city certified by a responsible bank, for an amount which shall not be less than ten per cent of the aggregate of the proposal, or by a bond for the said amount and so payable, signed by the bidder and two sureties, who shall justify, before any officer competent to administer an oath, in double the said amount, and over and above all statutory exemptions. Said proposals or bids shall be delivered to the clerk of the said city council, and said council shall, in open session publicly open, examine and declare the same; *provided, however,* that no proposal or bid shall be considered unless accompanied by said check or bond satisfactory to the council. The city council may reject any and all proposals or bids should it deem this for the public good, and also the bid of any party who has been delinquent or unfaithful in any former contract with the municipality, and shall reject all proposals or bids other than the lowest regular proposal or bid of any responsible bidder, and may award the contract for said work or improvement to the lowest responsible bidder at the prices named in his bid. If the bids are rejected or no bids received the city council may within six months thereafter re-advertise for proposals or bids for the performance of the work as in the first instance, without further proceedings, and thereafter proceed in the

Plans and specifications

Descriptions by reference

Inviting sealed proposals
Notice posted.

Publication

Time for opening bids.

Certified check

May reject all bids.

If bids are rejected.

manner in this section provided, and shall thereupon return to the proper parties the respective checks and bonds corresponding to the bid so rejected. But the checks accompanying such accepted proposals or bids shall be held by the city clerk of said city until the contract for doing said work, as hereinafter provided, has been entered into, either by said lowest bidder or by the owners of three fourths part of the frontage, whereupon said certified check shall be returned to said bidder. But if said bidder fails, neglects or refuses to enter into the contract to perform said work or improvement, as hereinafter provided, then the certified check accompanying his bid and the amount therein mentioned, shall be declared to be forfeited to said city and shall be collected by it and paid into the general fund, and any bond forfeited may be prosecuted, and the amount due thereon collected and paid into said fund.

Bidder
failing to
enter into
contract
forfeits
check.

Notice of
awarding
contract.

SEC. 11. Notice of such award of contracts shall be posted for five days, in the same manner as hereinbefore provided for the posting of proposals for said work, and shall be published twice in a daily newspaper published and circulated in said city and designated by said city council, or in cities where there is no daily newspaper by one insertion in a semi-weekly or weekly newspaper so published, circulated and designated; *provided, however*, that in case there is no newspaper printed or published in any such city, then such notice of award shall only be kept posted as hereinbefore provided.

Owners
may take
contract

SEC. 12. The owners of three fourths of the frontage of lots and lands liable to be assessed, or their agents, and who shall make oath that they are such owners or agents, shall not be required to present sealed proposals or bids, but may, within ten days after the first publication of said notice of said award, elect to take said work and enter into a written contract to do the whole work at the price at which the same has been awarded, and all work done under such contract shall be subject to such regulations as may be prescribed by ordinance of the city council. Should the said owners fail to elect to take said work, and to enter into a written contract therefor within ten days, or to commence the work within fifteen days after the date of such written contract, and to prosecute the same with diligence to completion, it shall be the duty of the superintendent of streets to enter into a contract with the original bidder to whom the contract was awarded, and at the prices specified in his bid. All contracts entered into between the owners of any property and the contractor or his agents shall be duplicate and shall contain all items of expense and the total contract price therefor, and no other payment shall be allowed to or recovered by such contractor, other than as itemized and set forth in said contract. The original of such contract shall be held by the contractor or his agent, and the duplicate shall be held by the owners, who must receipt to the agent or collector therefor.

Contracts
to contain
all items
of expense.

Reserve-
dising for
bids.

SEC. 13. But if such original bidder neglects, fails or refuses, for fifteen days after the first publication of the notice

of award, to enter into the contract, then the city council, without further proceedings, shall again advertise for proposals or bids, as in the first instance, and award the contract for said work to the then lowest regular bidder. Should no bids be received in response to this second call for proposals, the council may again advertise for bids under the same proceedings, at any time within six months from the time set for the last reception of bids, and let the contract to the then lowest bidder, and such delay shall in no way affect the validity of any of the proceedings or assessments levied thereunder. The bids of all persons and the election of all owners, as aforesaid, who have failed to enter into the contract, as herein provided, shall be rejected in any bidding or election subsequent to the first for the same work.

SEC. 14. If the owner or contractor, who may have taken any contract, does not complete the same within the time limited in the contract, or within such further time as the city council may give him, the superintendent of streets shall report such delinquency to the city council which may relet the unfinished portion of said work, after pursuing the formalities prescribed hereinbefore for the letting of the whole in the first instance.

Delinquent contractors.

SEC. 15. All contractors, contracting owners included, shall, at the time of executing any contract for street work, execute a bond to the satisfaction and approval of the superintendent of streets of said city, with two or more sureties and payable to such city, in a sum not less than twenty-five per cent of the amount of the contract, conditioned for the faithful performance of the contract; and the sureties shall justify before any person competent to administer an oath, in double the amount mentioned in said bond, over and above all statutory exemptions.

Bond for faithful performance.

SEC. 16. At any time within ten days from the date of the first publication of the notice of award of contract, any owner of, or other person having any interest in any lot or land liable to assessment, who claims that any of the previous acts or proceedings, relating to said improvement are irregular, defective, erroneous or faulty, may file with the clerk of the city council a written notice specifying in what respect said acts and proceedings are irregular, defective, erroneous or faulty. Said notice shall state that it is made in pursuance of this section. All objections to any act or proceeding occurring prior to the date of the first publication of the aforesaid notice of award, in relation to said improvement, not made in writing and in the manner and at the time aforesaid, shall be waived; *provided*, the resolution of intention to do the work has been actually published and the notices of improvement posted as provided in this act.

Protesting erroneous proceedings.

SEC. 17. Before being entitled to a contract, the bidder to whom the award was made, or the owners who have elected to take the contract, must advance to the superintendent of streets, for payment by him, the cost of publication of the

Advancing incidental expenses.

notices, resolutions, orders and matters required under the proceedings prescribed in this act, and of such other notices as may be deemed requisite by the city council, together with all other incidental expenses. And in case the work is abandoned by the city before the letting of the contract the incidental expenses incurred previous to such abandonment shall be paid out of the city treasury.

Condi-
tions in
contract.

SEC. 18. The superintendent of streets is hereby authorized, in his official capacity, to make all written contracts, and to receive all bonds authorized by this act, and to do any other act, either express or implied, that pertains to the street department under this act; and he shall fix the time for the commencement, which shall not be more than fifteen days from the date of the contract, and for the completion of the work under all contracts entered into by him, which work shall be prosecuted with diligence from day to day thereafter to completion, and he may extend the time so fixed from time to time, under the direction of the city council. The work must, in all cases, be done under the direction and to the satisfaction of the superintendent of streets and the materials used shall comply with the specifications and be to the satisfaction of said superintendent of streets, and all contracts made therefor must contain a provision to that effect, and also express notice, that, in no case, except where it is otherwise provided by law or the city charter will the city, or any officer thereof, be liable for any portion of the expense, nor for any delinquency of persons or property assessed. The city council may, by ordinance, prescribe general rules directing the superintendent of streets and the contractor as to the materials to be used, and the mode of executing the work, under all contracts thereafter made. The assessment and apportionment of the expenses of all such work, or improvement shall be made by the superintendent of streets in the mode provided by this act.

Work done
under
direction
of superin-
tendent of
streets.

Apportion-
ment of
expenses.

Bond for
labor and
material.

SEC. 19. Every contractor, person, company, or corporation, including contracting owners, to whom is awarded any contract for street work under this act, shall, before executing the said contract, file with the superintendent of streets a good and sufficient bond, approved by the mayor, in a sum not less than one half of the total amount payable by the terms of said contract; such bond shall be executed by the principal and at least two sureties, who shall qualify for double the sum specified in said bond, and shall be made to inure to the benefit of any and all persons, companies or corporations who perform labor on, or furnish materials to be used in the said work or improvement, and shall provide that if the contractor, person, company or corporation to whom said contract was awarded fails to pay for any materials so furnished for the said work or improvement, or for any work or labor done thereon of any kind, that the sureties will pay the same, to an amount not exceeding the sum specified in said bond. Any materialman, person, company or corporation, furnishing materials to be used in the performance of said work specified in said contract, or who performed work

Material-
men may
file claim if
not paid
within
thirty
days.

or labor upon the said improvement, whose claim has not been paid by the said contractor, company or corporation, to whom the said contract was awarded, may, within thirty days from the time said improvement is completed, file with the superintendent of streets a verified statement of his or its claim, together with a statement that the same, or some part thereof, has not been paid. At any time within ninety days after the filing of such claim, the person, company or corporation, filing the same, or their assigns, may commence an action on said bond for the recovery of the amount due on said claim, together with the costs incurred in said action, and a reasonable attorney fee, to be fixed by the court, for the prosecution thereof.

SEC. 20. Subdivision 1. The expenses incurred for any work authorized by this act (which expense shall not include the cost of any work done in such portion of any street as is required by law to be kept in order or repair by any person or company having railroad tracks thereon, nor include work which shall have been declared in the resolution of intention to be assessed on a district benefited) shall be assessed upon the lots and lands fronting thereon, except as otherwise in this act specifically provided; each lot or portion of a lot being separately assessed, in proportion to the frontage, at a rate per front foot sufficient to cover the total expense of the work.

Methods
of assess-
ment:
frontage
assess-
ment.

Subdivision 2. The expense of the work done on main street crossings shall be assessed at a uniform rate per front foot of the quarter blocks and irregular blocks adjoining and cornering upon the crossings, and separately upon the whole of each lot or portion of a lot having any frontage in the said blocks fronting on said main streets, half way to the next main street crossing, or to the end of such street if it does not meet another, and all the way on said blocks to a boundary line of the city where no such crossing intervenes, but only according to its frontage in said quarter blocks and irregular blocks.

Main
street
crossings.

Subdivision 3. Where a main street terminates in another main street, the expenses of the work done on one half of the width of the street opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on the same, according to the frontage of such lots on said main streets, and the expense of the other half of the width of said street upon the lot or lots fronting on the latter half of the street at such termination.

Main
street ter-
mination.

Subdivision 4. Where any alley or subdivision street crosses a main street, the expense of all work done on said crossing shall be assessed on all lots or portions of lots halfway on said alley or subdivision street to the next crossing or intersection, or to the end of such alley or subdivision street, if it does not meet another.

Alley and
main
street
crossings.

Subdivision 5. The expense of work done on alley or subdivision street crossings shall be assessed upon the lots fronting upon such alley or subdivision streets on each side thereof,

Alley
crossings.

in all directions, halfway to the next street, place or court, on either side, respectively, or to the end of such alley or subdivision street, if it does not meet another.

Subdivision 6. Where a subdivision street, avenue, lane, alley, place or court terminates in another street, avenue, lane, alley, place or court, the expense of the work done on one half of the width of the subdivision street, avenue, lane, alley, place or court opposite the termination, shall be assessed upon the lot or lots fronting on such subdivision street, avenue, lane, alley, place or court so terminating, according to its frontage thereon, half way, on each side, respectively, to the next street, avenue, lane, alley, place or court or to the end of such street, avenue, lane, alley, place or court, if it does not meet another, and the other one half of the width upon the lots fronting such termination.

One side
of street.

Subdivision 7. Where any work mentioned in this act (man-holes, sewers, cesspools, culverts, crosswalks, piling and capping excepted) is done on one side of the center line of any street, or sewerage or re-sewerage is ordered to be done under the sidewalk on only one side of any street for any length thereof, the assessment for the expenses thereof shall be made only upon the lots and lands fronting nearest upon that side of the street and for intervening intersections only upon the two quarter blocks adjoining and cornering upon that side.

Public
property.

Subdivision 8. Whenever any lot, piece or parcel of land belonging to the United States, or to the State of California, or any lot, piece or parcel of land belonging to any county, city, public agent, mandatory of the government, school board, educational, penal or reform institution, or institution for the feeble-minded or the insane, and being in use in the performance of any public function, shall front upon the proposed work or improvement, or be included within the district declared by the city council in its resolution of intention to be the district to be assessed to pay the costs and expenses thereof, said city council may, in the resolution of intention, declare that said lots, pieces or parcels of land, or any of them, shall be omitted from the assessment thereafter to be made to cover the costs and expenses of said work or improvement. In the event that said lots, pieces or parcels of land, or any of them, shall by said resolution be omitted from the assessment, then the total expense of all work done shall be assessed on the remaining lots fronting on the work or improvement, or lying within the limits of the assessment district, without regard to such omitted lots, pieces or parcels of land. In the event that the council shall, in such resolution of intention, declare that said lots, pieces or parcels of land so owned as aforesaid, or any of them, shall be included in the assessment, or in the event that no declaration is made respecting such lots, pieces or parcels of land, or any of them, then said city shall be liable for such sum or sums as may thereafter be assessed against any such lots, pieces or parcels of land so owned and used, and so included in the assessment by reason of the aforesaid declara-

tion, or such lots, pieces or parcels of land so owned and used respecting which the resolution of intention makes no declaration, which shall be payable by the said city out of the general fund unless the legislative body shall in its resolution of intention designate another fund.

Subdivision 9. It shall be lawful for the owner or owners of lots or lands fronting upon any street, the width and grade of which have been established by the city council, to perform, at his or their own expense (after obtaining permission from the council so to do, but before said council has passed its resolution of intention to order grading inclusive of this), any grading upon said street, to its full width, or to the center line thereof, and to its grade as then established, and thereupon to procure, at his or their own expense, a certificate from the city engineer, setting forth the number of cubic yards of cutting and filling made by him or them in said grading, and the proportions performed by each owner, and that the same is done to the established width and grade of said street, or to the center line thereof, and thereafter to file said certificate with the superintendent of streets, which certificate the superintendent shall record in a book kept for that purpose in his office, properly indexed. Whenever thereafter the city council orders the grading of said street, or any portion thereof, on which any grading certified as aforesaid has been done, the bids and contracts must express the price by the cubic yard for cutting and filling in grading; and the said owner or owners and his or their successors in interest, shall be entitled to credit, on the assessment upon his or their lots and lands fronting on said streets for the grading thereof, to the amount of the cubic yards of cutting and filling set forth in his or their certificate, at the prices named in the contract for said cutting and filling; or, if the grade meanwhile has been duly altered, only for so much of said certified work as would be required for grading to the altered grade; *provided, however*, that such owner or owners shall not be entitled to such credit as may be in excess of the assessments for grading upon the lots and lands owned by him or them, and proportionately assessed for the whole of said grading; and the superintendent of streets shall include in the assessment for the whole of said grading upon the same grade the number of cubic yards of cutting and filling set forth in any and all certificates so recorded in his office, or for the whole of said grading to the duly altered grade so much of said certified work as would be required for grading thereto, and shall enter corresponding credits, deducting the same as payments upon the amounts assessed against the lots and lands owned, respectively, by said certified owners and their successors in interest; *provided, however*, that he shall not so include any grading quantities or credit any sums in excess of the proportionate assessments for the whole of the grading which are made upon any lots and lands fronting upon said street and belonging to any such certified owners or their successors in interest. Whenever any owner or owners of any lots

When
owners
may
grade.

and lands fronting on any street shall have heretofore done, or shall hereafter do any work (excepting grading) on such street, in front of any block, at his or their own expense, and the city council shall subsequently order any work to be done of the same class in front of the same block, said work so done at the expense of such owner or owners shall be excepted from the order ordering work to be done; *provided*, that the work so done at the expense of such owner or owners, shall be upon the official grade, and in condition satisfactory to the street superintendent at the time said order is passed.

Diagram
of assess-
ment
district.

Subdivision 10. Whenever the resolution of intention declares that the cost and expenses of the work and improvement are to be assessed upon a district, the city engineer shall make a diagram of the property affected or benefited by the proposed work or improvement, as described in the resolution of intention, and to be assessed to pay the expenses thereof. Such diagram shall show each separate lot, piece or parcel of land, the area in square feet of each of such lots, pieces or parcels of land, and the relative location of the same to the work proposed to be done, all within the limits of the assessment district; and when said diagram shall have been approved by the city council, the clerk shall certify the fact and date thereof. Immediately thereafter the said diagram shall be delivered to the superintendent of streets of said city, who shall, after the contractor of any street work has fulfilled his contract to the satisfaction of said superintendent of streets or city council, on appeal, proceed to estimate upon the lands, lots or portions of lots within said assessment district, as shown by said diagram, the benefits arising from such work, and to be received by each such lot, portion of such lot, piece, or subdivision of land, and shall thereupon assess upon and against said lands in said assessment district the total amount of the costs and expenses of such work, and in so doing shall assess said total sum upon the several pieces, parcels, lots, or portions of lots, and subdivisions of land in said assessment district benefited thereby, to wit: Upon each respectively, in proportion to the estimated benefits to be received by each of said several lots, portions of lots, or subdivisions of land. In other respects the assessment shall be as provided in the next section, and the provisions of subdivisions one, two, three, four, five, six and seven of this section shall not be applicable to the work or improvement provided for in this subdivision.

Railroad
property.

Subdivision 11. The terms, lot, lands, piece or parcel of land wherever mentioned in this act shall be deemed to include and shall include property owned or controlled by any person, firm or corporation as a railroad, street or interurban railroad right of way, and whenever a railroad, street or interurban railroad right of way shall front on or about or parallel or be included within or divide longitudinally any street improved under the provisions of this act or shall be included within any district to be assessed for the cost of any improvement provided in this act, such railroad right of way

(whether the same is owned in fee or as an easement) shall be included in the warrant, assessment and diagram and shall be assessed in the manner and with the same effect as other lots, lands or pieces or parcels of land are assessed as provided in this act, and such railroad, street or interurban railroad right of way shall be subject to sale for non-payment of assessments as in this act provided.

SEC. 21. After the contractor of any street work has fulfilled his contract to the satisfaction of the street superintendent of said city, or city council on appeal, the street superintendent shall make an assessment to cover the sum due for the work performed and specified in said contract (including all incidental expenses), in conformity with the provisions of the preceding section according to the character of the work done: or, if any direction and decision be given by said council on appeal, then in conformity with such direction and decision, which assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with all incidental expenses, the rate per front foot assessed, if the assessment be made per front foot, the amount of each assessment, the name of the owner of each lot, or portions of a lot (if known to the street superintendent); if unknown the word "Unknown" shall be written opposite the number of the lot, and the amount assessed thereon, the number of each lot or portion or portions of a lot assessed, and shall have attached thereto a diagram exhibiting each street or street crossing, lane, alley, place or court, on which any work has been done, and showing the relative location of each district, lot, or portion of lot to the work done, numbered to correspond with the numbers in the assessments, and showing the number of feet fronting, or number of lots assessed, for said work contracted for and performed.

Making the assessment.

Owner unknown.

SEC. 22. To said assessment shall be attached a warrant, which shall be signed by the superintendent of streets, and countersigned by the mayor of said city. The said warrant shall be substantially in the following form:

Warrant.

FORM OF WARRANT.

By virtue hereof, I (name of the superintendent of streets), of the city of county of (or city and county of), and State of California, by virtue of the authority vested in me as said superintendent of streets, do authorize and empower (name of contractor) (his or their) agents or assigns, to demand and receive, the several assessments upon the assessment and diagram hereto attached, and this shall be (his or their) warrant for the same.

(Date)

.....
(Name of superintendent of streets).

Countersigned by (name of mayor).

Recording
warrant,
etc.

SEC. 23. Said warrant, and assessment, together with the certificate, if any, of the city engineer of the quantity and character of the work done, shall be recorded in the office of said superintendent of streets, the diagram shall there be filed. When so recorded the several amounts assessed shall be a lien upon the lands, lots, or portions of lots assessed, respectively, for the period of two years from the date of said recording, unless sooner discharged; and from and after the date of said recording of any warrant, assessment and certificate, all persons shall be deemed to have notice of the contents of the record thereof. After said warrant, assessment, and certificate are recorded, the same shall be delivered to the contractor, or his agent, or assigns, on demand, but not until after the payment to the said superintendent of streets of the incidental expenses not previously paid by the contractor, or his assigns: and by virtue of said warrant said contractor, or his agent or assigns, shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contracts and assessments.

Demand-
ing pay-
ment.

SEC. 24. The contractor, or his assigns, or some person in his or their behalf, shall call upon the persons assessed, or their agents, if they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made, the contractor, his assigns, or some person in his or their behalf, shall receipt the same upon the assessment in presence of the person making such payment, and shall also give a separate receipt if demanded. Whenever the person so assessed, or their agents, can not conveniently be found, or whenever the name of the owner of the lot is stated as "Unknown" on the assessment, then the said contractor, or his assigns, or some person in his or their behalf, shall publicly demand payment on the premises assessed.

Con-
tractors
return.

SEC. 25. The warrant shall be returned to the superintendent of streets within thirty days after its date, with a return indorsed thereon, signed by the contractor, or his assigns, or some person in his or their behalf, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid, in whole or in part, and the amount thereof. Thereupon the superintendent of streets shall record the return so made, in the margin of the record of the warrant and assessment, and also the original contract referred to therein, if it has not already been recorded at full length in a book to be kept for that purpose in his office, and shall sign the record. The said superintendent of streets is authorized at any time to receive the amount due upon any assessment list and warrant issued by him, and give a good and sufficient discharge therefor; *provided*, that no such payment so made after suit has been commenced, without the consent of the plaintiff in the action, shall operate as a complete discharge of the lien until the costs in the action shall be refunded to the plaintiff; and he may release any assessment upon the books of his office, on the payment to him of the amount of the

assessment against any lot with interest, or on the production to him of the receipt of the party or his assigns to whom the assessment and warrant were issued; and if any contractor shall fail to return his warrant within the time and in the form provided in this section, he shall thenceforth have no lien upon the property assessed; *provided, however,* that in case any warrant is lost, upon proof of such loss a duplicate can be issued, upon which a return may be made, with the same effect as if the original had been so returned. After the return of the assessment and warrant as aforesaid, all amounts remaining due thereon shall draw interest at the rate of ten per cent per annum until paid, said interest to be computed from the date of the recording of the return.

Failure to
return
warrant.

SEC. 26. The owners, whether named in the assessment or not, the contractor, or his assigns, and all other persons directly interested in any work done under this act, or in the assessment, feeling aggrieved by any act or determination of the superintendent of streets in relation thereto, or who claim that the work has not been performed according to the contract in a good and substantial manner, or having or making any objection to the correctness or legality of the assessment or other act, determination, or proceedings of the superintendent of streets, shall, within thirty days after the date of the warrant, appeal to the city council, as provided in this section, by briefly stating their objections in writing, and filing the same with the clerk of said city council. Notice of the time and place of the hearing, as fixed by the council, briefly referring to the work contracted to be done, or other subject of appeal, and to the acts, determinations, or proceedings objected to or complained of, shall be posted conspicuously by the clerk, on or near the chamber door of the council chambers, for five days. Upon such appeal, the said city council may remedy and correct any error or informality in the proceedings, and revise and correct any of the acts or determinations of the superintendent of streets relative to said work; may confirm, amend, set aside, alter, modify or correct the assessment in such manner as to them shall seem just, and require the work to be completed according to the directions of the city council; and may instruct and direct the superintendent of streets to correct the warrant, assessment, or diagram in any particular, or to make and issue a new warrant, assessment, and diagram, to conform to the decisions of said city council in relation thereto, at their option. All the decisions and determinations of said city council, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appeal under the provisions of this section, as to all errors, informalities, and irregularities which said city council might have avoided, or have remedied, during the progress of the proceedings, or which it can at that time remedy. No assessment, warrant, diagram or affidavit of demand and non-payment, after the issue of the same, and no proceedings prior to the assessment, shall be held invalid by any court for any error,

Final
objec-
tions.

Decisions
final.

informality, or other defect in the same, where the resolution of intention of the council to do the work, has been actually published as herein provided, and said notices of improvement have been posted along the line of the work, as provided in section five of this act, before the passage of the resolution ordering the work to be done.

Con-
tractor's
suit.

SEC. 27. At any time after the period of thirty-five days from the day of the date of the warrants, as herein provided, or if an appeal is taken to the city council, as provided in section twenty-six of this act, at any time after five days from the decision of said council, or after the return of the warrant or assessment, after the same may have been corrected, altered, or modified, as provided in said section twenty-six (but not less than thirty-five days from the date of the warrant), the contractor or his assignee may sue, in his own name, the owner of the land, lots, or portions of lots, assessed on the day of the date of the recording of the warrant, assessment, and diagram, or any day thereafter during the continuance of the lien of said assessment, and recover the amount of any assessment remaining unpaid, with interest thereon at the rate of ten per cent per annum until paid. And in all cases of recovery under the provisions of this act, where personal demand has been made upon the owner or his agent but not otherwise, the plaintiff shall recover such sum as the court may fix, in addition to the taxable cost as attorney's fees, but not any percentage upon said recovery. And when suit has been brought, after a personal demand has been made and a refusal to pay such assessment so demanded, the plaintiff shall be entitled to have and recover the sum of fifteen dollars as attorney's fees, in addition to all taxable costs, notwithstanding that the suit may be settled or a tender may be made before a recovery in said action, and he may have judgment therefor. Suit may be brought in the superior court within whose jurisdiction the city is in which said work has been done, and in case any of the assessments are made against lots, portions of lots, or lands, the owners thereof can not, with due diligence, be found, the service of each of said actions may be had in such manner as is prescribed in the codes and laws of this state. It shall be competent to bring a single action under any such assessment irrespective of the number of lots assessed where the parties defendant are identical, and where separate actions are brought, the same may be consolidated by order of the court. The said warrant, assessment, certificate and diagram, with the affidavit of demand and non-payment, shall be held prima facie evidence of the regularity and correctness of the assessment and of the prior proceedings and acts of the superintendent of streets and city council upon which said warrant, assessment, and diagram are based, and like evidence of the right of the plaintiff to recover in the action.

Attorney's
fees.

Now as-
sessment
permitted.

SEC. 28. Whenever, in any suit, the lien of an assessment or reassessment, or of a bond issued for the cost of such work, shall be held invalid for any cause arising subse-

quent to the publication and posting of the resolution of intention and the posting of the notices of improvement along the line of work, or because the work or any part thereof is not sufficiently described in the resolution of intention, the contractor or his assigns, or the holder of such bond, shall have the right, within sixty days thereafter, to apply for and receive a new assessment for the cost of the work done and sufficiently described in the resolution of intention, or specifications on file, such cost to be assessed upon the property and in the same manner as provided in sections twenty and twenty-one of this act; and the street superintendent shall, within twenty days after such application, make and deliver to said applicant a new assessment, warrant and diagram in accordance with the law governing the issuance of originals of such documents, and the mayor shall in like manner countersign the said warrant, which reassessment shall be a lien on the property so assessed for two years from the date of the recording of said reassessment and warrant and be enforced in the same manner as an original assessment would be enforced. If an appeal be taken from the judgment in which such an assessment is held invalid, the time herein provided for making application for a new assessment shall not begin until such case be in some manner finally disposed of.

SEC. 29. The court in which said suit shall be commenced shall have power to adjudge and decree a lien against the premises assessed, and to order such premises to be sold on execution, as in other cases of the sale of real estate by the process of said courts; and on appeal, the appellate courts shall be vested with the same power to adjudge and decree a lien and to order such premises to be sold on execution or decree as is conferred on the court from which an appeal is taken. Such premises, if sold, may be redeemed as in other cases. In all suits now pending or hereafter brought under this act to recover street assessments, the proceedings therein shall be governed and regulated by the provisions of this act, and also, when not in conflict herewith, by the codes of this state.

Selling
premises
on execu-
tion.

SEC. 30. The city council, instead of waiting until the completion of the improvement, may, in its discretion, and not otherwise, upon the completion of two blocks or more of any improvement, order the street superintendent to make an assessment for the proportionate amount of the contract completed, and thereupon proceedings and rights of collection of such proportionate amount shall be had as provided in the preceding sections.

Partial as-
sessment.

SEC. 31. When any portion of any improved street, avenue, lane, alley, court, or place in said city, or any sidewalk constructed thereon shall be out of repair, or pending reconstruction, and in condition to endanger persons or property passing thereon, or in condition to interfere with the public convenience in the use thereof, it shall be the duty of said superintendent of streets to require, by notice in writing, to be delivered to them or to their agents personally, or left on the

Repairs.

Repairs.

premises, the owners or occupants of lots or portions of lots fronting on said portion of said street, avenue, alley, lane, court, or place, or said portion of said sidewalks so out of repair or needing reconstruction as aforesaid, to repair or reconstruct, or to do both, forthwith, said portion of said street, avenue, lane, alley, court, or place, to the center line of said street in front of the property of which he is the owner, or tenant, or occupant; and said superintendent of streets shall particularly specify in said notice what work is required to be done, and how the same is to be done, and what material shall be used in said repairs, or reconstructions, or both. If said repairs, or reconstructions, or both, be not commenced within three days after notice given as aforesaid, and diligently and without interruption prosecuted to completion, the said superintendent of streets may, under authority from said city council, make such repairs, reconstructions, or both, or enter into a contract with any suitable person, at the expense of the owner, tenant, or occupant, after the specification for the doing of said work shall have been conspicuously posted by him in his office for two days, inviting bids for the doing of said work, which bids shall be delivered to him at his office on or before the second day of said posting, and opened by him on the next day following the expiration of said two days of posting, and the contract by him be awarded to the lowest bidder, if such lowest bid, in the judgment of said street superintendent, shall be reasonable. All of said bids shall be preserved in his office and open at all times after the letting of the contract to the inspection of all persons, and such owner, tenant, or occupant shall be liable to pay said contract price. Such work shall be commenced within twenty-four hours after the contract shall have been signed, and completed without delay to the satisfaction of said street superintendent. Upon the completion of said repairs, or reconstruction, or both, by said contractors as aforesaid, to the satisfaction of said superintendent of streets, said superintendent of streets shall make and deliver to said contractor a certificate to the effect that said repairs, or reconstruction, or both, have been properly made by said contractor to the grade, and that the charges for the same are reasonable and just, and that he, said superintendent, has accepted the same.

Suit for
repairs.

SEC. 32. If the expenses of the work and material for such improvement, after the completion thereof, and the delivery to said contractor of said certificate, be not paid to the contractor so employed, or his agent or assignee, on demand, the said contractor, or his assignee, shall have the right to sue such owner, tenant, or occupant, for the amount contracted to be paid; and said certificate of the superintendent of streets shall be prima facie evidence of the amount claimed for said work and materials, and of the right of the contractor to recover for the same in such action. Said certificate shall be recorded by the said superintendent of streets in a book kept by him in his office for that purpose, properly indexed, and

the sum contracted to be paid shall be a lien, the same as provided in section twenty-three of this act, and may be enforced in the same manner.

SEC. 33. In addition, and as cumulative to the remedies above given, the city council shall have power, by resolution or ordinance, to prescribe the penalties that shall be incurred by any owner or person liable, or neglecting, or refusing to make repairs when required, as provided in section thirty-one of this act, which fines and penalties shall be recovered for the use of the city by prosecution in the name of the people of the State of California in the court having jurisdiction thereof, and may be applied, if deemed expedient by the said council, in the payment of the expenses of any such repairs not otherwise provided for.

Additional penalty for neglecting repairs.

SEC. 34. Any tenant or lessee of the lands or lots liable may pay the amount assessed against the property of which he is the tenant or lessee under the provisions of this act, or he may pay the price agreed on to be paid under the provisions of section thirty of this act, either before or after suit brought, together with costs, to the contractor, or his assigns, or he may redeem the property, if sold on execution or decree for the benefit of the owner, within the time prescribed by law, and deduct the amount so paid from the rents due and to become due from him, and for any sums so paid beyond the rents due from him, he shall have a lien upon and may retain possession of the said land and lots until the amount so paid and advanced be satisfied, with legal interest, from accruing rents, or by payment by the owner.

Tenant may pay assessment.

SEC. 35. Notices in writing which are required to be given by the superintendent of streets, under the provisions of this act, may be served by any person, with the permission of the superintendent of streets, and the fact of such service shall be verified by the oath of the person making it, taken before the superintendent of streets, who for that purpose, and for all other purposes, and in all cases where a verification is required under the provisions of this act, is hereby authorized to administer oaths, or other person authorized to administer oaths or such notices may be delivered by the superintendent of streets himself, who must also verify the service thereof, and who shall keep a record, of the fact of giving such notices, when delivered by himself personally, and also of the notices and proof of service when delivered by any other person.

Service of notice.

SEC. 36. Whenever any street, or portion of a street, has been or shall hereafter be fully constructed and substantially paved in accordance with specifications adopted by the council, and to the satisfaction of the superintendent of streets and of the city council, and is in good condition throughout, and a sewer, gas pipes, and water pipes are laid therein, under such regulations as the city council shall adopt, the same may be accepted by the city council, by ordinance, for all time or for a term of years, as the council may determine, and thereafter the same shall be kept in repair and improved by the said

Accepted streets.

May not
accept less
than entire
width.

municipality, for the period of such acceptance; the expense thereof, together with the assessment for street work done in front of city property, to be paid out of a fund to be provided by said council for that purpose; *provided*, that the city council shall not accept any portion of the street less than the entire width of the roadway (including the curbing), and one block in length, or one entire crossing; *and provided, further*, that the city council may partially or conditionally accept any street, or portion of a street, without a sewer, or gas pipes, or water pipes therein, if the ordinance of acceptance expressly states that the council deems such sewer, or gas pipes, or water pipes, to be then unnecessary, but the lots of land previously, or at any time, assessable for the cost of constructing a sewer, shall remain and be assessable for such cost, and for the cost of repairs and restoration of the street damaged in the said construction, whenever said council shall deem a sewer to be necessary, and shall order it to be constructed, the same as if no partial or conditional acceptance had ever been made. The superintendent of streets shall keep in his office a register of all streets accepted by the city council under this section, which register shall be indexed for easy reference thereto.

Records of
street
superin-
tendent.

SEC. 37. The superintendent of streets shall keep a public office in some convenient place within the municipality, and such records as may be required by the provisions of this act. The records so kept and signed by him, shall have the same force and effect as other public records, and copies therefrom duly certified, may be used in evidence with the same effect as the originals. The said records shall, during all office hours, be open to the inspection of any person wishing to examine them, free of charge.

Duty of
street
superin-
tendent.

SEC. 38. It shall be the duty of the superintendent of streets to see that the laws, ordinances, orders, and regulations relating to the public streets and highways be fully carried into execution, and that the penalties thereof are rigidly enforced. He shall keep himself informed of the condition of all the public streets and highways, and also of all public buildings, parks, lots, and grounds of said city, as may be prescribed by the city council. He shall, before entering upon the duties of his office, give bonds to the municipality, with such sureties and for such sums as may be required by the city council; and should he fail to see the laws, ordinances, orders, and regulations relative to the public streets or highways carried into execution, after notice from any citizen of a violation thereof, he and his sureties shall be liable upon his official bond to any person injured in his person or property in consequence of said official neglect. He shall superintend and direct the cleaning of all sewers, and the expense of the same shall be paid out of the street or sewer fund of said city.

Bond.

Damages—
defective
streets.

SEC. 39. If, in consequence of any graded street or public highway or sidewalk, being out of repair and in condition to endanger persons or property passing thereon, any person, while carefully using said street or public highway, or sidewalk

and exercising ordinary care to avoid the danger, suffer damage to his person or property, through any such defect therein, no recourse for damages thus suffered shall be had against such city; but if such defect in the street or public highway shall have existed for the period of twenty-four hours or more after written notice thereof to the said superintendent of streets, then the person or persons on whom the law may have imposed the obligations to repair such defect in the street or public highway, and also the officer or officers through whose official negligence such defect remains unrepaired, shall be jointly and severally liable to the party injured for the damage sustained; *provided*, that said superintendent has the authority to make said repairs, under the direction of the city council, at the expense of the city.

SEC. 40. The city council may, in its discretion, order, by resolution that the whole or any part of the cost and expenses of any of the work mentioned in this act be paid out of the treasury of the municipality from such fund as the council may designate, in which case it shall be so stated in the resolution of intention. Whenever a part of such cost and expenses is so ordered to be paid, the superintendent of streets, in making up the assessment heretofore provided for such cost and expenses, shall first deduct from the whole cost and expenses such part thereof as has been so ordered to be paid out of the municipal treasury, and shall assess the remainder of said costs and expenses proportionately upon the lots, parts of lots and lands fronting on the streets where said work was done, or liable to be assessed for such work, and in the manner heretofore provided.

Partial
expenses
from
treasury.

SEC. 41. The city engineer, or where there is no city engineer, the county or city and county surveyor, shall be the proper officer to do the surveying and other engineering work necessary to be done under this act, and to survey and measure the work to be done under contracts for grading and macadamizing streets, and to estimate the costs and expenses thereof; and every certificate signed by him in his official character shall be prima facie evidence in all courts in this state of the truth of its contents. He shall also keep a record of all surveys made under the provisions of this act, as in other cases. In all those cities where there is no city engineer, the city council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of city engineer, and all the provisions hereof applicable to the city engineer shall apply to such person so appointed. Said city council is hereby empowered to fix his compensation for such services.

City
engineer

SEC. 42. The superintendent of streets shall, when in his judgment it is necessary, appoint a suitable person or persons to take charge of and superintend the construction and improvement of any work authorized by this act, whose duty it shall be to see that the contract made for the doing of said work is strictly fulfilled in every respect, and in case of any

Inspec-
tion.

departure therefrom to report the same to the superintendent of streets. Such person shall be allowed for his time actually employed in the discharge of his duties such compensation as shall be just, but not to exceed five dollars per day. The sum to which the party so employed shall be entitled shall be deemed to be incidental expenses, within the meaning of those words as defined by this act.

PART II.

Change of
grade.Resolution
of inten-
tion.Publi-
cation.Notice
posted

SEC. 43. The city council is hereby empowered to change or modify the grade of any public street, lane, alley, place or court, and to regrade or repave the same, so as to conform to such modified grade, in the manner as hereinafter provided. Before any change of grade is ordered the city council shall pass a resolution of intention to make such change or modification of grade, and it shall have power at the same time and in the same resolution to provide for the actual cost of performing the work of regrading, repaving, sewerage, sidewalking, or curbing of said street or portion of street, with the same or other material with which it was formerly graded, paved, sewered, sidewalked, or curbed; and that the cost of the same shall also be assessed upon the same district which is declared to be benefited by such changed or modified grade. One or more streets or blocks of streets may be embraced in the same resolution. Such resolution shall be published twice in the newspaper in which the official notices of the city council are usually printed and published, to be designated in such resolution and shall describe the proposed change or modification of grade or regrading, and shall designate and establish the district to be benefited by such change or modification of grade or regrading, and to be assessed for the cost of the same. The superintendent of streets shall also cause to be conspicuously posted within the district designated in the resolution, notice of the passage of said resolution. Said notice shall be the same in all requirements of contents and posting as the "notices of improvement" provided for in section four of this act. If no objection to said proposed change or changes, or modifications of grade, shall be filed with the clerk of the council within thirty days from the first publication of the resolution of intention hereinbefore mentioned or, if objections are presented and after due notice and hearing are overruled by the council, the city council shall have power to order and declare such grades to be changed and established in conformity to said resolution, which order shall be posted by the clerk on the chamber door of the council for five days.

Claiming
damages.

SEC. 44. Within thirty days after the first posting of said order, as aforesaid, any person owning property fronting upon said portions of the street or streets where such change of grade is made, may file a petition with the clerk of the city council showing the fact of such ownership, the description and situation of the property, its market value, and the estimated amount of damages over and above all benefits which

the property would sustain by the proposed change if completed. Such petition shall be verified by the oath of the petitioners or their agents.

SEC. 45. Whenever such petition or petitions have been filed, the mayor, engineer or surveyor, and superintendent of streets of the city, or city and county, or board of public works if there be such board acting as a board of commissioners, shall assess the benefits, damages, and costs of the proposed change of grade upon each separate lot of land situated within such assessment district showing the same by a plat as said lot appears of record upon the last city, or city and county assessment roll. The commissioners shall be sworn to make the assessments of benefits and damages to the best of their judgment and ability, without fear or favor. The commissioners shall have power to subpoena witnesses to appear before them to be examined under oath, which any one of said commissioners is authorized to administer.

Commissioners.

Assessment on each lot.

SEC. 46. The commissioners having determined the damage which would be sustained by each petitioner, in excess of all benefits, shall proceed to assess the total amount thereof, together with the costs, charges, and expenses of the proceedings, upon the several lots of land benefited within the district of assessment, so that each of the lots shall be assessed in accordance with its benefits caused by such work or improvement; and during the progress of their work shall make a report to such city council as often as it may be required.

Damages and benefits.

SEC. 47. The commissioners shall make their report in writing, and shall subscribe to the same and file it with the city council. In their said report they shall describe separately each piece of property which will sustain damage, stating the amount of damages each will sustain over and above all benefits. They shall also give a brief description of each lot benefited within said assessment district, the name of the owner, if known, and the amount of benefits in excess of damages assessed against the same. In case the three commissioners do not agree, the award agreed upon by a majority of them shall be sufficient. In designating the lots to be assessed, reference may be had to a diagram of the property in the district affected; such diagram to be attached to and made a part of the report of the commissioners. If in case the commissioners find that conflicting claims of title exist, or shall be in ignorance or doubt of the ownership of any lot or land, or any improvement thereon, or any interest therein, it shall be set down as belonging to unknown owners. Error in the designation of the owner or owners of any land or improvements, or particulars of their interest, shall not affect the validity of the assessment.

Report of commissioners.

Majority sufficient.

SEC. 48. On the filing of said report, the clerk of said city council shall give notice of such filing by publication twice in one or more daily newspapers, or in a weekly or semi-weekly newspaper so published and circulated; and said notice shall require all persons interested to show cause, if any, why such

Notice of hearing report.

report should not be confirmed, before the city council, on a day to be fixed by the city council and stated in said notice, which day shall not be less than twenty days from the first publication thereof.

Objections
to report

SEC. 49. All objections shall be in writing and filed with the clerk of the city council, who shall, at the next meeting after the date fixed in the notice to show cause, lay the said objections, if any, before the council, which shall fix a time for hearing the same; of which time the clerk shall notify the objectors in the same manner as are notified objectors to the original resolution of intention. At the time set, or at such other time as the hearing may be adjourned, the city council shall hear such objections and pass upon the same, and at such time shall proceed to pass upon such report, and may confirm, correct, or modify the same, or may order the commissioners to make a new assessment, report, and plat, which shall be filed, notice given and had, as in the case of an original report.

Advertis-
ing for
bid-

SEC. 50. In case the resolution of intention also provides for the assessing upon the district the cost of regrading or repaving such street or streets to such changed or modified grade, after the report of the commissioners as to the damages caused by such change of grade has been passed upon by the city council, it shall then advertise for bids to perform the work of regrading, repaving, sewerage, sidewalking or curbing such street or streets with the same or other material with which the same had been formerly graded, paved, sewerage, sidewalked, or curbed; first causing a notice, with specifications, to be posted conspicuously for five days on or near the council chamber door, inviting sealed proposals or bids for doing such work, and shall also cause notices of said work, inviting said proposals and referring to the specifications posted or on file, to be published twice, in a daily, semi-weekly, or weekly newspaper published and circulated in said city, and designated by the city council for that purpose. All proposals or bids offered shall be accompanied by a check, payable to the city, and certified by a responsible bank, which shall not be less than ten per cent of the aggregate of the proposals; or by a bond for said amount, signed by the bidder and two sureties, who shall justify under oath in double said amount over and above all statutory exemptions. Said proposals or bids shall be delivered to the clerk of the said city council, and said council shall in open session publicly open, examine and declare the same; *provided, however,* that no proposal or bid shall be considered unless accompanied by a check or a bond satisfactory to the council. The city council may reject any and all bids, and may award the contract to the lowest responsible bidder. If not accepted the city council may readvertise for proposals or bids as in the first instance, and thereafter proceed in the manner in this section provided. All checks accompanying bids shall be held by the clerk until such successful bidder has entered into a contract, as herein provided; and in

Notice
posted.

Publica-
tion.

Certified
check.

Council
may
reject.

case he refuses so to do, then the amount of his certified check shall be declared forfeited to the city, and shall be collected and paid into its general fund, and all bonds so forfeited shall be prosecuted, and the amount thereof collected and paid into such fund. Notice of the awards of the contracts shall be published and posted in the same manner as hereinbefore in this section provided for the posting of proposals for said work.

Notice of
awards
published.

SEC. 51. After such contract has been awarded and entered into, the clerk of the city council shall certify to the city council that fact, together with the total amount of the cost of the same, whereupon the city council shall cause to be forwarded to the commissioners a copy of such certificate; whereupon such commissioners shall proceed to assess the cost of doing such work upon all the lots and land lying within the district to be assessed, distributing the same so that each lot will be assessed for its proportion of the same, according to the benefits it receives from the work, and in the same manner in which the damages caused by the change of grade were assessed upon the same. Such commissioners in making such assessment shall show the total amount for which each lot or tract is assessed, in excess of all benefits, for the total cost of changing and modifying the grade of the street, as well as the regrading, repaving, sewerage, sidewalking, and curbing of the same, and costs or damages connected therewith. The provisions of part I of this act in regard to the mode or manner of the assessment of the cost of such work shall not apply to the work in this part contemplated; neither shall the provisions of this act in regard to the issuing of bonds to represent the cost of the same, nor the provisions in regard to the right of protest against the work apply.

Making an
assessment.

SEC. 52. The clerk of said city council shall forward to the street superintendent of the city a certified copy of the report, assessment, and plat, as finally confirmed and adopted by the city council. Such certified copy shall thereupon be the assessment roll, the cost of which shall be provided for by the commissioners, as a portion of the cost of the proceedings therein. Immediately upon receipt thereof by the street superintendent, the assessment therein contained shall become due and payable, and shall be a lien upon all the property contained or described therein.

Assess-
ment roll.

SEC. 53. The superintendent of streets shall thereupon give notice, by publication twice in one or more daily newspapers published and circulated in said city, or city and county, or in a weekly or semi-weekly newspaper so published and circulated, that he has received said assessment roll, and that all sums levied and assessed in said assessment roll are due and payable immediately, and that the payment of said sums is to be made to him within thirty days from the date of the first publication of said notice. Said notice shall also contain a statement that all assessments not paid before the expiration of said thirty days will be declared to be delinquent, and that thereafter the sum of five per cent upon the amount of such delinquent

Collecting
asses-
ments.

assessment, together with the cost of advertising each delinquent assessment will be added thereto. When payment of any assessment is made to said superintendent of streets, he shall write the word "Paid" and the date of payment opposite the respective assessment so paid, and the name of the persons by or for whom said assessment is paid, and shall give a receipt therefor. On the expiration of said thirty days, all assessments then unpaid shall be and become delinquent, and said superintendent of streets shall certify such fact at the foot of said assessment roll, and shall add five per cent to the amount of each assessment so delinquent. After the date of said delinquency no assessment shall be received unless said five per cent together with all costs be paid therewith.

Sale of
property.

SEC. 54. The said superintendent of streets shall, within five days from the date of such delinquency, proceed to advertise the various sums delinquent, and the whole thereof, including the cost of advertising, which last shall not exceed the sum of fifty cents for each lot, piece or parcel of land separately assessed. Said list of delinquent assessments, with a notice of the time and place of sale of the property affected thereby, shall be published twice in one or more daily newspapers published and circulated in such city, or in a weekly newspaper so published and circulated before the day of sale for such delinquent assessment. Said time of sale must not be less than seven days from the date of the first publication of said delinquent assessment list, and the place must be in or in front of the office of said superintendent of streets. If any assessment together with said penalty and costs be not paid before the time of sale the street superintendent shall proceed to sell and shall sell each lot, piece or parcel of land separately assessed at public auction to the bidder offering to pay the amount due for the least portion of such lot, piece or parcel of land so offered for sale, and shall issue a certificate therefor. If there be no bidder said property shall be struck off to the municipality.

Redeem-
able within
year.

SEC. 55. All property sold shall be subject to redemption for one year by the payment of the amount of the assessment, penalty and costs and interest thereon at the rate of ten per cent per annum from the date of sale. The superintendent of streets shall, if there is no redemption, make and deliver to the purchaser at such sale, or his consignee, a deed conveying the property sold, and shall collect for each deed one dollar. The deed of the street superintendent, made after such sale, in case of failure to redeem, shall be prima facie evidence of the regularity of all proceedings hereunder, and of title in the grantee.

Separate
fund.

SEC. 56. The superintendent of streets shall from time to time pay over to the city treasurer all moneys collected by him on account of any such assessments. The city treasurer shall, upon receipt thereof, place the same in a separate fund, designating each fund by the name of the street, square, lane, alley, court, or place for the change of grade for which the assessment was made. Payments shall be made from said fund to the parties entitled thereto, upon warrants signed by the commissioners or a majority of them.

SEC. 57. When sufficient money is in the hands of the city treasurer, in the fund voted for the proposed work or improvement, to pay the total cost for damages, as well as for the cost of doing the work, and all other expenses connected therewith, it shall be the duty of the commissioners to notify the owner, possessor, or occupant of the premises damaged, and to whom damages have been awarded, that a warrant has been drawn for the payment of the same, which can be received at the office of such commissioners. Such notification may be made by depositing a notice, postage prepaid, in the post office, addressed to his last known place of residence. If, after the expiration of three days the service or deposit of the notice in the post office, he shall not have applied for such warrant, the same shall be drawn and deposited with the city treasurer, to be delivered to him upon demand.

Notice of damages awarded.

SEC. 58. If the owner of any premises damaged neglects or refuses, for ten days after the warrant has been placed in the hands of the city treasurer, subject to his demand, to accept the same, the city council may cause proceedings to be commenced, in the name of the city, to condemn said premises, as provided by law under the right of eminent domain. The resolution of intention shall be conclusive evidence of the necessity of the same. Such proceedings shall have precedence, so far as the business of the court will permit, and any judgment for damages therein rendered shall be payable out of a special fund in the treasury for that purpose. At any time after the trial and judgment entered, or pending appeal, the court may order the city treasurer to set apart in the city treasury a sufficient sum from said fund to answer the judgment, and thereupon may authorize or order the municipality to proceed with the proposed work or improvements. In case of a deficiency in said fund to pay the whole assessed judgment and damages, the city council may, in its discretion, order the balance thereof to be paid out of the general fund of the treasury, or to be distributed by the commissioners over the property assessed by a supplementary assessment; but in the last named case, in order to avoid delay, the city council may advance such balance out of any available fund in the treasury, and reimburse the same from the collection of assessments. The treasurer shall pay such warrants in the order of their presentation; *provided*, that warrants for damages and for costs of performing the work shall have priority over warrants for charges and expenses, and the treasurer shall see that sufficient money remains in the fund to pay all warrants of the first class before paying any of the second. The provisions of section one thousand two hundred and fifty-one of the Code of Civil Procedure, requiring the payment of damages within thirty days after the entry of judgment, shall not apply to damages rendered in proceedings under this act. All provisions contained in parts I and IV of this act, which provisions are not in conflict herewith, shall apply to all matters herein contained.

Condemnation proceedings.

Proceedings to have precedence.

Warrants to be paid in order of presentation.

PART III.

Serial
bonds
may be
issued.

SEC. 59. The city council of any municipality in this state shall have the power, in its discretion, to determine that serial bonds shall be issued in the manner and form hereinafter provided to represent assessments of twenty-five dollars or over for the cost of any work or improvement authorized in part I of this act.

When and
where
payable.

SEC. 60. Said serial bonds shall extend over a period not to exceed nine years from the second day of January next succeeding their date, and an even annual proportion of the principal sum thereof shall be payable, by coupon, on the second day of January every year after their date, until the whole is paid, and the interest shall be payable semi-annually, by coupon, on the second days of January and July, respectively, of each year, at the rate of not to exceed ten per cent per annum on all sums unpaid, until the whole of said principal and interest are paid. Said bonds and interest thereon shall be paid at the office of the city treasurer of said municipality, who shall keep a fund designated by the name of said bonds, into which he shall receive all sums paid him for the principal of said bonds and the interest thereon, and from which he shall disburse such sums, upon the presentation of said coupons; and under no circumstances shall said bonds or the interest thereon be paid out of any other fund. Said city treasurer shall keep a register in his office, which shall show the series, number, date, amount, rate of interest, payee and indorsees of each bond, and the number and amount of each coupon of principal or interest paid by him, and shall cancel and file each coupon so paid.

Treasurer
to keep
register.

Notice in
resolution
of intention.

SEC. 61. When said city council shall determine that serial bonds shall be issued to represent the expenses of any proposed work or improvement under this act, it shall so declare in the resolution of intention to do said work, and shall specify the rate of interest which they shall bear. The like description of said bonds shall be inserted in the resolution ordering the work, in the resolution of award, and in all notices of said proceedings required by this act to be either posted or published; and also a notice that a bond will issue to represent each assessment of twenty-five dollars or more remaining unpaid for thirty days after the date of the warrant, or five days after the decision of said council upon an appeal, shall be included in the warrant provided for in section twenty-two of this act.

Notifica-
tion to
treasurer.

SEC. 62. After the full expiration of thirty days from the date of the warrant, or if an appeal be taken to the city council as provided in this act, then five days after the final decision of said council, and after the street superintendent shall have recorded the return, as provided in section twenty-five hereof, the street superintendent shall make and certify to the city treasurer a complete list of all assessments unpaid, which amount to twenty-five dollars or over, upon any assessment or diagram number; and said treasurer shall thereupon make out, sign, and issue to the contractor, or his assigns, payee of the

warrant and assessment, a separate bond, representing upon each lot or parcel of land upon said list the total amount of the assessments against the same, as thereon shown. And if said lot or parcel of land is described upon said assessment and diagram by its number or block, or both, and is also designated by its number or block, or both, upon the official map of said municipality, or upon any map on file in the office of the county recorder of the county in which said municipality is situated, then it shall be in said bond a sufficient description of said lot or parcel of land to designate it by said number or block, or both, as it appears on said official or recorded map.

SEC. 63. Said bond shall be substantially in the following form: Form of bond.

STREET IMPROVEMENT BOND.

Series (designating it), in the city (or other form of the municipality) of (naming it).

\$ 100.

No.

Under and by virtue of an act of the legislature of the State of California (title of this act). I, out of the fund for the above designated street improvement bonds, series, will pay to, or order, the sum of dollars (\$) with interest at the rate of per cent per annum, all as is hereinafter specified, and at the office of the treasurer of the of, State of California. This bond is issued to represent the cost of certain street work upon in the of, as the same is more fully described in assessment number issued by the street superintendent of said, after his acceptance of said work, and recorded in his office. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as number, and which now remains unpaid, but until paid, with accrued interest, is a first lien upon the property affected thereby, as the same is described herein, and in said recorded assessment with its diagram, to wit: the lot or parcel of land in said of, county of, State of California,

This bond is payable exclusively from said fund, and neither the municipality nor any officer thereof is to be holden for payment otherwise of its principal or interest. The term of this bond is years from the second day of January next succeeding its date, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year after its date an even annual proportion of its whole amount is due and payable, upon presentation of the coupon therefor, until the whole is paid, with all accrued interest at the rate of per centum per annum.

The interest is payable semi-annually, to wit: On the second days of January and of July in each year hereafter, upon presentation of the coupons therefor, the first of which is for the interest from date to the next second day of, and

thereafter the interest coupons are for semi-annual interest, except the last, which is for interest from the semi-annual payment next preceding and to the date of the final maturity of this bond.

Should default be made in the annual payment upon the principal, or in any payment of interest from the owner of said lot or parcel of land, or any one in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law.

At said of this day of in the year one thousand hundred and

.....
City Treasurer of the of

Limitation of twenty-five dollars

SEC. 64. In case the amount of unpaid assessments upon any lot or parcel of land shall be less than twenty-five dollars, then the same shall be collected as is hereinbefore provided in part one of this act.

Owner may stop issuance.

SEC. 65. If any person, or his authorized agent, shall at any time before the issuance of the bond for said assessment upon his lot or parcel of land present to the city treasurer his affidavit, made before a competent officer, that he is the owner of a lot or parcel of land in said list, accompanied by the certificate of a searcher of records that he is such owner of record, and with such affidavit and certificate such person notifies said treasurer in writing that he desires no bond to be issued for the assessments upon said lot or parcel of land, then no such bond shall be issued therefor, and the payee of the warrant, or his assigns, shall retain his right for enforcing collection as if said lot or parcel of land had not been so listed by the street superintendent.

Description of bonds.

SEC. 66. The bonds so issued by said treasurer shall be payable to the party to whom they issue, or order, and shall be serial bonds, as is hereinbefore described, and shall bear interest at the rate specified in the resolution of intention to do said work. They shall have annual coupons attached thereto, payable in annual order, on the second day of January in each year after the date of the bond, until all are paid, and each coupon shall be for an even annual proportion of the principal of the bond. They shall have semi-annual interest coupons thereto attached, the first of which shall be payable upon the second day of January or July, as the case may be, next after its date, and shall be for the interest accrued at that time, and the last of which shall be for the amount of interest accruing from the second day of January or July, as the case may be, next preceding the maturity of said bonds to the maturity thereof. The city treasurer shall, in addition to his other duties in the premises, report all coupon payments of principal upon said bonds to the street superintendent, who shall forthwith indorse the same upon the margin of the record of the assessment to the credit of which the same is paid, and said assessment shall be a first lien upon the property affected thereby until the bond issued for the payment thereof,

Interest coupons.

and the accrued interest thereon, shall be fully paid. Said bonds, by their issuance, shall be conclusive evidence of the regularity of all proceedings thereto under this act.

SEC. 67. Whenever, through the default of the owner of any lot or parcel of land to represent the assessment upon which such bond has been, or may hereafter be, issued, and payment, either upon the principal, or of the interest, has not been, or shall not be made when the same has become, or shall become due, and the holder of the bond thereupon demands, in writing, that the said city treasurer proceed to advertise and sell said lot or parcel of land as herein provided, then the whole bond or its unpaid remainder, with its accrued interest, as expressed in said bond, shall become due and payable immediately, and on the day following shall become delinquent.

Penalty for default.

SEC. 68. Upon the application of the holder of any bond that is now or shall hereafter become delinquent as hereinbefore provided, the said city treasurer shall publish twice in a newspaper of general circulation, to be designated by him, published in the city where his office is situated, a notice which must contain the date, number, and series of the delinquent bond, a description of the property mentioned in said bond, and the name of the owner of such property (if known), and if unknown, the fact shall be so stated, the amount due thereon, and a statement that unless the amount of said bond and the interest due thereon, together with the cost of publication of such notice are paid, the real property described in said bond will be sold at public auction on a day to be therein fixed, which shall not be less than fifteen nor more than thirty days from the day of the first publication of said notice, and the place of such sale, which must be the office of the said city treasurer. A like notice shall not less than fifteen days before the day of sale so fixed be served upon any such owner if known, either personally or by depositing the same in the post office at such city, addressed to such owner at his address, if known, with the postage thereon prepaid. At any time prior to the sale, the owner or person in possession of any real estate offered for sale under the provisions of this act may pay the whole amount of said bond then due, with costs, and such bond shall thereupon be canceled; but in case such payment is not made by such owner, or person in possession, or by some one in behalf of such owner, or person in possession, the property subject thereto shall be sold at public auction to the bidder offering to pay the amount due on the bond with costs for the least portion of such lot or parcel of land offered for sale.

Sale of property.

Notice published

Notice to owner.

Owner may pay before sale.

SEC. 69. The city treasurer, before the day of sale hereinafter provided for, must file with the city clerk a copy of the publication, with an affidavit of the publisher of such newspaper, or some one in his behalf, attached thereto, that it is a true copy of the same; that the publication was made in a newspaper, stating its name and place of publication and the date of each appearance in which such publication was made,

Treasurer's affidavit.

which affidavit is prima facie evidence of all the facts stated therein.

Costs and
fees.

SEC. 70. The city treasurer must collect, in addition to the amount due on such bond, the cost of the publication of such notice, and fifty cents for the certificate of sale delivered to the purchaser as hereinafter provided.

Certificate
of treas-
urer.

SEC. 71. The city treasurer, before delivering any certificate of sale must, in a book kept in his office for that purpose, enter the date, number and series of the bond, a description of the land sold corresponding with the description in the certificate, the date of sale, purchaser's name, the amount paid, regularly number the descriptions on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection during office hours when not in actual use, and he shall enter on the record of the bond the words "Canceled by sale of the property," giving the date of such sale.

Lien
on the
property.

SEC. 72. Immediately on the sale, the purchaser shall become vested with a lien on the property, so sold to him, to the extent of his bid, and is only divested of such lien by the payment to the city treasurer of the purchase money, including costs herein provided for, with interest thereon at the rate of one per cent per month from the date of sale.

Redemp-
tion.

SEC. 73. A redemption of the property sold may be made by the owner of the property, or any party in interest, within twelve months from the date of purchase, or at any time prior to the application for a deed, as hereinafter provided. Redemption must be made in lawful money of the United States, and when made to the city treasurer he must credit the amount paid to the person named in his certificate, and pay it on demand to him or his assignees.

Recording
certificate.

SEC. 74. On receiving the certificate of sale, the recorder must file it, and make an entry in a book similar to that required of the city treasurer, the fee for which shall be fifty cents, and on presentation of the receipt of the city treasurer for the total amount of the redemption money, the recorder must, without charge, mark the word "Redeemed," the date, and by whom redeemed, on the margin of the book where the entry of the certificate is made.

Deed to
purchaser.

SEC. 75. If the property is not redeemed within the time allowed by the provisions of section seventy-three hereof for its redemption, the city treasurer, or his successor in office, upon application of the purchaser or his assignee, must make to said purchaser, or his assignee, a deed to the property, reciting in the deed, substantially, the matter contained in the certificate and that no person has redeemed the property during the time allowed for its redemption; the treasurer shall be entitled to receive from the purchaser two dollars for making said deed, which shall be deposited in the city treasury for the use of the city after payment has been made therefrom for the acknowledgment of said deed; *provided, however,* that the purchaser of the property, or his assignee, or agent must, thirty days prior to the expiration of the time of the

Treas-
urer's fee.

Notice to
owner.

redemption, or thirty days before his application for a deed, serve upon the owner or agent of the property purchased, if named in such certificate of sale, and upon the party occupying the property, if the property is occupied, a written notice, stating that said property, or a portion thereof, has been sold to satisfy the bond lien, the date of sale, the date, number, and series of the bond, the amount then due, and the time when the right of redemption will expire, or when the purchaser will apply for a deed, and the owner of the property shall have the right of redemption indefinitely, until such notice shall have been given and said deed applied for, upon the payment of the fees, penalties, and costs in this act required. In case of unoccupied property, a similar notice must be posted in a conspicuous place upon the property at least thirty days before the expiration of the time for redemption, or thirty days before the purchaser applies for a deed; and no deed to the property sold, in accordance with the provisions of this act, shall be issued by the city treasurer to the purchaser of such property, until such purchaser shall have filed with such treasurer an affidavit showing that the notice hereinbefore required to be given has been given as herein required, which said affidavit shall be filed and preserved by the said treasurer as other records kept by him in his office. Such purchaser shall be entitled to receive the sum of fifty cents for his service of such notice and the making of such affidavit, which sum of fifty cents shall be paid by the redemptioner at the time and in the same manner as the other sums, costs, and fees are paid.

Notice
Posted

SEC. 76. The deed, when duly acknowledged or proved, is primary evidence of the regularity of all proceedings theretofore had and shall be conclusive evidence of all things of which the bond upon which it is based is conclusive evidence, and prima facie evidence of the regularity of all proceedings subsequent to the issue of the bond, and conveys to the grantee the absolute title to the lands described therein, free of all incumbrances, except the lien for state, county, and municipal taxes.

Absolute
title.

SEC. 77. Whenever any railroad track or tracks of any description exist upon the street or streets upon which the city council of any city has ordered an improvement to be made, and has excepted therefrom the portions used by the track, between the rails and for two feet on each side thereof, and between the tracks if there is more than one, the said order, unless said city council shall by resolution theretofore passed have declared the contrary, shall be deemed to be and constitute a requirement that the person or company having said railroad track or tracks thereon shall improve the said portion with improvements similar in all respects to, with the same materials, under the same specifications and superintendence, and to the like inspection and satisfaction as those ordered to be performed by said order ordering the work; *provided, however,* that the city council may by ordinance require increased depth of concrete between, to the full depth of, or under the ties, or both, where and whenever the city council shall, in its judgment decide that this method of construction is necessary.

Railroad
property.

The city council may also require by ordinance or otherwise, any person or company aforesaid, to pave alongside of and contiguous to its rails with special types of brick or paving blocks. The resolution of intention and notice of proposed improvement shall be construed and are hereby declared to be notice to said person or company of the intention to order the same. Thereupon it shall be the duty of said person or company having such track or tracks on such street or streets to notify in writing the superintendent of streets if such person or company elects to enter upon the direct performance of such work at its own charge and expense; said notice must be delivered to the superintendent of streets within ten days after the first publication of notice of award of contract. The omission or neglect to make such election shall be construed as constituting the superintendent of streets the agent of the owner of said track or tracks, with authority to enter into a contract made in accordance with the provisions of this section for making the said improvements. Said superintendent of streets shall advertise for bids for the improvement of said portions of the street or streets lying between the rails and for two feet on each side thereof, and between the tracks, if there be more than one. It shall be the duty of said city council to award the contract for the making of said improvements to the lowest regular responsible bidder. Such bidding and awarding of contracts shall be made in the same manner heretofore provided for the awarding of contracts for improvements, excepting that no notice of award shall be published. Immediately upon the award, the superintendent of streets shall enter into a contract with the person to whom said contract was awarded for the making of said improvement or improvements upon the portions of the street or streets described in said notice inviting bids, and at the price stated in said bid. The contractor shall execute bonds in the manner required by section fifteen of this act. Upon the completion of the work and its acceptance, the street superintendent shall make a certificate of such completion, together with a statement of the amount due under the terms of said contract for the performance of said work. Such certificate shall be countersigned by the mayor of said city, and shall be recorded in the office of said superintendent of streets. The contractor thereupon shall be entitled to payment of the full amount of said contract price, and the recording of such certificate shall be sufficient notice to the owner of such track or tracks that said contract price is due and payable. In the event that such amount is not paid within thirty days from the date of the recording of said certificate, the contractor may file a sworn statement to that effect with the superintendent of streets, who shall record the same in his office in the book in which the certificate of acceptance has been recorded. Said contractor shall thereupon have a cause of action against said person or company owning said tracks for the amount of said contract, together with a reasonable attorney's fee, and shall also have as a security for the recovery of such amount, a first lien upon

Resolution deemed notice to company

Superintendent of streets agent to make contract.

Certificate of completion of work.

Cause of action.

the track and franchises of said railroad, between whose rails or tracks the said work has been performed, contained within the corporate limits of the said city. In such suit, the certificate of the superintendent of streets, hereinbefore mentioned, shall be and constitute prima facie evidence of the regularity of all proceedings, and of the right of the contractor to recover judgment against said person or company. Execution may be taken out upon the entry of judgment, and levied upon any property of said person or company subject to execution. In the event that said person or company shall file the written election to enter upon the direct performance of such work at its own cost and expense, no further proceedings shall be taken in the matter unless such person or company neglects or fails for thirty days, or for such further time as the city council may grant, to make said improvement. In the event that the improvement of the portions of the street or streets above described between the rails and for two feet on each side thereof, and between the tracks, if there be more than one, shall not be made with diligence, as herein provided or in all respects similar to the improvement of the rest of the street, or with the same materials or under the same specifications, and to the satisfaction of the superintendent of streets, the city council of said city may, by resolution entered in its minutes, prescribe such terms and conditions as to it may seem fit and proper before permitting the said person or company to continue with the said improvement. If the said person or company shall, after three days' notice of the adoption of said resolution, fail to comply with the terms and conditions so prescribed, the city council may declare said person or company to have forfeited its privilege of performing such work under its own direction. Whereupon the street superintendent shall advertise for bids for the performance of such work, or such portion thereof as may remain uncompleted, and the contract therefor shall be awarded and entered into in the same manner hereinbefore provided for the awarding and execution of contracts where said person or company has not elected to make the improvements under its own direction; and upon the completion of the improvement, the contractor to whom such contract may be awarded, or his assigns, shall be entitled to a certificate from the street superintendent similar to that hereinabove provided for, and shall have the right to collect from said person or company by suit the amount specified in said certificate in all respects the same as hereinbefore provided where the contract is let for such improvement in the first instance. The city council may, by ordinance, prescribe and enforce such additional regulations and penalties as it may deem necessary to compel the improvements as herein provided of any portion or portions of any such street or streets so occupied by any such railroad track or tracks.

When
in improve-
ments are
not made
with
diligence.

SEC. 78. None of the provisions of part I of this act in regard to a protest against the work shall apply to any work contemplated by the preceding section. All provisions of part I of this act not inconsistent with the provisions hereof shall apply hereto.

No
Protests.

PART IV.

Definitions.

SEC. 79. *First*—The person owning the fee, or the person in whom, on the day the action is commenced, appears the legal title to the lots and lands, by deeds duly recorded in the county recorder's office of each county, or the person in possession of lands, lots, or portions of lots or buildings under claim, or exercising acts of ownership over the same for himself, or as the executor, administrator, or guardian of the owner, shall be regarded, treated, and deemed to be the "owner" (for the purpose of this law), according to the intent and meaning of that word as used in this act. And in case of property leased, the possession of the tenant or lessee holding and occupying under such persons shall be deemed to be the possession of such owner.

"owner."

"Work,"
"improve."

Second—The words "work," "improve," "improved" and "improvement," as used in this act shall include all work mentioned in this act, and also the construction, reconstruction and repairs, of all or any portion of said work.

"Incidental
expenses"

Third—The term "incidental expenses," as used in this act, shall include the compensation of the city engineer for work done by him; also the cost of printing and advertising as provided in this act; also, the compensation of the person appointed by the superintendent of streets to take charge of and superintend any of the work mentioned in this act; also the expenses of making the assessment for any work authorized by this act. All demands for incidental expenses mentioned in this subdivision shall be presented to the street superintendent by itemized bill, duly verified by oath of the demandant.

Publication of
notices.

Fourth—The notices, resolutions, orders or other matter required to be published by the provisions of this act, shall be published in a daily newspaper, in cities where such there is, and where there is no daily newspaper, in a semi-weekly or weekly newspaper, to be designated by the council of such city, as often as the same is issued, and no other statute shall govern or be applicable to the publications herein provided for; *provided, however*, that in case there is no daily, semi-weekly, or weekly newspaper printed or circulated in any such city, then such notices, resolutions, orders or other matters as are herein required to be published in a newspaper, shall be posted and kept posted for the same length of time as required herein for the publication of the same in a daily, semi-weekly or weekly newspaper, in three of the most public places in such city except where herein otherwise specifically provided. Proof of the publication or posting of any notice provided for herein shall be made by affidavit of the owner, publisher, printer or clerk of the newspaper, or of the poster of the notice. No publication or notice, other than that provided for in this act, shall be necessary to give validity to any of the proceedings provided for therein. The word "twice" as used in this act, referring to the number of times notices, resolutions or other matters shall be published, shall be held to

"Twice"

mean the publication of the same in two entire issues of a newspaper, one being on one day and the other issue being on a subsequent day of the same or a subsequent week.

Fifth—The word "municipality" and the word "city," as used in this act, shall be understood and so construed as to include, and is hereby declared to include, all corporations heretofore organized and now existing, and those hereafter organized, for municipal purposes. "Municipality," "city."

Sixth—The words "paved" or "repaved," as used in this act, shall be held to mean and include pavement of stone, whether paving blocks or macadamizing, or of bituminous rock or asphalt, or of iron, wood or other material, whether patented or not, which the city council shall by ordinance or resolution adopt. "Paved."

Seventh—The word "street," as used in this act, shall be deemed to, and is hereby declared to, include avenues, highways, lanes, alleys, crossings, or intersections, courts and places, which have been dedicated and accepted according to law or in common and undisputed use by the public for a period of not less than five years next preceding, and the term "main street" means such actually opened street or streets as bound a block; and the word "blocks," whether regular or irregular, shall mean such blocks as are bounded by main streets, or partially by a boundary line of the city. "Street," "Main street," "blocks."

Eighth—The terms "street superintendent" and "superintendent of streets," as used in this act, shall be understood and so construed as to include, and are hereby declared to include, any person or officer whose duty it is, under the law, to have the care or charge of the streets, or the improvement thereof in any city. In all those cities where there is no street superintendent or superintendent of streets, the city council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of street superintendent or superintendent of streets; and all provisions hereof applicable to the street superintendent or superintendent of streets shall apply to such person so appointed. "Street superintendent."

Ninth—The term "city council" is hereby declared to include any body or board which, under the law, is the legislative department of the government of any city. "City council."

Tenth—In municipalities in which there is no mayor, then the duties imposed upon said officer by the provisions of this act shall be performed by the president of the board of trustees, or other chief executive officer of the municipality. Mayor.

Eleventh—The terms "clerk" and "city clerk," as used in this act, are hereby declared to include any person or officer who shall be clerk of the said city council. "Clerk."

Twelfth—The term "quarter block," as used in this act, as to irregular blocks, shall be deemed to include all lots or portions of lots having any frontage on either intersecting street half way from such intersection to the next main street, or, when no main street intervenes, all the way to a boundary line of the city. "Quarter block."

"City treasurer." *Thirteenth*—The term "city treasurer," as used in this act, shall be held to mean and include any person who, under whatever name or title, is the custodian of the funds of the municipality.

Hearings. SEC. 80. Whenever in proceedings hereunder, a time and place for hearing by the city council is fixed, and, from any cause, the hearing is not then and there held or regularly adjourned to a time and place fixed, the power of the city council in the premises shall not thereby be divested or lost but the city council may proceed anew to fix a time and place for the hearing, and cause notice thereof to be given by publication by at least one insertion in a daily, semi-weekly or weekly newspaper, such publication to be at least five days before the date of the hearing, and thereupon the city council shall have power to act as in the first instance.

Publication and posting. SEC. 81. Whenever any resolution, order, notice, or determination is required to be published or posted, and the duty of posting or procuring the publication or posting of the same is not specifically enjoined upon any officer of the city, it shall be the duty of the city clerk to post or procure the publication or posting thereof, as the case may be. No proceeding or step herein shall be invalidated or affected by any error or mistake or departure herefrom as to the officer or person posting, or procuring the publication or posting, of any resolution, notice, order or determination hereunder when the same is actually published or posted for the time herein required.

Construction of act. SEC. 82. This act shall be liberally construed to the end that its purposes may be effective. No error, irregularity, informality, and no neglect or omission of any officer of the city, in any procedure taken hereunder, which does not directly affect the jurisdiction of the city council to order the improvement, shall avoid or invalidate such proceeding or any assessment for the cost of work done thereunder. The exclusive remedy of any person affected or aggrieved thereby shall be by appeal to the city council as herein provided.

Saving clause. SEC. 83. This act shall in no wise affect "An act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18th, 1885; or an act entitled "An act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for payment of said bonds," approved February 27th, 1893; or an act entitled "An act to provide for local improvements upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities, such act to be known as the 'Local Improvement Act of 1901.'" which became a law February 26th, 1901, or an act entitled "An act to provide for the improvement of public streets, lanes, alleys, courts, and places in municipalities, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby," which became a law April 21, 1909, or amend-

ments to any of said acts, or any other acts on the same subject, or apply to proceedings had thereunder, but is intended to and does provide an alternate system for making the improvements provided for by this act; and it shall be in the discretion of the legislative body of any city to proceed, under the provisions either of this act or of such other acts; but when any proceedings are commenced under this act, the provisions of this act, and of such amendments thereof as may be hereafter adopted, and no other, shall apply to all such proceedings, and any provisions contained in said acts or any acts in conflict herewith shall be void and of no effect as to the proceedings commenced under this act. This act may be designated and referred to as the "Improvement Act of 1911," and shall take effect and be in force on its passage and approval.

CHAPTER 398.

An act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States senator, and to repeal an act entitled an act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States senator, approved March 21, 1909.

[Approved April 7, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The words and phrases in this act shall, unless such construction be inconsistent with the context, be construed as follows:

1. The words "primary election," any and every primary nominating election provided for by this act. "Primary election."
2. The words "September primary election," the primary election held in September to nominate candidates to be voted for at the ensuing November election. "September primary election."
3. The word "election," a general or city or city and county election as distinguished from a primary election. "Election."
4. The words "November election," the presidential election, the general state election, county, city or city and county election held in November. "November election."
5. The word or words "political party," "party," "political organization," or "organization," a political party or organization of electors which at the last general election before the holding of the primary election, polled at least three "Political party," etc."

per cent, of the entire vote of the state or of the county, city and county, district, or other political division for which nominations are to be made.

"Judicial officer."

6. The words "judicial officer," any justice of the supreme court, justice of a district court of appeal, judge of the superior court, justice of the peace, or justice of such inferior court as the legislature may establish in any incorporated city or town, or city and county; and the words "judicial office," the office filled by any of the above judicial officers.

"School officer."

7. The words "school officer," the superintendent of public instruction, any superintendent of schools of a county or city and county; or any school district officer or trustee; and the words "school office," the office filled by any of the above school officers.

Statute liberally construed.

This statute shall be liberally construed, so that the real will of the electors shall not be defeated by any informality or failure to comply with all the provisions of law in respect to either the giving of any notice or the conducting of the primary election or certifying the results thereof. In all counties and cities and counties in this state, having a registrar of voters and a board of election commissioners, the powers conferred and the duties imposed in this statute upon county clerks and their deputies, and other officers, in relation to matters of election and polling places, shall be exercised and performed by such registrar of voters or his deputies, and board of election commissioners; and all nominating papers, list of candidates, expenses, and oaths of office, required by this statute to be made to county clerks, shall be filed with the registrar of voters.

Registrar of voters.

Nomination of candidates.

SEC. 2. All candidates for elective public offices shall be nominated as follows:

By direct vote.

1. By direct vote at primary elections held in accordance with the provisions of this act, provided that electors of president and vice-president of the United States shall be nominated as provided in subdivision 2 of section 24 of this act; or,

By petitions.

2. By nominating petitions signed and filed as provided by existing laws.

United States senator.

Party candidates for the office of United States senator shall have their names placed on the official primary election ballots of their respective parties in the manner herein provided for state officers. This act shall not apply to special elections to fill vacancies; nor to the nomination of officers of municipalities, counties, or cities and counties whose charters provide a system for nominating candidates for such offices; nor to the nomination of officers for any district not formed for municipal purposes; nor to the freeholders to be elected for the purpose of framing a charter; nor to cities of the sixth class; nor to school district officers, other than those elected in a district of which an incorporated city or city and county or part of an incorporated city or city and county constitutes the whole or a part of such school district.

Where not applicable.

SEC. 3. The September primary election shall be held at the legally designated polling places in each precinct on the first Tuesday in September, for the nomination of all candidates to be voted for at the ensuing November election. The day of the September primary election is hereby declared to be a holiday within the meaning of section 10 of the Political Code. Any person entitled to vote at such September primary election shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for the period of two consecutive hours, between the time of opening and the time of closing the polls; and such voter shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made, on account of such absence, from his usual salary or wages. Any primary election other than September primary election shall be held on Tuesday, three weeks next preceding the election for which such primary election is held.

September primary.

Holiday.

Other primaries.

SEC. 4. 1. At least sixty days before the time for holding such September primary election in 1912 and biennially thereafter, the secretary of state shall prepare and transmit to each county clerk and to the registrar of voters in any city and county a notice in writing designating the offices for which candidates are to be nominated at such primary election.

Secretary of state to prepare notice of offices.

2. Within ten days after receipt of such notice such county clerk or registrar of voters in any city and county shall publish so much thereof as may be applicable to his county, once in each week for six successive weeks in not more than two newspapers published in such county or city and county.

Publication of notice.

3. In the case of September primary elections for the nomination of candidates for city or city and county officers to be voted for at the November election in the odd-numbered years, the city clerk or secretary of the legislative body in any such city or the registrar of voters in any such city and county shall cause the publication of notice of such primary election, together with a complete statement of the offices for which candidates are to be nominated, once in each week for four successive weeks in not more than two newspapers of general circulation published in such city or city and county, the last publication to be made not more than forty and not less than fourteen days before such primary election.

4. In the case of primary elections other than the September primary elections the city clerk or secretary of the legislative body of the political subdivision for which such primary election shall be held shall cause one publication of such notice to be given, such publication to be not more than forty and not less than fourteen days before such primary election.

SEC. 5. 1. The name of no candidate shall be printed on an official ballot to be used at any primary election unless at least thirty-five days prior to the primary election, if the candidate is to be voted for at the September primary election, and at least fourteen days prior to the primary election, if the candidate is to be voted for at a primary election other than the

How candidate gets name on primary ballot.

September primary election, a nomination paper shall have been filed in his behalf as hereinafter provided by this act, in substantially the following form:

Form of nomination paper.

No. Surname initial
County, Assembly District.
Precinct Ward City.
Nomination paper of candidate for
party nomination for

STATE OF CALIFORNIA, }
COUNTY OF } ss.

I, the undersigned, do solemnly swear (or affirm) that I am a qualified elector of (the precinct of the town of or county of) or (the precinct of the ward of the city of, county of) or (the precinct of the assembly district of the city of, county of), State of California, and a member of the party, and I hereby nominate who resides at (No. street, city of) or (in the town of) county of, State of California, as a candidate for the nomination for the office of to be voted for at the primary election to be held on the day of, 19. I have not signed the nomination paper of any other candidate for the same office, and I further declare that I intend to support for such nomination the candidate named herein.

(Signature)
(Date of signing)

Occupation
Residence No., street.
Subscribed and sworn to before me, this day of, 19.

Nonfunction paper for judicial and school officers.

2. All nomination papers shall be substantially in the above form, except that a nomination paper filed in behalf of a candidate for nomination to a judicial office or a school office shall not contain the words "Party nomination for" and a member of the ". party," and ". nomination for the" Nomination papers shall not be filed, unless signed and verified before an officer authorized by the laws of this state to administer oaths, or before a special verification deputy appointed as follows:

Verification deputies.

The candidate may designate one or more special verification deputies who shall qualify by filing with the county clerk or registrar of voters an oath or affirmation in substance as follows:

For
 Candidate for Party.
 Nomination for

Form of
 verification
 deputy
 oath.

STATE OF CALIFORNIA, }
 COUNTY OF } ss.

I,, depose and say: I am a qualified elector of the county of, and of the city of, or (town of), or (..... precinct), of the aforesaid county; that I have been designated as a special verification deputy by who desires to be a candidate of the party for the office of; that I can read and write the English language and that in obtaining signatures to the nomination papers of the person named herein, I will faithfully observe the election laws of the State of California, in so far as they are applicable to the preparation, signing and filing of nomination papers.

Subscribed and sworn to before me, this day of, 19...

[SEAL.]

.....
 Notary Public (or other official).

Provided, however, that, in the case of a verification deputy appointed to verify nomination papers for a candidate for nomination to a judicial office or a school office, the words, "of the party," and the words of heading, "Candidate for Party," shall be omitted. The county clerk or registrar of voters shall keep a record in which he shall enter the names of all such verification deputies as designated by each candidate. No verification deputy designated by any candidate for an office to be voted on at the September primary election, shall be so designated before June 15th of the year in which such primary election is held.

Verifica-
 tion
 deputy for
 judicial
 and school
 offices.

3. Each signer of a nomination paper shall sign but one such paper for the same office and shall verify the same as above provided. He shall add his occupation and residence, with street and number, if any, and if no street and number or either exists, then such a description of the place of residence, if in a city or city and county, as will enable the location to be readily ascertained; he shall also add the date of signing. But no nomination paper of any candidate for an office to be voted on at the September primary election shall be signed before June 15th of the year in which such primary election is held.

May sign
 only one
 nomina-
 tion paper
 for same
 office.

4. Such nomination papers prior to their filing must be fastened together and bound by precincts and arranged in all respects in the manner and form required for the arrangement, binding and fastening of affidavits of registration by the provisions of section 1113 of the Political Code; *provided, however,* that for all nominations of candidates to be voted for

Arrange-
 ment of
 nomina-
 tion
 papers.

in more than one county, or throughout the entire state, the nomination papers, properly assembled by precincts, may be consolidated and fastened or bound together by counties; but in no case shall nomination papers signed by electors of different counties be fastened or bound up together.

County clerk to examine nomination papers.

The county clerk of any county or registrar of voters of any city and county shall examine all nomination papers herein provided for which purport to have been signed by electors of his county or city and county, and shall disregard any name appearing on such paper or papers which is not on an affidavit of registration in his office. Such officer shall affix to all nomination papers a certificate reciting that he has examined the same and stating the number of names signed thereto which appear upon the affidavits of registration. All nomination papers which by this act are required to be filed in the office of the secretary of state, shall be left with the county clerk or registrar of voters for examination, as above provided, at least forty days prior to the September primary election, and shall, with such certificate of examination attached, within five days after being so left, be forwarded by such county clerk or registrar of voters to the secretary of state, who shall receive and file the same. The verification of signatures to nomination papers shall not be made by the candidate, nor by any county clerk, or registrar of voters, nor by any of the deputies of such county clerk or registrar of voters. Each candidate shall file his affidavit with the officer to whom, and at the time when, his filing fee is paid, according to the provisions of section 7 of this act; or in cases where no filing fee is required, at the time when his nomination papers are filed; which affidavit shall state his residence, with street and number, if any; his election precinct; that he is a qualified elector in the election precinct in which he resides; the name of his party and that of the office for which he desires to be a candidate; that he intends to affiliate with said party and vote for a majority of the candidates of said party at the ensuing general election, and that if nominated he will accept such nomination and not withdraw, and that he will qualify as such officer if nominated and elected; and he shall also make the statement required in subdivision 5 of section 6 of this act. In the case of a candidate for nomination to a judicial office or a school office, no affidavit shall be made that the candidate intends to affiliate with any party or to vote for a majority or any of the candidates of any party at any election. In the case of a candidate for nomination to a school office no affidavit need be made that the candidate is an elector.

Verification not to be made by candidate, etc.

Affidavit of candidate.

Affidavit of senator and assemblyman.

5. In the case of an elector seeking nomination to the office of state senator or member of the assembly at any primary election next preceding the election of a United States senator in congress, he may include with his affidavit one of the two statements hereinafter set forth in this section and subdivision. But his failure to include either of such statements shall not

be a valid ground on the part of the secretary of state for refusal to receive and file his nomination paper or papers.

Such statements, if any be made, shall be in substantially the following form:

STATEMENT NO. 1.

I further declare to the people of California and to the people of the (senatorial or assembly) district that during my term of office, without regard to my individual preference, I will always vote for that candidate for United States senator in congress who shall have received for that office the highest number of the votes cast for that position at the general election next preceding the election of a senator in congress.

Statement No. 1.

Signature of Candidate for Nomination.

If the candidate be unwilling to sign the above statement, he may include with his affidavit the following statement:

STATEMENT NO. 2.

I further declare to the people of California and to the people of the (senatorial or assembly) district, that during my term of office I shall consider the vote of the people for United States senator in congress as nothing more than a recommendation, which I shall be at liberty wholly to disregard, if the reasons for so doing seem to me sufficient.

Statement No. 2.

Signature of Candidate for Nomination.

On the ballot used at the primary election, and on the sample ballot mailed to voters under the provisions of section 13 of this act after or under the name of each candidate for state senator or assemblyman shall appear the words, "Signed Statement No. 1," or "Signed Statement No. 2," or "signed neither statement," according as the candidate included with his affidavit, "Statement No. 1," "Statement No. 2," or neither statement, respectively; and together with the sample primary ballot the county clerk or registrar of voters must include a card or slip of paper on which shall be printed all this subdivision, viz.: subdivision 5 of section 5 of this act.

6. Except in the case of a candidate for nomination to a judicial office or a school office, nomination papers shall be signed as follows: By not less than one per centum and not more than two per centum of the voters of the party of the candidate seeking nomination, within the state or political subdivision thereof in which such candidate seeks nomination.

Per centum of votes necessary as signers.

7. Except in the case of a candidate for nomination to a judicial office or a school office, the basis of percentage in each case shall be upon the highest vote polled by the party for any such candidate as may have been the candidate of such party only at the election upon which the right of the party to participate in the primary election is based, as defined in sub-

Basis of percentage.

division 5 of section 1 of this act. Every political party whose membership or members shall comply with the provisions of this act by filing nomination papers for one or more candidates, shall be entitled to a separate party ticket at the primary election.

Independent nomination.

8. Nothing herein shall be construed as prohibiting the independent nomination of candidates to be voted for at any general election, by electors or bodies of electors, as provided by section 1188 of the Political Code; except that a candidate who has filed nomination papers as one of the candidates for nomination to any office on the ballots of any political party at a primary election held under the provisions of this act, and who is defeated for such party nomination at such primary election, shall be ineligible for nomination to the same office at the ensuing general election, either as an independent candidate or as the candidate of any other party, and no person shall be permitted to file nomination papers for a party nomination and an independent nomination for the same office, or for more than one office at the same election. Nor shall any person whose name has been written in upon any ballot or ballots for any office at any primary election have his name placed upon the ballot as a candidate for such office at the ensuing general election, except under the provisions of section 1188 of the Political Code, unless at such primary election he shall have received for such office votes equal in number to the minimum number of nomination papers which would have been required to be filed to have placed his name on the primary ballot as a candidate for nomination to such office.

Per centum necessary for judicial and school offices.

9. In the case of a candidate for nomination to a judicial office or a school office, nomination papers shall be signed by not less than one half of one per centum, nor more than two per centum of the total vote cast by all political parties at the last election for such judicial office or school office in the state or political subdivision thereof in which such candidate for judicial office or school office seeks nomination.

Record of nominations.

10. The officer with whom nomination papers are filed shall keep a record in which he shall enter the names of all persons filing the same, the name of the office, the party, if any, and the time of filing.

Nomination papers filed.

SEC. 6. All nomination papers provided for by this act shall be filed as follows:

1. For state officers, United States senators, representatives in congress, members of the state senate and assembly and all officers voted for in districts comprising more than one county, in the office of the secretary of state.

2. For officers to be voted for wholly within one county or city and county, except representatives in congress, and members of the state senate and assembly in the office of the county clerk of such county or in the office of the registrar of voters in such city and county.

3. For city officers, in the office of the city clerk or secretary of the legislative body of such city or municipality.

4. When nomination papers shall have been received which contain two per centum of the total vote as limited by subdivisions 6 and 9 of section 5 of this act, the officer with whom such papers are required to be filed shall not receive or file further nomination papers for the candidate named therein.

5. No more nomination papers shall be secured for any candidate than three per centum of the total vote as limited by subdivisions 6 and 9 of section 5 of this act; *provided*, that if, through miscalculation or otherwise, more nomination papers are secured than the said three per centum, all nomination papers in excess of said three per centum must have been returned by the candidate by mail to the respective signers thereof before any nomination papers are filed as provided in this section. And in the affidavit required to be filed in subdivision 4 of section 5 of this act, affiant must state whether he has complied with the provisions herein contained in subdivision 5 of section 6 of this act.

SEC. 7. A filing fee of fifty dollars shall be paid to the secretary of state by each candidate for state office or for the United States senate. Filing
fees.

2. A filing fee of twenty-five dollars shall be paid to the secretary of state by each candidate for representative in congress or for any office, except member of senate and assembly, to be voted for in any district comprising more than one county

3. A filing fee of ten dollars shall be paid to the secretary of state by each candidate for the state senate or assembly.

4. A filing fee of ten dollars shall be paid to the county clerk or registrar of voters in any city and county when the nomination paper or papers and affidavit of any candidate to be voted for wholly within one county or city and county are filed with such county clerk or registrar of voters.

5. A filing fee of ten dollars shall be paid to the city clerk or secretary of the legislative body of any municipality when the nomination paper or papers and affidavit of any candidate for a city office are filed with such clerk or secretary of such legislative body.

6. No filing fee shall be required from any candidate for an office to the holder of which no compensation is required to be paid or for township offices, the compensation to the holder of which does not exceed the sum of nine hundred dollars per annum.

7. In no case shall the secretary of state receive any nomination papers for filing until the requisite fee for such filing, as prescribed in this section, has first been paid to him.

8. When a person is nominated for an office by reason of his name having been written on a ballot that has been voted at any primary election provided for by this act, he must pay the same filing fee provided for the same office to the same officer as would have been required if nomination papers had been filed to place his name on the primary ballot; otherwise his name must not be printed on the ballot at the ensuing general

election, provided he is not the nominee of another party for the same office.

Disposi-
tion of
fees.

SEC. 8. The county clerk shall immediately pay to the county treasurer, and the registrar of voters in any city and county shall immediately pay to the city and county treasurer, all fees received from candidates. The city clerk or secretary of the legislative body of any municipality shall immediately pay to the city treasurer all fees received from candidates. Within ten days after the last day for filing nomination papers the secretary of state shall pay to the state treasurer all fees received from candidates and shall apportion the fees paid to him by each candidate equally among the counties within which such candidate is to be voted for and certify such apportionment to the state controller, who shall issue warrants on the state treasurer for the amount due each county and the state treasurer shall pay the same.

Expenses
of ballots,
etc., how
paid.

SEC. 9. The expense of providing all ballots, blanks and other supplies to be used at any primary election provided for by this act and all expenses necessarily incurred in the preparation for or the conduct of such primary election shall be paid out of the treasury of the city, county and state, as the case may be, in the same manner, with like effect and by the same officers as in the case of general elections.

Secretary
of state to
transmit
list of
names.

SEC. 10. At least thirty days before any September primary election preceding a November election the secretary of state shall transmit to each county clerk or registrar of voters in any city and county a certified list containing the name and post office address of each person for whom nomination papers have been filed in the office of such secretary of state and who is entitled to be voted for in such county at such primary election, together with a designation of the office for which such person is a candidate and of the party or principle he represents. In the case of each candidate for nomination to the office of state senator or assemblyman, at the primary election next preceding the election of a United States senator in congress, the secretary of state shall certify as to whether such person has signed and included with his affidavit statement No. 1, statement No. 2, or neither statement, as such statements are defined in subdivision 5 of section 5 of this act. Such county clerk or registrar of voters shall forthwith, upon receipt thereof, publish under the proper party designation the title of each office, the names and addresses of all persons for whom nomination papers have been filed, the date of the primary election, the hours during which the polls will be open, and that the primary election will be held at the legally designated polling places in each precinct, which shall be particularly designated. It shall be the duty of the county clerk or registrar of voters in any city and county to cause such publication to be made for two successive weeks prior to said primary election.

County
clerks to
publish
under
party des-
ignation.

SEC. 11. Every publication required by this act shall be made in not more than two newspapers of general circulation

published in such county or city and county, and one of such newspapers shall represent the political party that cast at the last preceding general election the highest number of votes in such county or city and county, and one of such newspapers, if any, shall represent the party which cast the next highest number of votes at such election. In any case where the publication of the notices provided for by this act can not be made as hereinbefore provided it shall be made in any newspaper having a general circulation in the city or county in which the notice is required to be published.

In what newspapers publication is to be made.

SEC. 12. 1. All voting at primary elections within the meaning of this act shall be by ballot. A separate official ballot for each political party shall be printed and provided for use at each voting precinct. The ballots must have a different tint or color for each of the political parties participating in the primary election. It shall be the duty of the county clerk of each county, or of the registrar of voters in any city and county, to provide such printed official ballots to be used at any September primary election for the nomination of candidates to be voted for in such county or city and county at the ensuing November election. It shall be the duty of the city clerk or secretary of the legislative body of any municipality to provide such printed official ballots for any primary election other than the September primary election. Such official ballots to be used at any primary election shall be printed on official paper, furnished by the secretary of state, in the manner provided by section 1196 of the Political Code, and in the form hereinafter provided. The names of all candidates for the respective offices for whom the prescribed nomination papers have been duly filed shall be printed thereon.

Voting, ballots, etc.

Ballots on paper furnished by secretary of state.

2. Official primary election ballots used at any primary election for the nomination of candidates to be voted for at any presidential or general state election shall be not less than twelve inches wide and as long as the herein prescribed captions, headings, party designations, directions to voters and lists of names of candidates, properly subdivided according to the several offices to be nominated for, may require; and no official primary election ballot shall be less than six and one half inches wide.

Size of ballots.

3. Across the top of the ballot shall be printed in heavy-faced gothic capital type, not smaller than forty-eight point, the words, "Official Primary Election Ballot." Beneath this heading shall be printed in heavy-faced gothic capital type, not smaller than twenty-four point, the party designation. The instructions to voters shall be printed in ten point gothic type. In the case of official primary election ballots to be used at any primary election held for the nomination of candidates other than those to be voted for at a presidential or a general state election, and on which, in accordance with the provisions of this act, the names of candidates may be printed in a single column or in two parallel columns, as the case may be, the words "Official Primary Election Ballot" shall be printed

Form of ballots.

thereon in heavy-faced gothic capital type, not smaller than twenty-four point. The party designation shall be printed in heavy-faced gothic capital type, not smaller than eighteen point. The instructions to voters shall be printed in ten point gothic type.

Instructions to voters.

4. At least three eighths of an inch below the assembly district designation and the date of the primary election shall be printed in ten point gothic type, double leaded, the following instructions to voters:

To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the right of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose. To vote for delegates to conventions write or paste the name or names of a qualified elector or electors in the blank space or spaces provided therefor.

Names in parallel columns.

5. The instructions to voters shall be separated from the lists of candidates and the designations of the several offices to be nominated for by one light and one heavy line or rule. The names of the candidates and the respective offices shall, except as may be hereinafter otherwise provided, be printed on the ballot in four or more parallel columns, each two and one half inches wide. The number of such parallel columns shall be exactly divisible by two, and such parallel columns shall be equally divided on the ballot for state and county tickets by a solid black line, extending down from the printed lines separating the instructions to voters from the lists of names of candidates to the bottom margin of the ballot. In the case of a primary election for the nomination of candidates to be voted for at a presidential or general state election the order of precedence shall be as follows, that is to say: In the columns to the left of the solid black dividing line shall be printed the groups of names of candidates for nomination to state, district and judicial offices, United States senator in congress if any, representative in congress, state senator and member of assembly. In the parallel columns to the right of the heavy black dividing line shall be printed the groups of names of candidates for nomination to county and township offices and to the office of justice of the peace. In the case of primary elections for the nomination of candidates for city, city and county or municipal offices only, the groups of names of candidates may be printed in two parallel columns and the order of precedence shall be determined by the legislative body of such city or municipality or by the board of election commissioners of any such city and county. In the case of primary elections for the nomination of congressional candidates including United States senator in congress, legislative and judicial officers other than justice of the peace, the groups or lists of names of candidates may be printed on the ballot in a single column, and shall be printed in the following order of procedure, that is to say: Judicial officers, except judges of the superior court, United

Order of precedence.

States senator in congress, representative in congress, state senator, member of the assembly, judge of the superior court, county and township officers, if any, and delegates to county conventions.

6. The group of names of candidates for nomination to any judicial office or any school office shall include all the names receiving the requisite number of nomination papers for such office, and shall be identical for each such office on the primary election ballots of each political party participating at the primary election.

Judicial
and school
offices.

7. The order in which the list of candidates for any office shall appear upon the primary election ballot shall be determined as follows:

Order of
candi-
dates

(a) If the office is an office, the candidates for which are to be voted on throughout the entire state, including United States senator in congress, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for the first assembly district; and thereafter for each succeeding assembly district the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged.

Voted on
through-
out state.

If the office is that of representative in congress, or is an office the candidates for nomination to which are to be voted on in more than one county or city and county, but not throughout the entire state, except the office of state senator or assemblyman, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be voted on; and thereafter for each succeeding assembly district in which such candidates are to be voted on, the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged. In transmitting to each county clerk or registrar of voters the certified list of names as required in section 10 of this act, the secretary of state shall certify and transmit the list of candidates for nomination to each office according to assembly districts, in the order of arrangement as determined by the above provisions; and in the case of each county or city and county containing more than one assembly district, he shall transmit separate lists for each assembly district. Except for the office of state senator or assemblyman, the order in which the names filed with the secretary of state shall appear upon the ballot, shall be for each assembly district the order as determined by the secretary of state in accordance with the above provisions, and as certified and transmitted by him to each county clerk or registrar of voters.

Voted on
in more
than one
county.

Secretary
of state to
transmit
lists in
order.

(b) If the office is an office to be voted on wholly within one county or city and county, except the office of representative in congress or state senator or assemblyman, the county clerk of such county or the registrar of voters of such city and county, shall arrange the names of all candidates for such

Voted on
in one
county.

office in alphabetical order, which order shall be the order of names upon the ballots: *provided*, there is no more than one assembly district in such county, or city and county. If there is more than one assembly district in such county or city and county, the county clerk or registrar of voters shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that assembly district in such county, or city and county, which is lowest in numerical order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

State
senator
and assem-
blyman.

(c) If the office is that of state senator or assemblyman, the names of all candidates for such office shall be placed upon the ballot in alphabetical order.

Municipal
office.

(d) If the office is a municipal office in any city or town whose charter does not provide for the order in which names shall appear on the ballot, the names of candidates for such office shall be placed upon the ballot in alphabetical order.

Clerks to
publish
names in
order
upon
ballot.

8. In publishing the names and addresses of all candidates for whom nomination papers have been filed, as required in section 10 of this act, the county clerk or registrar of voters shall publish the names in the order in which they will appear upon the ballot; *provided*, that in counties or cities and counties containing more than one assembly district the order of names of candidates shall be that of the assembly district in such county or city and county which is lowest in numerical order.

Designa-
tion of
office.

9. Each group of candidates to be voted on shall be preceded by the designation of the office for which the candidates seek nomination, and the words "Vote for One" or "Vote for Two" or more according to the number to be elected to such office at the ensuing election. Such designation of the office to be nominated for and of the number of candidates to be nominated shall be printed in heavy-faced gothic type, not smaller than ten point. The word or words designating the office shall be printed flush with the left-hand margin and the words "Vote for One" or "Vote for Two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the direction for voting shall be separated from the names of the candidates by a light line.

Names of
candi-
dates.

10. The names of the candidates shall be printed on the ballot, without indentation, in roman capital type not smaller than eight point, between light lines or rules three eighths of an inch apart. Under each group of names of candidates shall be printed as many blank spaces, defined by light lines or rules, three eighths of an inch apart, as there are to be candidates nominated for such office. To the right of the names of the candidates shall be printed a light line or rule so as to form a voting square three eighths of an inch square. Each

INSTRUCTIONS TO VOTERS:

To vote for a candidate of your selection stamp a cross (X) in the voting square next to the right of the name of such candidate. Where two or more candidates for the same office are to be elected, stamp a cross (X) after the names of all the candidates for that office for whom you desire to vote not to exceed, however, the number of candidates who are to be elected. If the ballot does not contain the names of candidates for all offices for which you may desire to vote, you may vote for candidates for such offices so omitted by writing the name of the candidate for whom you wish to vote in the blank space left for that purpose. To vote for a person not on the ballot, write the name of such person under the title of the office in the blank space left for that purpose. To vote on any question, proposition or constitutional amendment, stamp a cross (X) in the voting square after the word "Yes" or after the word "No". All marks, except the cross (X) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface this ballot, return it to the Inspector of Election and obtain another.

STATE		LEGISLATIVE		Senate Constitutional Amendment Number 4— Relating to the public school system and support of public schools.	
Governor Vote for One		Attorney General Vote for One		State Senator, Thirty-eighth Senatorial District Vote for One	
JOHN C. KELLY, Republican		JAMES McCARTY, Republican		H. G. CHAPIN, Democrat	
THOMAS G. ADAMS, Democrat		JOHN MASTERS, Socialist		C. S. COLBY, Socialist	
FRANK K. SMITH, Prohibition		E. W. TURNER, Prohibition		T. K. JONES, Republican	
Lieutenant Governor Vote for One		Surveyor General Vote for One		Member of the Assembly, Seventy-Second District Vote for One	
I. G. STEVENS, Republican		HENRY SULLIVAN, Democrat		T. J. KERR, Prohibition	
H. DEAN, Democrat, Socialist		JOHN KANE, Republican		A. K. SPAULDING, Democrat	
N. DUFFY, People's Party		WILLIAM FULLER, Prohibition		U. S. MENKE, People's Party	
Chief Justice of the Supreme Court Vote for One		Clerk of the Supreme Court Vote for One		COUNTY	
JOHN LAW		IKE LEE, Republican, Democrat		Judges of the Superior Court Vote for Two	
HENRY JOLES		JOE K. HENRY, Socialist		LUCIEN EARLE	
TOM ASHLEY		JOHN PHELPS, Prohibition		SILAS MACKEY	
Associate Justices of the Supreme Court Vote for Two		Superintendent of Public Instruction Vote for One		Sheriff Vote for One	
ARTHUR COREY		C. C. COLLINS		M. C. CONNELLY, Republican	
JOHN WHITE		L. W. WILSON		L. MIND, Democratic, Socialist, Prohibition	
Secretary of State Vote for One		CONGRESSIONAL			
CLINTON STOLZ, Democrat		United States Senator Vote for One			
ARCH DENNY, Socialist		JOHN McCULLOCH, Republican			
CLAUD PIERSON, Labor Party		T. H. BERKHART, Democrat			
		A. L. CURTIS, Socialist			
				"For the State Highway Act"	

OFFICIAL PRIMARY ELECTION BALLOT

REPUBLICAN PARTY

Twenty-Ninth Assembly District, September 4, 1908

To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the RIGHT of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose. To vote for delegates to conventions write or paste the name or names of a qualified elector or electors in the blank space or spaces provided therefor.

STATE				COUNTY			
Governor	Vote for One	Supt. of Public Instruction	Vote for One	Sheriff	Vote for One	For Coroner	Vote for One
RICHARD ROE		CHARLES N. STOVER		J. P. DOLLIVER		JAMES B. FRAZIER	
HENRY BROWN		FRANK N. KENDALL		CHESTER I. LONG		H. C. LODGE	
JOHN DOE		ARTHUR ROBERTS		R. A. ALGER		W. P. DILLINGHAM	
Lieutenant Governor	Vote for One	Supt. of State Printing	Vote for One	District Attorney	Vote for One	For Surveyor	Vote for One
WILLIAM SMITH		CHARLES TAYLOR		A. B. KITTREDGE		JOHN H. FOSTER	
THOMAS GREEN		ARTHUR N. DARE		JOHN T. MORGAN		JOHN J. JENKINS	
HORACE JONES		W. W. KIMBALL		E. J. BURKETT		P. C. KNOX	
						R. M. NEVIN	
Chief Justice Supreme Court	Vote for One	Judge of the District Court of Appeal, First District	Vote for One	County Clerk	Vote for One	JOSEPH BLACKBURN	
WALTER WILTER		ANTHONY BRENNAN		S. R. MALLORY		CHAS. A. CULBERSON	
JOSEPH JENNINGS		PETER DREW		JAMES B. McCREARY		R. W. PARKER	
THOMAS MERTON				ASBURY C. LATTIMER		JOHN A. STERLING	
						JOHN F. DRYDEN	
Associate Justice Sup. Court	Vote for Two	Member State Board of Equalization, First District	Vote for One	Auditor	Vote for One	J. B. FORAKER	
WILLIAM BREWER		WILLIAM ADAMS		JOHN W. DANIEL			
ERASTUS PECK		HARRY ALGER		M. J. FOSTER			
SAMUEL SNOW				THOMAS M. PATTERSON		For Supervisor	Vote for Five
GEORGE TAWNEY		Railroad Commissioner, Second District	Vote for One	J. F. ALLEE		G. B. PATTERSON	
		HENRY JAMESON		CLARENCE D. CLARK		THOMAS SPIGHT	
		MATHEW MATTSON				JAMES E. WATSON	
						CHAS. H. WEISSE	
Secretary of State	Vote for One	Judge of the Superior Court	Vote for Four	Treasurer	Vote for One	JOHN T. HUNT	
WILLIAM TOURTILLOTTE		GEORGE BUNN		FRED T. DU BOIS		JOSEPH T. JOHNSON	
ALBERT BERG		WALTER CAMPBELL		AUGUSTUS O. BACON		H. L. MAYNARD	
PETER E. HANSON		CHARLES R. DAVIS		JAMES H. BERRY		E. S. MINOR	
		THOMAS McCALL				THOMAS M. BELL	
		ERNEST W. ROBERTS				W. H. FLACK	
Controller	Vote for One			Assessor	Vote for One	J. W. FORDNEY	
THOMAS THOMPSON				J. S. SPOONER		J. A. GOULDEN	
SAMUEL ALDEN				E. G. NEWLANDS		WILLIAM S. GREENE	
WILLIAM DUNN				E. W. PETTUS		C. H. GROSVENOR	
						JAMES HOY	
Treasurer	Vote for One	CONGRESSIONAL		Tax Collector	Vote for One	W. E. HUMPHREY	
HENRY SAMPSON		United States Senator	Vote for One	KNUTE NELSON			
A. Y. CHILTON		CHARLES N. HART		REDFIELD PROCTOR			
SAMUEL JOHNSON		WALTER BROWNLOW		E. W. CARMACK			
		CASSIUS N. CLAY					
Attorney General	Vote for One	Representative in Congress, 4th District	Vote for One	Recorder	Vote for One		
GEORGE P. WILSON		PETER PETERSON		C. M. DE PEW			
W. B. CURRAN		BASTICK BOYLAN		CHARLES W. FULTON			
THOMAS O'BRIEN		HENRY HUDSON		THOMAS H. CARTER		Justice of the Peace	Vote for Two
						THOMAS SULLIVAN	
						CLAUDE SWANSON	
Surveyor General	Vote for One	LEGISLATIVE		Public Administrator	Vote for One	PETER HEPBURN	
FRANK WHEATON		State Senator, 17th District	Vote for One	H. M. TELLER			
MICHAEL KERNAN		WILLIAM S. STOKES		J. W. BAILEY			
JOHN P. WALKER		Signed Statement No. 1		JAMES P. CLARKE			
		AMOS STRONG					
		Signed Statement No. 2					
Clerk of the Supreme Court	Vote for One	Member Assembly, 29th Dist.	Vote for One	County Supt. of Schools	Vote for One	Delegates to County Convention	Vote for Four
WALTER WILMOT		PETER PETERSON		TIMOTHY HEALEY			
HENRY JAMES		Signed Statement No. 1		J. W. REYNOLDS			
DARIUS REESE		ANDREW ANDERSON		CHARLES CARSON			
		Signed neither statement					
		GEORGE GAUGHEY					
		Signed Statement No. 1					

group of names of candidates shall be separated from the succeeding group by one light and one heavy line or rule. Each series of groups shall be headed by the word "State," "Congressional," "Legislative," "County" or "Municipal" or other proper general classification, as the case may be, printed in heavy-faced gothic capital type, not smaller than twelve point. All official primary election ballots shall have printed on the back and immediately below the center thereof, in eighteen point gothic capital type, the words "Official Primary Election Ballot," and underneath these words the respective numbers of the congressional, senatorial and assembly districts in which each ballot is to be voted. In the case of a primary election for the nomination of candidates for city or city and county offices only, the designations on the back of the ballot, in addition to the words "Official Primary Election Ballot," shall be the official designation of the respective ward or the number of the assembly district in any such city and county in which each ballot is to be voted.

Printing
on back.

11. At the bottom of the last column on any official primary election ballot to be voted in September for the nomination of candidates to be voted for at the ensuing November election, there shall be left as many blank spaces defined by light lines or rules three eighths of an inch apart as there are delegates to be elected to the county convention of such party as shall have been previously apportioned by the county committee of such party and which shall be preceded by the words "Delegates to County Convention," "Vote for One" or "Vote for Two," or more, as the case may be, according to such apportionment, in which blank spaces the voter may write or paste the name or names of qualified electors of his party as delegates to the county convention of such party. Apportionment by the county central committee shall be such that not more than ten delegates shall be voted for by any one voter. The ballot shall be printed on the same leaf with a stub and separated therefrom by a perforated line across the top of the ballot. On each ballot a perforated line shall extend from top to bottom one half inch from the right hand side of such ballot, and upon the half-inch strip thus formed there shall be no printing except the number of the ballot which shall be on the back of each strip, in such position that it shall appear on the outside when the ballot is folded. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county: *provided*, that the sequence of numbers on such official ballots and stubs for each party shall begin with the number one.

Blank
spaces at
foot of
last
column.

Perfora-
tion.

Number.

12. The official ballots of each political party shall be made up in stub books, each book to contain fifteen, or some multiple of fifteen, ballots, in the manner provided by law for official election ballots, and except as to the order of the names of candidates shall be printed in substantially the following form:

Binding of
ballots.

Sample ballots to be mailed to voter.

SEC. 13. At least twenty days before the September primary election each county clerk or registrar of voters in any city and county shall prepare separate sample ballots for each political party, placing thereon in the order provided in subdivision 7 of section 12 of this act, and under the appropriate title of each office, the names of all candidates for whom nomination papers have been duly filed with him, or have been certified to him by the secretary of state, to be voted for at the primary election in his county or city and county. Such sample ballots shall be printed on tinted or colored paper, and one sample ballot of the party to which the voter belongs as evidenced by his registration shall be mailed to each voter entitled to vote at such September primary election not more than ten nor less than five days before the election. Such clerk or registrar of voters shall forthwith submit the ticket of each political party to the chairman of the county committee of such party and shall mail a copy to each candidate for whom nomination papers have been filed with him or whose name has been certified to him by the secretary of state, to the post office address as given in such nomination paper or certification, and he shall post a copy of each sample ballot in a conspicuous place in his office. Before such primary election the county clerk or registrar of voters in any city and county shall cause the official ballot to be printed as provided by section 12 of this act, and distributed in the same manner and in the same quantities as provided in sections 1198, 1199 and 1201 of the Political Code for the distribution of ballots for elections. In the case of primary elections for the nomination of candidates for city offices it shall be the duty of the city clerk, secretary of the legislative body of such city or municipality, or such other officer charged by law with the duty of preparing and distributing the official ballots used at elections in such city or municipality, to prepare and mail the sample ballot and to prepare and distribute the official primary election ballots, and so far as applicable and not otherwise provided herein the provisions of this act shall apply to the nomination of all candidates for city offices.

To chairman of county committee and candidates.

Distribution.

Ballots for city officers.

Polls open.

SEC. 14. The polls must be opened at six o'clock of the morning of the day of primary election and must be kept open until six o'clock in the afternoon of the same day, when the polls shall be closed; *provided, however,* that if at the hour of closing there are any voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote. But no one who shall arrive at the polling place after six o'clock in the afternoon shall be entitled to vote, although the polls may be open when he arrives. No adjournment or intermission shall be taken except as provided in the case of elections.

Election officers.

SEC. 15. The officers for primary elections shall be the same, and shall be appointed in the same manner, as provided by law for general elections, and such officers shall receive

the same compensation for their services at primary elections as provided by law for general elections. It shall be the duty of the proper officers to furnish the original affidavits of registration and indexes for use at primary elections, which shall show the names of all voters entitled to vote at such primary elections, and shall be numbered, for purposes of the primary election, in like manner as provided in section 1113 of the Political Code. And all the provisions of section 1096 of the Political Code, so far as they are consistent with the provisions of this act, are hereby made applicable to primary elections within the meaning of this act.

SEC. 16. Any elector offering to vote at a primary election may be challenged by any elector of the city, city and county or county, upon either or all of the grounds specified in section 1230 of the Political Code, but his right to vote the primary election ticket of the political party designated in his affidavit of registration, as provided in section 1096 of the Political Code, shall not be challenged on any ground or subjected to any tests other than those provided by the constitution and section 1230 of the Political Code of this state.

SEC. 17. Any elector who has, at least thirty days before the day of any primary election, qualified by registration and by declaration of the political party with which he intends to affiliate, as provided by section 1096 of the Political Code, shall be entitled to vote at such primary election, such right to vote being subject to challenge only as hereinbefore provided; and shall, on writing his name or having it written for him on the roster, as provided by law for general elections in this state, receive the official primary election ballot of the political party designated in his affidavit of registration, and no other; *provided, however*, that no one shall be entitled to vote at any primary election who has not been a resident of the state one year, and of the county ninety days, preceding the day upon which such primary election is held. He shall be instructed by a member of the board as to the proper method of marking and folding his ballot, and he shall then retire to an unoccupied booth and without undue delay stamp the same with the rubber stamp there found. If he shall spoil or deface the ballot he shall at once return the same to the ballot clerk and receive another.

SEC. 18. The voter shall designate his choice on the ballot by stamping a cross (X) in the small square opposite the name of each candidate for whom he wishes to vote. If he shall stamp more names than there are candidates to be nominated for any office, or if for any reason it be impossible to determine his choice for any office, his ballot shall not be counted for such office, but the rest of his ballot, if properly stamped, shall be counted. No ballot shall be rejected for any technical error which does not render it impossible to determine the voter's choice, nor even though such ballot be somewhat soiled or defaced.

SEC. 19. When a voter has stamped his ballot he shall

Folding
ballot.

fold it so that its face shall be concealed and only the printed designation on the back thereof shall be visible, and hand the same to the member of the board in charge of the ballot box. Such folded ballot shall be voted as ballots are voted at general elections and the name of the voter checked upon the register as having voted.

Adjournment of
board.

SEC. 20. No adjournment or intermission whatever shall take place until the polls shall be closed and until all the votes cast at such polls shall be counted and the result publicly announced, but this shall not be deemed to prevent any temporary recess while taking meals or for the purpose of other necessary delay; *provided*, that no more than one member of the board shall at any time be absent from the polling place.

Canvass
of votes.

SEC. 21. As soon as the polls are finally closed the judges must immediately proceed to canvass the votes cast at such primary election. The canvass must be public, in the presence of bystanders, and must be continued without adjournment until completed and the result thereof declared. Except as hereinafter provided, the canvass shall be conducted, completed and returned as provided by sections 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267 and 1268 of the Political Code of this state; *provided, however*, that the ballots of each party must be sealed and returned in separate envelopes. The number of ballots agreeing or being made to agree with the number of names on the lists, as provided by section 1255 of the Political Code, the board must take the ballots from the box, count those cast by each party, and string them separately; count all the votes cast for each party candidate for the several offices and record the same on the tally lists.

Super-
visors,
etc., to
canvass
returns.

SEC. 22. The board of supervisors of each county, the board of election commissioners in any city and county, or, in the case of a city or municipal primary election, the officers charged by law with the duty of canvassing the vote at any city or municipal election in such political subdivision, shall meet at the usual place at one o'clock in the afternoon of the first Thursday after each primary election to canvass the returns, or as soon thereafter as all the returns are in. When begun the canvass shall be continued until completed, which shall not be later than six o'clock in the afternoon of the sixteenth day following such primary election. The clerk of the board must, as soon as the result is declared, enter upon the records of such board a statement of such result, which statement shall contain the whole number of votes cast for each candidate of each political party, and for delegates to county and municipal conventions, if any, and a duplicate as to each political party shall be delivered to the county, city and county or city chairman of such political party, as the case may be. The clerk shall also make an additional duplicate statement in the same form, showing the votes cast for each candidate not voted for wholly within the limits of such county or city and county. The county clerk or registrar of voters in any

Record of
result.

city and county shall forthwith send to the secretary of state by registered mail or by express one complete copy of all returns as to such candidates, and as to all candidates for the state assembly, state senate, representatives in congress and judicial offices, except justices of the peace. The clerk shall also prepare a separate statement of the names of the candidates of each political party who have received the highest number of votes for the several offices to be voted for wholly within such county, city and county or other political subdivision in which such primary election was held. The secretary of state shall, not later than the twenty-fifth day after any primary election, compile the returns for United States senator and for all candidates voted for in more than one county, and for all candidates for the assembly, state senate, representatives in congress and judicial offices, except justices of the peace, and shall make out and file in his office a statement thereof.

Statement to secretary of state.

Statement of candidates of political parties.

Secretary of state to compile returns.

SEC. 23. Except in the case of a candidate for nomination to a judicial office or a school office, the person receiving the highest number of votes, at a primary election as the candidate for the nomination of a political party for an office shall be the candidate of the party for such office, and his name as such candidate shall be placed on the official ballot voted at the ensuing election; *provided*, he has paid the filing fee required by subdivision 8 of section 7 of this act. The name of the person in each political party who receives at a primary election the highest number of votes for United States senator shall also be placed on the official ballot under the heading "United States Senator." In the case of a judicial office or a school office, the candidates equal in number to twice the number to be elected to such office, or less, if so there be, who receive the highest number of votes cast by all the political parties participating in the primary election for nomination to such office, shall be the candidates for such office at the ensuing election, and their names as such candidates shall be placed on the official ballot voted at the ensuing election; *provided, however*, that in case there is but one person to be elected at the November election to a judicial or a school office, any candidate who receives at the September primary election a majority of the total number of votes cast for all the candidates for such office shall be the only candidate for such office at the ensuing election; *and provided, further*, that nothing contained in this section shall be so construed as to prevent any person who was not a candidate at the primary election from becoming a candidate for such office under the provisions of section 1188 of the Political Code. The elector receiving the highest number of votes of his party in his district, ward or precinct for delegate shall be a representative of his party from the political subdivision in which he was elected in all conventions of his party in such county or city in which such political subdivision is entitled to representation. When two or more delegates are to be elected from the same political subdivision, the elector receiving a

Person receiving highest number of votes candidate.

Person not a candidate at primary election may become candidate.

Delegates to conventions.

Certificates of nomination.

plurality over the elector next in number of votes, shall be declared elected, until as many delegates have been chosen as have been apportioned to such district, ward or precinct. It shall be the duty of the officers charged with the canvass of the returns of any primary election in any county, city and county or municipality to cause to be issued official certificates of nomination to such party candidates as have received the highest number of votes as the candidates for the nomination of such party for any offices to be voted for wholly within such county, city and county, or municipality, and cause to be issued to such delegate a certificate of his election. It shall be the duty of the secretary of state to issue official certificates of nomination to candidates nominated under the provisions of this act for representatives in congress, members of the state senate and assembly and officers voted for in more than one county. Not less than thirty days before the November election the secretary of state shall certify to the county clerks or registrars of voters of each county and city and county within the state, the name of every person entitled to receive votes within such county or city and county at said November election who has received the nomination as a candidate for public office under and pursuant to the provisions of this act, and whose nomination is evidenced by the compilation and statement required to be made by said secretary of state and filed in his office, as provided in section 22 of this act. Such certificates shall, in addition to the names of such nominees respectively, also show separately and respectively for each nominee the name of the political party or organization which has nominated such person, if any, and the designation of the public office for which he is so nominated. The secretary of state shall also certify to the county clerk or registrar of voters the names of those persons who have received in their respective parties the highest number of votes for United States senator.

Secretary of state to certify names of persons entitled to receive votes.

Party conventions.

SEC. 24. 1. Party conventions of delegates chosen as hereinafter provided may be held in this state, or any political subdivision thereof, for the purpose of promulgating platforms and transacting such other business of the party as is not inconsistent with the provisions of this act.

Promulgation of party platforms.

2. The candidates for state officers, if any, and the candidates for state senate and assembly nominated by each political party at the primary election, and state senators of such political party whose term of office extends beyond the first Monday in January of the year next ensuing, shall meet in state convention at the state capitol at two o'clock in the afternoon of the fourth Tuesday of September after the date on which any primary election is held preliminary to the general November election. There shall be as many such state conventions held at this time as there were political parties nominating state, congressional or legislative tickets at the primary election. The members of each convention shall forthwith formulate the state platforms of their party, which said state platform of each political party shall be framed at such time that it

shall be made public not later than six o'clock in the afternoon of the following Thursday. They shall also proceed to elect a state central committee of their party to consist of at least three (3) members from each congressional district, who shall hold office until a new state central committee shall have been selected. In each bissextile or leap year they shall also nominate as the candidates of their party as many electors of president and vice-president of the United States as the state is then entitled to.

3. In years when candidates for president and vice-president of the United States are to be nominated, the state central committee of any political party shall issue a call for a state convention to be held in the month of May, for the purpose of electing delegates to the national convention to nominate candidates for president and vice-president of the United States. At least fifty days before the date fixed for said state convention, said call shall be filed with the secretary of state and a copy thereof, signed by the chairman and secretary of the state central committee, shall be mailed to the chairman and secretary of each county committee of their respective parties within the state. The call for said convention shall fix the time and place for holding said state convention, together with a statement of the number of delegates entitled to seats therein, and the number of delegates apportioned to each county. The chairman and secretary of each county committee shall, within ten days after receipt of a copy of the call for the May state convention issued by the state central committee, issue a call for the assembling of a county convention, which county convention shall be composed of the delegates elected to the county convention at the last preceding September primary election. Such call shall be filed with the county clerk and a copy thereof mailed to each delegate within such county. The call issued by the county committee shall set forth the time and place for holding such county convention and the purposes of such convention, together with a statement of the number of delegates to the state convention to be chosen by said county convention.

Conventions to nominate candidates for president, etc.

4. A county convention shall be called in the manner following: The county central committee of any political party shall, at least thirty days prior to each September primary election, file a written petition signed by its chairman and secretary, with the county clerk, which petition shall contain the date and place of holding such convention, the number of delegates entitled to seats therein, also the number of delegates apportioned to each election subdivision in the territory which said convention will represent; also a brief statement of the purposes for which such convention is called, and the chairman and secretary of such county central committee shall mail or caused to be mailed a notice containing the substance of such petition to each committeeman of such party in the county. Such convention notice shall provide for the selection of a county central committee, which shall have control and

County conventions.

management of the party campaign under the general directions of the state central committee or of an executive committee selected by such state central committee. In any county the county committee shall be selected by the county convention.

Municipal
conven-
tions.

5. City and county or municipal conventions shall be called in like manner as state and county conventions, and delegates thereto shall be elected at primary elections held in such city and county or municipality to nominate candidates for office in such political subdivisions in like manner as herein provided for the election of delegates to county conventions. In any city and county the petition calling such convention shall be filed with the registrar of voters, and in municipalities, with the secretary or clerk of the legislative body of such municipality, and the names of candidates for delegates to such conventions shall be written or pasted on the official primary ballot in like manner and form as herein provided for county conventions. In any city and county the county committee shall be selected by the county convention.

Time of
holding
conven-
tions.

6. County, city and county, and municipal conventions shall be held not later than two weeks after the primary election at which delegates to such conventions are chosen, and the state convention not later than four weeks after the September election.

Congres-
sional dis-
trict com-
mittees.

Each party candidate nominated for representative in congress may, not later than Tuesday three weeks after the primary election, appoint a congressional district committee, which committee shall consist of not less than one nor more than three members from each assembly district in such congressional district. Such committee, if any, shall serve for the term of two years. State central committees shall be selected by the state conventions of each political party, to consist of not less than three members from each congressional district, who shall hold office until a new state central committee shall have been selected. Each such committee may select an executive committee and shall choose its officers by ballot and each committee and its officers shall have the powers usually exercised by such committees and the officers thereof in so far as may be consistent with this act. The various officers and committees now in existence shall exercise the powers and perform the duties herein prescribed until their successors are chosen in accordance with the provisions of this act.

State cen-
tral com-
mittees.

Candi-
dates
receiving
nominat-
ion with-
out filing
papers
may with-
draw.

SEC. 25. In case as a result of any primary election a person has received a nomination to any elective office without first having filed nominating papers and having his name printed on the primary election ballot, he may at least thirty days before the day of election cause his name to be withdrawn from nomination by filing, in the office where he would have filed his nominating papers had he been a candidate for nomination, his request therefor in writing, signed by him and acknowledged before the county clerk of the county in which he resides, and no name so withdrawn shall be printed on the election ballot for the ensuing general election. The

vacancy created by the withdrawal of such person as aforesaid, or on account of the ineligibility of such person to qualify as a candidate because of the inhibitions of subdivision 8 of section 5 of this act shall not be filled. In all other cases vacancies occurring after the holding of any primary election may be filled by the party committee of the city, county, city and county, district or state, as the case may be.

Filling
vacancies.

SEC. 26. In case of a tie vote, if for an office to be voted for wholly within one county or city and county, the county, city and county or city board, as the case may be, shall forthwith summon the candidates who have received such tie votes to appear before such board, and such board in the presence of such candidates shall determine the tie by lot. In the case of a tie vote for an office to be voted for in more than one county, such tie shall be determined by lot by the secretary of state in the presence of the candidates or their legally appointed representatives. Such summons must in every case be mailed to the address of the candidate as it appears upon his affidavit of registration.

Tie vote.

SEC. 27. Whenever it shall be made to appear by affidavit to the supreme court or district courts of appeal or superior court of the proper county that an error or omission has occurred or is about to occur in the placing of any name on an official primary election ballot, that any error has been or is about to be committed in printing such ballot, or that any wrongful act has been or is about to be done by any judge or clerk of a primary election, county clerk, registrar of voters in any city and county, canvassing board or any member thereof, or other person charged with any duty concerning the primary election, or that any neglect of duty has occurred or is about to occur, such court shall order the officer or person charged with such error, wrong or neglect to forthwith correct the error, desist from the wrongful act or perform the duty, or forthwith show cause why he should not do so. Any person who shall fail to obey the order of such court shall be cited forthwith to show cause why he shall not be adjudged in contempt of court.

Courts
may order
correction
of errors
in ballot,
etc.

SEC. 28. Any candidate at a primary election, desiring to contest a nomination of another candidate for the same office, may, within five days after the completion of the official canvass, file an affidavit in the office of the clerk of the superior court of the county in which he desires to contest the vote returned from any precinct or precincts in such county, and thereupon have a recount of the ballots cast in any such precinct or precincts, in accordance with the provisions of this section. Such affidavit must specify separately each precinct in which a recount is demanded, and the nature of the mistake, error, misconduct, or other cause why it is claimed that the returns from such precinct do not correctly state the vote as cast in such precinct, for the contestant and the contestee. The contestee must be made a party respondent, and so named in the affidavit. No personal service or other service than as

Contesting
nomination.

herein provided need be made upon the contestee. Upon the filing of such affidavit the county clerk shall forthwith post in a conspicuous place in his office, upon a bulletin board to be prepared for that purpose, and to have upon it in conspicuous letters the words "Notice of Primary Election Contests" a copy of the affidavit. Upon the filing of such affidavit and the posting of the same, the superior court of the county shall have jurisdiction of the subject matter and of the parties to such contest, and all candidates at any such primary election are permitted to be candidates under this act, upon the condition that such jurisdiction for the purposes of the proceeding authorized by this section shall exist in the manner and under the conditions provided for by this section. The contestant on the date of filing such affidavit, must mail a copy thereof to the contestee in a sealed envelope, with postage prepaid, addressed to the contestee at the place of residence named in the affidavit of registration of such contestee, and shall make an affidavit of such mailing and file the same with the county clerk to become a part of the records of the contest. Within two days after the expiration of the time for filing such affidavits, the county clerk shall present all such affidavits and proof of posting as aforesaid to the judge of the superior court of the county, or any judge acting in his place, or the presiding judge of the superior court of a county or city and county, or any one acting in his stead, which judge shall, upon such presentation, forthwith designate the time and place where such contest shall proceed, and in counties or cities and counties where there are more than one superior judge, assign all the cases to one department by the order of such court. Such order must so assign such case or cases, and fix such time and place for hearing, which time must not be less than one nor more than three days from the presentation of the matter to the court by the county clerk, as herein provided. It shall be the duty of the contestee to appear either in person or by attorney, at the time and place so fixed, and to take notice of the order fixing such time and place from the records of the court, without service. No special appearance of the contestee for any purpose shall be permitted, and any appearance whatever of the contestee or any request of the court by the contestee or his attorney, shall be entered as a general appearance in the contest. No demurrer or objection can be taken by the contestee in any other manner than by answer, and all the objections of the contestee must be contained in his answer in the contest. The court, if the contestee shall appear, must require the answer to be made within three days from the time and place as above provided, and if the contestee shall not appear shall note his default, and shall proceed with all convenient speed. If the number of votes which are sought to be recounted, or the number of contests are such that the judge shall be of opinion that it will require additional judges to enable the contest or contests to be determined in time to print the ballots for the election, if

Superior
court to
have juris-
diction.

Contestee
to appear.

Additional
judge may
serve.

there be only one judge for such county, he may obtain the service of any other superior judge, and the proceedings shall be the same as herein provided in counties where there is more than one superior court judge. If the proceeding is in a county or city and county where there is more than one superior court judge, the judge to whom the case or cases shall be assigned, shall notify the presiding judge forthwith, of the number of judges which he deems necessary to participate, in order to finish the contest or contests in time to print the ballots for the primary election, and the said presiding judge shall forthwith designate as many judges as are necessary to such completion of such contest, by order in writing, and thereupon all of the judges so designated shall participate in the recount of such ballots and the giving of judgment in such contest or contests in the manner herein specified. The said judges so designated by said last mentioned order including the judge, to whom said contests were originally assigned, shall convene upon notice from the judge to whom such contest or contests were originally assigned, and agree upon the precincts which each one of such judges will recount, sitting separately, and thereupon such recount shall proceed before each such judge sitting separately, as to the precincts so arranged, in such manner that the recount shall be made in such precincts before each such judge as to all the contests pending, so that the ballots opened before one judge need not be opened before another judge or department, and the proceedings before such judge in making such recount as to the appointment of the clerk and persons necessary to be assistants of the court in making the same, shall be the same as in contested elections, and the judge shall fix the pay or compensation for such persons and require the payment each day in advance, of the amount thereof by the person who is proceeding with and requiring the recount. When the recount shall have been completed in the manner herein required, if more than one judge has taken part therein, all the judges who took part shall assemble and make the decision of the court, and if there be any differences of opinion, a majority of such judges shall finally determine all such questions, and give the decision or judgment of the court in such contest or contests, separately. Such decision or judgment of the court shall be final in every respect, and no appeal can be had therefrom. The judgment shall be served upon the county clerk or registrar of voters by delivery of a certified copy thereof, and may be enforced summarily in the manner provided in section 27 of this act, and if the contest proceeds in more than one county, and the nominee is to be certified by the secretary of state from the compilation of election returns in his office, then the judgment in each county shall show what, if any changes in the returns in the office of the secretary of state relating to such county or city and county, ought to be made, and all such judgments shall be served upon the secretary of state, by the delivery of a certified copy, and he shall make such changes in the record in his office as such judgment or

Decision final.

judgments require, and conform his compilation and his certificate of nomination in accordance therewith.

Campaign
expenses.

SEC. 29. No candidate for nomination to any elective office, including that of United States senator in congress, shall directly or indirectly pay, expend or contribute any money or other valuable thing, or promise so to do, except for lawful expenses. Lawful expenses as used in this section are limited to expenses for the following purposes only:

1. For the candidate's official filing fee.
2. For the circulating and verifying of nomination papers.
3. For the candidate's personal traveling expenses.
4. For rent and necessary furnishing of halls or rooms, during such candidacy, for public meetings or for committee headquarters.
5. For payment of speakers and musicians at public meetings and their necessary traveling expenses.
6. For printing and distribution of pamphlets, circulars, newspapers, cards, handbills, posters and announcements relative to candidates or political issues or principles.
7. For his share of the reasonable compensation of challengers at the polls.
8. For making canvasses of voters.
9. For clerk hire.
10. For conveying infirm or disabled voters to and from the polls.
11. For postage, expressage, telegraphing, and telephoning, relative to candidacy.

Detailed
statement
of ex-
penses.

SEC. 30. Every person who shall be a candidate for nomination to any elective office, including that of United States senator in congress, shall make in duplicate, within fifteen days after the primary election, a verified statement, setting forth each and every sum of money contributed, disbursed, expended or promised by him, and, to the best of his knowledge and belief, by any and every other person or association of persons in his behalf wholly or partly in endeavoring to secure his nomination. This statement must show in detail all moneys paid, loaned, contributed, or otherwise furnished to him directly or indirectly in aid of his election, together with the name of the person or persons from whom such moneys were received; and must also show in detail, under each of the subdivisions of section 29 of this act, all moneys contributed, loaned, or expended by him directly or indirectly by himself or through any other person, in aid of his election, together with the name of the person or persons to whom such moneys were paid, or disbursed. Such statement must set forth that the affiant has used all reasonable diligence in its preparation, and that the same is true and is as full and explicit as he is able to make it. Within the time aforesaid the candidate shall file one copy of said statement with the officer with whom his nomination papers were filed, and the other with the recorder of the county or city and county in which he resides, who shall record the same in a book to be kept for that purpose, and to be open to public inspection. No officer shall

Statement
filed

issue any certificate of nomination to any person until such statement as herein provided has been filed.

SEC. 31. Any person violating any of the provisions of section 29 or section 30 of this act shall be guilty of a misdemeanor, and upon trial and conviction thereof, in addition to the sentence imposed by the court, he shall forfeit all right to the office for which he was a candidate at the time of violating the provisions aforesaid. Penalty for violation.

SEC. 32. 1. Any person who shall offer, or with knowledge of the same permit any person to offer for his benefit, any bribe to a voter to induce such voter to sign any nomination paper, and any person who shall accept such bribe or any promise of gain of any kind in the nature of a bribe as consideration for signing any nomination paper, whether such bribe or promise of gain in the nature of a bribe be offered or accepted before or after signing, shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than one hundred and twenty days, or by both such fine and imprisonment. Bribe voters.

2. Any person who, being in possession of any nomination paper or papers and affidavits entitled to be filed under the provisions of this act, shall wrongfully either suppress, neglect or fail to cause the same to be filed at the proper time and in the proper place shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment. Failure to file nomination papers.

3. Any act or omission declared to be an offense by the general laws of this state concerning primaries and elections shall also in like case be an offense concerning primary elections as provided for by this act, and shall be punished in the same manner and form as therein provided, and all the penalties and provisions of the law governing elections, except as herein otherwise provided, shall apply in equal force to primary elections as provided for by this act. What acts are offenses against primary election law.

SEC. 33. It shall be the duty of the secretary of state and the attorney general to prepare on or before August 1, 1911, all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all primary elections held in pursuance hereof. Secretary of state and attorney general to prepare forms.

SEC. 34. This act shall be known as the direct primary law. Title.

SEC. 35. An act approved March 24, 1909, entitled "An act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States senator" is hereby repealed; and all other acts or parts of acts inconsistent with or in conflict with the provisions of this act are also hereby repealed. Repeal.

CHAPTER 399.

An act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards.

[Approved April 8, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Contributory negligence not a bar to recovery.

SECTION 1. In any action to recover damages for a personal injury sustained within this state by an employee while engaged in the line of his duty or the course of his employment as such, or for death resulting from personal injury so sustained, in which recovery is sought upon the ground of want of ordinary or reasonable care of the employer, or of any officer, agent or servant of the employer, the fact that such employee may have been guilty of contributory negligence shall not bar a recovery therein where his contributory negligence was slight and that of the employer was gross, in comparison, but the damages may be diminished by the jury in proportion to the amount of negligence attributable to such employee, and it shall be conclusively presumed that such employee was not guilty of contributory negligence in any case where the violation of any statute enacted for the safety of employees contributed to such employee's injury; and it shall not be a defense:

Assumption of risk no defense. Fellow servant doctrine abrogated. Employer not exempt by contract.

(1) That the employee either expressly or impliedly assumed the risk of the hazard complained of.

(2) That the injury or death was caused in whole or in part by the want of ordinary or reasonable care of a fellow servant.

Employer liable for compensation.

SEC. 2. No contract, rule or regulation, shall exempt the employer from any of the provisions of the preceding section of this act.

SEC. 3. Liability for the compensation hereinafter provided for, in lieu of any other liability whatsoever, shall, without regard to negligence, exist against an employer for any personal injury accidentally sustained by his employees, and for his death if the injury shall approximately cause death, in those cases where the following conditions of compensation concur:

When both parties subject to act.

(1) Where, at the time of the accident, both the employer and employee are subject to the provisions of this act according to the succeeding sections hereof.

When employee performing duty.

(2) Where, at the time of the accident, the employee is performing service growing out of and incidental to his employment and is acting within the line of his duty or course of his employment as such.

Where wilful misconduct not cause of injury.

(3) Where the injury is approximately caused by accident, either with or without negligence, and is not so caused by the wilful misconduct of the employee.

And where such conditions of compensation exist for any personal injury or death, the right to the recovery of such compensation pursuant to the provisions of this act, and acts amendatory thereof, shall be the exclusive remedy against the employer for such injury or death, except that when the injury was caused by the personal gross negligence or wilful personal misconduct of the employer, or by reason of his violation of any statute designed for the protection of employees from bodily injury, the employee may, at his option, either claim compensation under this act, or maintain an action for damages therefor; in all other cases the liability of the employer shall be the same as if this and the succeeding sections of this act had not been passed, but shall be subject to the provisions of the preceding sections of this act.

Right to recovery is exclusive remedy unless employer grossly negligent.

SEC. 4. The following shall constitute employers subject to the provisions of this act within the meaning of the preceding section:

(1) The state, and each county, city and county, city, town, village and school districts and all public corporations, every person, firm, and private corporation, (including any public service corporation) who has any person in service under any contract of hire, express or implied, oral or written, and who, at or prior to the time of the accident to the employee for which compensation under this act may be claimed, shall, in the manner provided in the next section, have elected to become subject to the provisions of this act, and who shall not, at the time of such accident, have withdrawn such election, in the manner provided in the next section.

Employer defined.

SEC. 5. Such election on the part of the employer shall be made by filing with the industrial accident board, hereinafter provided for a written statement to the effect that he accepts the provisions of this act, the filing of which statement shall operate, within the meaning of section three of this act, to subject such employer to the provisions of this act and all acts amendatory thereof for the term of one year from the date of the filing of such statement, and thereafter, without further act on his part, for successive terms of one year each, unless such employer shall, at least sixty days prior to the expiration of such first or any succeeding year, file in the office of said board a notice in writing to the effect that he withdraws his election to be subject to the provisions of the act.

Employers subject to provisions of act.

SEC. 6. The term "employee" as used in section three of this act shall be construed to mean:

(1) Every person in the service of the state, or any county, city and county, city, town, village or school district therein, and all public corporations, under any appointment or contract of hire, express or implied, oral or written, except any official of the state, or of any county, city and county, city, town, village or school district therein or any public corporation, who shall have been elected or appointed for a regular term of one or more years, or to complete the unexpired portion of any such regular term.

Employee defined.

(2) Every person in the service of another under any contract of hire, express or implied, oral or written, including aliens, and also including minors who are legally permitted to work under the laws of the state, (who, for the purposes of the next section of this act, shall be considered the same and shall have the same power of contracting as adult employees,) but not including any person whose employment is but casual and not in the usual course of the trade, business, profession or occupation of his employer.

SEC. 7. Any employee as defined in subsection (1) of the preceding section shall be subject to the provisions of this act and of any act amendatory thereof. Any employee as defined in subsection (2) of the preceding section shall be deemed to have accepted and shall, within the meaning of section 3 of this act be subject to the provisions of this act and of any act amendatory thereof, if, at the time of the accident upon which liability is claimed:

Employees
subject to
provisions
of act.

(1) The employer charged with such liability is subject to the provisions of this act, whether the employee has actual notice thereof or not; and

(2) At the time of entering into his contract of hire, express or implied, with such employer, such employee shall not have given to his employer notice in writing that he elects not to be subject to the provisions of this act, or, in the event that such contract of hire was made in advance of such employer becoming subject to the provisions of the act, such employee shall, without giving such notice, remain in the service of such employer for thirty days after the employer has filed with said board an election to be subject to the terms of this act.

SEC. 8. Where liability for compensation under this act exists the same shall be as provided in the following schedule:

Medical
and surgi-
cal treat-
ment and
supplies.

(1) Such medical and surgical treatment, medicines, medical and surgical supplies, crutches and apparatus, as may be reasonably required at the time of the injury and thereafter during the disability, but not exceeding ninety days, to cure and relieve from the effects of the injury, the same to be provided by the employer, and in case of his neglect or refusal seasonably to do so, the employer to be liable for the reasonable expense incurred by or on behalf of the employee in providing the same; *provided, however,* that the total liability under this subdivision shall not exceed the sum of \$100.00.

Time of
payment.

(2) If the accident causes disability, an indemnity which shall be payable as wages on the eighth day after the injured employee leaves work as the result of the injury, and weekly thereafter, which weekly indemnity shall be as follows:

Payment
in total
disability.

(a) If the accident causes total disability, sixty-five per cent of the average weekly earnings during the period of such total disability; *provided,* that if the disability is such as not only to render the injured employee entirely incapable of work, but also so helpless as to require the assistance of a nurse, the weekly indemnity during the period of such assistance shall be increased to one hundred per cent of the average weekly earnings.

(b) If the accident causes partial disability, sixty-five per cent of the weekly loss in wages during the period of such partial disability. Payment in partial disability.

(c) If the disability caused by the accident is at times total and at times partial, the weekly indemnity during the periods of each such total or partial disability shall be in accordance with said subsections (a) and (b), respectively.

(d) Said subsections (a), (b) and (c) shall be subject to the following limitations:

Aggregate disability indemnity for a single injury shall not exceed three times the average annual earnings of the employee. Disability indemnity limited.

If the period of disability does not last more than one week from the day the employee leaves work as the result of the accident no indemnity whatever shall be recoverable. No indemnity recoverable.

If the period of disability lasts more than one week from the day the employee leaves work as the result of the accident, no indemnity shall be recoverable for the first week of the period of such disability.

The aggregate disability period shall not, in any event extend beyond fifteen years from the date of the accident. Disability period limited.

(3) The death of the injured employee shall not affect the obligation of the employer under subsections (1) and (2) of this section, so far as his liability shall have accrued and become payable at the time of the death, but the death shall be deemed the termination of disability, and the employer shall thereupon be liable for the following death benefits in lieu of any further disability benefits; *provided*, that such death was approximately caused by the accident causing such disability:

(a) In case the deceased employee leaves a person or persons wholly dependent upon him for support, the death benefit shall be a sum sufficient when added to the benefits which shall, at the time of death, have accrued and become payable under the provisions of subsection (2) of this section to make the total compensation for the injury and death, exclusive of the benefit provided for in subsection (1), equal to three times his annual average earnings, not less than \$1,000 nor more than \$5,000, the same to be payable, unless and until the industrial accident board shall otherwise direct, in weekly installments corresponding in amount to the weekly earnings of the employee. Death indemnity when recipient wholly dependent.

(b) In case the deceased employee leaves no one wholly dependent on him for support, but one or more persons partially dependent therefor, the death benefit shall be such percentage of three times such average annual earnings of the employee as the annual amount devoted by the deceased to the support of the person or persons so partially dependent upon him for support bears to such average earnings, the same to be payable, unless and until the industrial accident board shall otherwise direct, in weekly installments corresponding to the weekly earnings of the employee; *provided*, that the total compensation for the injury and death, exclusive of the benefit Death indemnity recipient partially dependent.

provided for in said subsection (1) shall not exceed three times such average annual earnings.

(c) In the event that the accident shall have approximately caused permanent disability, either total or partial, and the employee shall die within fifteen years after the date of the accident, liability for the death benefits provided for in said subsections (a) and (b) respectively shall exist only where the accident was the approximate cause of death within said period of fifteen years.

Funeral expenses.

(d) If the deceased employee leaves no person dependent upon him for support, and the accident approximately causes death, the death benefit shall consist of the reasonable expenses of his burial not exceeding \$100.

Average annual earnings.

SEC. 9. (1) The weekly earning referred to in section 8 shall be one fifty-second of the average annual earnings of the employee; average annual earnings shall not be taken at less than \$333.33, nor more than \$1,666.66, and between said limits shall be arrived at as follows:

Three hundred times average daily wage

(a) If the injured employee has worked in such employment, whether for the same employer or not, during substantially the whole of the year immediately preceding his injury, his average annual earnings shall consist of three hundred times the average daily wage or salary which he has earned as such employee during the days when so employed.

(b) If the injured employee has not so worked in such employment during substantially the whole of such immediately preceding year, his average annual earnings shall consist of three hundred times the average daily wage or salary which an employee of the same class working substantially the whole of such immediately preceding year in the same or a similar employment in the same or a neighboring place shall have earned during the days when so employed.

Computation in other cases.

(c) In cases where the foregoing methods of arriving at the average annual earnings of the injured employee can not reasonably and fairly be applied, such annual earnings shall be taken at such sum as having regard to the previous earnings of the injured employee, and of other employees of the same or most similar class, working in the same or most similar employment in the same or neighboring locality, shall reasonably represent the average earning capacity of the injured employee at the time of the injury in the employment in which he was working at such time.

Previous disability not a bar to recovery.

(d) The fact that an employee has suffered a previous disability, or received compensation therefor, shall not preclude him from compensation for a later injury, or for death resulting therefrom, but in determining compensation for the later injury, or death resulting therefrom, his average annual earnings shall be such sum as will reasonably represent his annual earning capacity at the time of the later injury, and shall be arrived at according to the previous provisions of this section.

Computation of weekly loss in wages.

(2) The weekly loss in wages referred to in section 8, shall consist of the difference between the average weekly earnings of the injured employee, computed according to the provisions

of this section, and the weekly amount which the injured employee, in the exercise of reasonable diligence, will probably be able to earn, the same to be fixed as of the time of the accident, but to be determined in view of the nature and extent of the injury.

(3) The following shall be conclusively presumed to be solely and wholly dependent for support upon a deceased employee:

Dependent defined.

(a) A wife upon a husband.

(b) A husband upon a wife upon whose earnings he is partially or wholly dependent at the time of her death.

(c) A child or children under the age of eighteen years (or over said age, but physically or mentally incapacitated from earning), upon the parent with whom he or they are living at the time of the death of such parent, there being no surviving dependent parent. In case there is more than one child thus dependent, the death benefit shall be divided equally among them. In all other cases questions of entire or partial dependency shall be determined in accordance with the fact, as the fact may be at the time of the death of the employee, and in such other cases if there is more than one person wholly dependent, the death benefit shall be divided equally among them and persons partially dependent, if any, shall receive no part thereof, and if there is more than one person partially dependent, the death benefit shall be divided among them according to the relative extent of their dependency.

(4) Questions as to who constitute dependents and the extent of their dependency shall be determined as of the date of the death of the employee, and their right to any death benefit shall become fixed as of such time, irrespective of any subsequent change in conditions, and the death benefit shall be directly recoverable by and payable to the dependent or dependents entitled thereto or their legal guardians or trustees.

SEC. 10. No claim to recover compensation under this act shall be maintained unless within thirty days after the occurrence of the accident which is claimed to have caused the injury or death, notice in writing, stating the name and the address of the person injured, the time and the place where the accident occurred, and the nature of the injury, and signed by the person injured or someone in his behalf, or in case of his death, by a dependent or some one in his behalf, shall be served upon the employer by delivering to and leaving with him a copy of such notice or by mailing to him by registered mail a copy thereof in a sealed and posted envelope addressed to him at his last known place of business or residence. Such mailing shall constitute complete service; *provided, however*, that any payment of compensation under this act, in whole or in part, made by the employer before the expiration of said thirty days shall be equivalent to the notice herein required; *and provided, further*, that the failure to give any such notice, or any defect or inaccuracy therein, shall

Within thirty days after accident.

Failure to
give notice
not always
a bar to
recovery.

not be a bar to recovery under this act if it is found as a fact in the proceedings for collections of the claim that there was no intention to mislead the employer, and that he was not in fact misled thereby; and provided, further, that if no such notice is given and no payment of compensation made, within one year from the date of the accident, the right to compensation therefor shall be wholly barred.

SEC. 11. Wherever in case of injury the right to compensation under this act would exist in favor of any employec, he shall, upon the written request of his employer, submit from time to time to examination by a regular practicing physician, who shall be provided and paid for by the employer, and shall likewise submit to examination from time to time by any regular physician selected by said industrial accident board, or any member or examiner thereof. The employec shall be entitled to have a physician provided and paid for by himself present at any such examination. So long as the employec, after such written request of the employer, shall refuse to submit to such examination, or shall in any way obstruct the same, his right to begin or maintain any proceeding for the collection of compensation shall be suspended, and if he shall refuse to submit to such examination after direction by the board, or any member or examiner thereof, or shall in any way obstruct the same, his right to the weekly indemnity which shall accrue and become payable during the period of such refusal or obstruction, shall be barred. Any physician who shall make or be present at any such examination may be required to testify as to the results thereof.

Three
members.

SEC. 12. Any dispute or controversy concerning compensation under this act, including any in which the state may be a party, shall be submitted to a board consisting of three members, which shall be known as the industrial accident board. Within thirty days before this act shall take effect, the governor, by and with the advice and consent of the senate, shall appoint a member who shall serve two years, and another who shall serve three years, and another who shall serve four years. Thereafter such three members shall be appointed and confirmed for terms of four years each. Vacancies shall be filled in the same manner for the unexpired term. Each member of the board, before entering upon the duties of his office, shall take the oath prescribed by the constitution. A majority of the board shall constitute a quorum for the exercise of any of the powers or authority conferred by this act, and an award by a majority shall be valid. In case of a vacancy, the remaining two members of the board shall exercise all the powers and authority of the board until such vacancy is filled. Each member of the board shall receive an annual salary of three thousand six hundred dollars.

Four year
term.

Annual
salary.

Organiza-
tion of
board.

SEC. 13. The board shall organize by choosing one of its members as chairman. Subject to the provisions of this act, it may adopt its own rules of procedure and may change the same from time to time in its discretion. The board, when it

shall deem it necessary to expedite its business, may from time to time employ one or more expert examiners for such length of time as may be required. It may also appoint a secretary and such clerical help as it may deem necessary. It shall fix the compensation of all assistants so appointed.

SEC. 14. The board shall keep its office at the city of San Francisco, and shall be provided by the secretary of state with a suitable room or rooms, necessary office furniture, stationery, and other supplies. The members of the board and its assistants, shall be entitled to receive from the state their actual and necessary expenses while traveling on the business of the board, but such expenses shall be sworn to by the person who incurred the same, and be approved by the chairman of the board, before payment is made. All salaries and expenses authorized by this act shall be audited and paid out of the general funds of the state the same as other general state expenses are audited and paid.

Office in
San Fran-
cisco.

Traveling
expenses.

SEC. 15. Upon the filing with the board by any party in interest of an application in writing stating the general nature of any dispute or controversy concerning compensation under this act, it shall fix a time for the hearing thereof, which shall not be more than forty days after the filing of such application. The board shall cause notice of such hearing to be given to each party interested by service of such notice on him personally or by mailing a copy thereof to him at his last known post office address at least ten days before such hearing. Such hearing may be adjourned from time to time in the discretion of the board, and hearings shall be held at such places as the board shall designate. Either party shall have the right to be present at any hearing, in person or by attorney or any other agent, and to present such testimony as shall be pertinent to the controversy before the board, but the board may, with or without notice to either party, cause testimony to be taken, or inspection of the premises where the injury occurred to be had, or the time books and pay roll of the employer to be examined by any member of the board or any examiner appointed by it, and may from time to time, direct any employee claiming compensation to be examined by a regular physician; the testimony so taken, and the results of any such inspection or examination, to be reported to the board for its consideration upon final hearing. The board, or any member thereof, or any examiner appointed thereby shall have power and authority to issue subpoenas to compel the attendance of witnesses or parties, and the production of books, papers, or records, and to administer oaths. Obedience to such subpoenas shall be enforced by the superior court of any county, or city and county.

Board
may take
testimony,
examine
witnesses,
etc.

SEC. 16. After final hearing by said board, it shall make and file (1) its findings upon all facts involved in the controversy, and (2) its award, which shall state its determination as to the rights of the party.

Findings
and
award.

SEC. 17. Either party may present a certified copy of the award to the superior court for any county or city and county,

Filing of
judgment.

whereupon said court shall, without notice, render a judgment in accordance therewith, which judgment, until and unless set aside as hereinafter provided, shall have the same effect as though duly rendered in an action duly tried and determined by said court, and shall, with the like effect, be entered and docketed.

SEC. 18. The findings of fact made by the board acting within its powers, shall, in the absence of fraud, be conclusive, and the award, whether judgment has been rendered thereon or not, shall be subject to review only in the manner and upon the grounds following: within thirty days from the date of the award, any party aggrieved thereby may file with the board an application in writing for a review of such award, stating generally the grounds upon which such review is sought; within thirty days thereafter the board shall cause all documents and papers on file in the matter, and a transcript of all testimony which may have been taken therein, to be transmitted with their findings and award to the clerk of the superior court of that county or city and county wherein the accident occurred; such application for a review may thereupon be brought on for hearing before said court upon such record by either party on ten days' notice to the other, subject, however, to the provisions of law for a change of the place of trial or the calling of another judge. Upon such hearing the court may confirm or set aside such award, and any judgment which may theretofore have been rendered thereon, but the same shall be set aside only upon the following grounds:

- (1) That the board acted without or in excess of its powers.
- (2) That the award was procured by fraud.
- (3) That the findings of fact by the board do not support the award.

Court may confirm or set aside award.

Court may remand for further hearing or may enter judgment.

SEC. 19. Upon the setting aside of any award the court may recommit the controversy and remand the record in the case to the board, for further hearing or proceedings, or it may enter the proper judgment upon the findings, as the nature of the case shall demand. An abstract of the judgment entered by the trial court upon the review of any award shall be made by the clerk thereof upon the docket entry of any judgment which may theretofore have been rendered upon such award, and transcripts of such abstract may thereupon be obtained for like entry upon the dockets of the courts of other counties, or city and county.

Appeal from award.

SEC. 20. Any party aggrieved by a judgment entered upon the review of any award, may appeal therefrom within the time and in the manner provided for an appeal from the orders of the superior court; but all such appeals shall be placed on the calendar of the supreme court and brought to a hearing in the same manner as criminal causes on such calendar.

Fees and costs.

SEC. 21. No fees shall be charged by the clerk of any court for the performance of any official service required by this act.

except for the docketing of judgments and for certified copies or transcripts thereof. In proceedings to review an award, costs as between the parties shall be allowed or not in the discretion of the court.

SEC. 22. No claim for compensation under this act shall be assignable before payment, but this provision shall not affect the survival thereof; nor shall any claim for compensation, or compensation awarded, adjudged or paid, be subject to be taken for the debts of the party entitled thereto.

Assign-
ment of
claim.

SEC. 23. A claim for compensation for the injury or death of any employee, or any award or judgment entered thereon, shall be entitled to a preference over the other debts of the employer if and to the same extent as the wages of such employee shall be so preferred; but this section shall not impair the lien of any judgment entered upon any award.

Preference
of claim.

SEC. 24. Nothing in this act shall affect the organization of any mutual or other insurance company, or any existing contract for insurance or employers' liability, nor the right of the employer to insure in mutual or other companies, in whole or in part, against such liability, or against the liability for the compensation provided for by this act, or to provide by mutual or other insurance, or by arrangement with his employees, or otherwise, for the payment to such employees, their families, dependents, or representatives, of sick, accident or death benefits, in addition to the compensation provided for by this act. But liability for compensation under this act shall not be reduced or affected by any insurance, contributions, or other benefit whatsoever due to or received by the person entitled to such compensation, and the person so entitled shall, irrespective of any insurance or other contract, have the right to recover the same directly from the employer, and in addition thereto, the right to enforce in his own name, in the manner provided in this act, the liability of any insurance company, which may, in whole or in part, have insured the liability for such compensation; *provided, however*, that payment in whole or in part of such compensation by either the employer or the insurance company, shall, to the extent thereof, be a bar to recovery against the other of the amount so paid; *and provided, further*, that as between the employer and the insurance company, payment by either directly to the employee, or to the person entitled to compensation, shall be subject to the conditions of the insurance contract between them.

Right of
employer
to insure.

Insurance
company
liable.

SEC. 25. Every contract for the insurance of the compensation herein provided for, or against liability therefor, shall be deemed to be made subject to the provisions of this act, and provisions thereof inconsistent with this act shall be void. No company shall enter into any such contract of insurance unless such company shall have been approved by the commissioner of insurance, as provided by law.

Contract
for in-
surance
subject
to act.

SEC. 26. The making of a lawful claim against an employer for compensation under this act for the injury or death of his employee shall operate as an assignment of any

Release
from
liability.

assignable cause of action in tort which the employee or his personal representative may have against any other party for such injury or death, and such employer may enforce in his own name the liability of such other party.

Blank forms.

SEC. 27. The board shall cause to be printed and furnished free of charge to any employer or employee such blank forms as it shall deem requisite to facilitate or promote the efficient administration of this act; it shall provide a proper record book in which shall be entered and indexed the name of every employer who shall file a statement of election under this act, and the date of the filing thereof, and a separate book in which shall be entered and indexed the name of every employer who shall file his withdrawal of such election, and the date of the filing thereof; and a book in which shall be recorded all awards made by the board; and such other books or records as it shall deem required by the proper and efficient administration of this act; all such records to be kept in the office of the board. Upon the filing of a statement of election by an employer to become subject to the provisions of this act, the board shall forthwith cause notice of the fact to be given to his employees, by posting and keeping continuously posted in a public and conspicuous place such notice thereof in the office, shop, or place of business of the employer, or by publishing, or in such other manner as the board shall deem most effective, and the board shall cause notice to be given in like manner of the filing of any withdrawal of such election; but notwithstanding the failure to give, or the insufficiency of, any such notice, knowledge of all filed statements of election and withdrawals of election, and of the time of the filing of the same, shall conclusively be imputed to all employees.

Record books.

Notice of election by employer.

Right to compromise.

SEC. 28. Nothing in this act contained shall be construed as impairing the right of parties interested, after the injury or death of an employee, to compromise and settle, upon such terms as they may agree upon, any liability which may be claimed to exist under this act on account of such injury or death, nor as conferring upon the dependents of any injured employee any interest which he may not divert by such settlement or for which he or his estate shall, in the event of such settlement by him, be accountable to such dependents or any of them.

Appropriation.

SEC. 29. The sum of fifty thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be used by the industrial accident board in carrying out the purposes of this act, and the controller is hereby directed to draw his warrant on the general fund from time to time in favor of said industrial accident board for the amounts expended under its direction, and the treasurer is hereby authorized and directed to pay the same.

SEC. 30. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 31. This act shall take effect and be in force on and after the first day of September, A. D. 1911.

CHAPTER 400.

An act to amend an act entitled "An act to create a 'fish and game preservation fund' and unite the 'fish commission fund' and the 'game preservation fund' into a common fund to be known as 'fish and game preservation fund.'" approved March 15, 1909, by amending section one thereof, relating to the disposition of the funds mentioned in this act.

[Approved April 8, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Section one of an act entitled "An act to create a 'fish and game preservation fund' and unite the 'fish commission fund' and the 'game preservation fund' into a common fund to be known as 'fish and game preservation fund.'" approved March 15, 1909, by amending section one thereof, relating to the disposition of the funds mentioned in said act, is hereby amended to read as follows:

Section 1. There is hereby created a fund to be known as and called "Fish and Game Preservation Fund," which said fund shall be kept in the state treasury, and shall be applicable to the payment of the expense of propagating, protecting, restoring and introducing fish in the public waters of this state, and to the propagation, protection, restoration and transferring of game birds and animals in the state, and to the introduction of game birds and animals into the state, and to the payment of the expenses incurred in the prosecution of offenders against the fish and game, and fish and game license laws of the state, and for the cost of acquisition, construction and maintenance of fish hatcheries in the state, and to all other necessary expenses, approved by the fish and game commissioners.

*Fish and
game pres-
ervation
fund.*

SEC. 2. All acts and parts of acts so far as they conflict with this act are hereby repealed.

CHAPTER 401.

An act to add a new section to the Penal Code of the State of California to be numbered section 635½, relating to the protection and preservation of fish.

[Approved April 8, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code of the State of California to be numbered section 635½ and to read as follows:

Use of two
mesh fish
net a mis-
demeanor.

635½. Every person who at any time shall cast, extend or use any two-mesh or three-mesh net or trammel net for the catching of fish, shrimp or shellfish in the waters of this state is guilty of a misdemeanor; and all the fines imposed and collected for any violation of any of the provisions of this section shall be paid into the state treasury to the credit of the fish and game preservation fund.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force on and after the first day of July, 1912.

CHAPTER 402.

An act to create a reclamation district to be called "Reclamation District Number 832," and providing for the control and management thereof.

[Approved April 8, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Reclama-
tion
District
No. 832.

SECTION 1. A reclamation district is hereby created, to be called "Reclamation District Number 832," and the boundaries of such reclamation district shall be as follows:

Commencing at the northeast corner of section eight (8), township seventeen (17) north, range two (2) east; thence west one (1) mile to the northwest corner of said section eight (8); thence south one (1) mile to the southwest corner of said section eight (8); thence west to Butte creek; thence southerly along said Butte creek to the south boundary line of Butte county; thence on a direct line to the center of section thirty-two (32), township seventeen (17) north, range one (1) east, county of Sutter, State of California; thence east six (6) miles to the center of section thirty-two (32), township seventeen (17) north, range two (2) east; thence north one half ($\frac{1}{2}$) mile to the north line of said section thirty-two (32); thence east one half ($\frac{1}{2}$) mile to the northeast corner of said section thirty-two (32); thence north four (4) miles to the place of beginning.

Control.

SEC. 2. The management and control of said reclamation district is hereby made subject to the provisions of the Political Code of the State of California and other laws of this state relative to reclamation districts formed under the provisions of said Political Code.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

This act shall take effect immediately.

CHAPTER 403.

An act to create a reclamation district to be called "Reclamation District Number 833," and providing for the control and management thereof.

[Approved April 8, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A reclamation district is hereby created, to be called "Reclamation District Number 833," and the boundaries of such reclamation district shall be as follows:

Reclamation
District
No. 833.

Commencing at a point where the north boundary line of township seventeen (17) north, range three (3) east crosses the west line of drainage district number one (1) of Butte county; thence northerly along said west line of said drainage district to the Butte county canal; thence northerly along said Butte county canal to a point where said canal crosses the north boundary line of township eighteen (18) north, range three (3) east; thence west on township line to the Spring Valley canal; thence southwesterly along said Spring Valley canal to the north boundary line of township seventeen (17) north, range one (1) east; thence west on said township line to Butte creek; thence southerly along Butte creek to the north line of section eighteen (18), township seventeen (17) north, range one (1) east; thence east along section line to the southwest corner of section eight (8), township seventeen (17) north, range two (2) east; thence north one (1) mile to the northwest corner of said section eight (8); thence east five (5) miles to the west boundary line of township seventeen (17) north, range three (3) east; thence north one (1) mile; thence east to the place of beginning in the county of Butte, State of California.

SEC. 2. The management and control of said reclamation district is hereby made subject to the provisions of the Political Code of the State of California and other laws of this state relative to reclamation districts formed under the provisions of said Political Code.

Control.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 4. This act shall take effect immediately.

CHAPTER 404.

An act to amend sections 626, 626a, 626d, 626f, 626j, and 626m of the Penal Code of the State of California, relating to the protection of fish and game and adding a new section thereto to be known and numbered as section 626p.

[Approved April 8, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 626 of the Penal Code is hereby amended to read as follows:

When ducks, snipe, quail, etc., may not be killed.

626. Every person who, between the first day of March and the fifteenth day of October of any year, hunts, pursues, takes, kills, or destroys, or has in his possession any kind of wild duck, ibis, or other shore bird (*Limicola*), or who, between the thirtieth day of April and the fifteenth day of November of any year, hunts, pursues, takes, kills, or destroys, or has in his possession any Wilson snipe, plover or curlew; or who, between the fifteenth day of February and the fifteenth day of October of any year, hunts, pursues, takes, kills, or destroys or has in his possession any desert or valley quail; or who, between the first day of December and the first day of September of the following year, hunts, pursues, takes, kills, or destroys, or has in his possession any mountain quail, grouse, or sage hen; or who, between the first day of February and the thirty-first day of July of any year, hunts, takes, kills, or has in his possession any cottontail rabbit or bush rabbit; or who, at any time prior to the first day of November, 1912, hunts, takes, kills, or has in his possession any rail; or who thereafter between the first day of December of any year and the first day of November of the following year, hunts, takes, kills, or has in his possession any rail is guilty of a misdemeanor, except as hereinafter provided: *provided*, that in game districts numbers one and six of the State of California every person who, between the first day of March and the first day of October of any year, hunts, takes, kills, or destroys, or has in his possession any kind of wild duck, ibis or other shore bird (*Limicola*), or who in game district six, between the fifteenth day of November of any year and the fifteenth day of October of the following year, hunts, takes, kills, or destroys or has in his possession any desert or valley quail is guilty of a misdemeanor.

Ducks and quail in districts Nos. 1 and 6.

SEC. 2. Section 626a of the Penal Code of the State of California is hereby amended to read as follows:

When doves may not be killed.

626a. Every person who, between the first day of October and the fifteenth day of July of the following year, hunts, takes, kills, pursues or destroys or has in his possession any dove is guilty of a misdemeanor, except as hereinafter provided: *provided*, that in game districts numbers four and six of the State of California every person who, between the first day of

November and the first day of September of the following year, hunts, takes, kills, or pursues or destroys or has in his possession any dove is guilty of a misdemeanor; *provided, further*, that every person in game districts numbers two and five of the State of California who, between the fifteenth day of October and the first day of August of the following year, hunts, takes, kills, pursues or destroys or has in his possession any dove is guilty of a misdemeanor.

Doves in districts Nos. 4 and 6.

Doves in districts Nos. 2 and 3.

SEC. 3. Section 626*d* of the Penal Code of the State of California is hereby amended to read as follows:

626*d*. Every person who, during any one calendar day, takes, kills, or destroys or has in his possession more than twenty-five wild ducks, or black sea brant, or more than twenty desert or valley quail, snipe, curlew, ibis, plover, rail, or any other shore birds (*Limicolæ*), or more than twenty doves, or more than ten mountain quail, or more than four grouse, or more than four sage hens, or more than fifteen cottontail or bush rabbits is guilty of a misdemeanor; *provided, also*, that any person who between sunrise of one Sunday and sunrise of the following Sunday, takes, kills, or destroys more than fifty ducks, or black sea brant is guilty of a misdemeanor.

Bug hunt of ducks, quail, rabbits, etc.

SEC. 4. Section 626*f* of the Penal Code of the State of California is hereby amended to read as follows:

626*f*. Every person who, between the first day of November and the fifteenth day of August of the following year, hunts, pursues, takes, or destroys, or has in his possession, whether taken or killed in the State of California, or shipped into the state from any other state, or territory, or foreign country any male deer, or any deer meat, is guilty of a misdemeanor, except as hereinafter provided; *provided*, that every person in game districts numbers two, four and five of the State of California who, between the first day of September and the first day of July of the following year, hunts, pursues, takes, or destroys, or has in his possession, whether taken or killed in the State of California, or shipped into the state from any other state, territory, or foreign country, any male deer, or any deer meat, is guilty of a misdemeanor; *provided, further*, that every person in game district number six of the State of California who, between the fifteenth day of September and the fifteenth day of August of the following year, hunts, pursues, takes, or destroys, or has in his possession, whether taken or killed in the State of California, or shipped into the state from any other state, territory or foreign country, any male deer, or any deer meat, is guilty of a misdemeanor.

When deer may not be killed.

Deer in districts Nos. 2, 4, and 5.

Deer in district No. 6.

SEC. 5. Section 626*j* of the Penal Code of the State of California, is hereby amended to read as follows:

626*j*. Every person who, owning, controlling, or having in his possession any dogs, willfully suffers, permits or allows more than one of said dogs to run, track, or trail any deer at any time during the season that deer may be lawfully killed, is guilty of a misdemeanor.

Permitting more than one dog to track deer a misdemeanor.

SEC. 6. Section 626*m* of the Penal Code of the State of California is hereby amended to read as follows:

Killing
game birds
at night
a misde-
meanor.

626*m*. Every person who, at any time between one half hour after sunset of any one day and one half hour before sunrise of the following day, hunts, pursues, takes, catches, kills, or destroys any of the game birds, or animals of this state; or who, between one hour after sunset of any one day and one hour before sunrise of the following day, takes, catches, kills, or destroys any trout is guilty of a misdemeanor.

SEC. 7. A new section is hereby added to the Penal Code of the State of California to be known and numbered as section 626*p*, to read as follows:

When sea
brant may
not be
killed.

626*p*. Every person who, between the fifteenth day of March and the first day of November of any year, hunts, pursues, takes, kills, or destroys, or has in his possession, any kind of black sea brant, is guilty of a misdemeanor, except as herein-after provided: *provided*, that in game district number one every person who, between the first day of April and the first day of October of any year, hunts, pursues, takes, kills, or destroys, or has in his possession any black sea brant, is guilty of a misdemeanor.

Sea brant
in dis-trict
No. 1.

CHAPTER 405.

An act to prevent fishing or the taking of fish by means of weirs, dams, nets, traps or seines in the Moquelumne river.

[Approved April 8, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code of the State of California to be numbered 636*b*.

Seining in
Moquel-
umne river
pro-
hibited.

636*b*. Any person who, in the waters of Moquelumne river in the State of California, shall use any weir, dam, net, trap or seine of any description, for the purpose of catching fish or who shall, in these waters, take any fish from any weir, dam, net, trap or seine is guilty of a misdemeanor and is punishable by a fine of not less than ten dollars nor more than fifty dollars, or shall be imprisoned in the county jail in which the conviction shall be had for not less than five days or more than twenty-five days or by both such fine and imprisonment; and all fines imposed and collected from any violation of any of the provisions of this section shall be paid into the state treasury to the credit of the "fish commission fund."

CHAPTER 406.

An act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity, or electrical or other power and declaring what is surplus water; reserving to the state the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the state the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state board of control; providing the powers and duties of said board of control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said board of control; providing for the appointment and compensation of employees and assistants to said board of control; limiting the expenses of said board of control and providing for the payment thereof; fixing the place of business of said board of control; declaring the diversion or use of water for generating electricity, or electrical or other power, otherwise than provided in this act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this act; repealing all acts and parts of acts in conflict with this act.

[Approved April 8, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Water or the use of water for the generation of electricity or of electrical or other power shall not be appropriated for a longer period than twenty-five years. Limit of water franchise.

Genera-
tion of
electricity.

SEC. 2. Appropriation of water or of the use of water for the generation of electricity or of electrical or other power shall be made as provided by this act, and not otherwise.

Other
purposes.

SEC. 3. Water or the use of water appropriated for purposes other than the generation of electricity or of electrical or other power shall not be used for the generation of electricity or of electrical or other power except under a separate and distinct appropriation made as provided in this act for such purpose.

Water not
being used
declared
unappropri-
ated.

SEC. 4. All water or the use of water which has been heretofore appropriated and which has not been put, or which has ceased to be put, to some useful or beneficial purpose, or which is not now in process of being put to some useful or beneficial purpose with due diligence in proportion to the magnitude of the work necessary properly to utilize for the purpose of such appropriation such water or such use of water, is hereby declared to be unappropriated.

State may
fix rates.

SEC. 5. All appropriations of water or the use of water for generating electricity or electrical or other power shall be subject to the right of the state to regulate and fix the rates of compensation for which such electricity or electrical or other power may be sold, rented or distributed.

Applica-
tion for
permit to
make
appropria-
tion of
water.

SEC. 6. Any person, firm, association or corporation hereafter intending to appropriate water or the use of water for the generation of electricity, or of electrical or other power, before commencing the construction or enlargement or extension of any building, power house, ditch, canal or any distributing or controlling works, or performing any work in connection with said appropriation or proposed appropriation, shall make an application in duplicate to the board of control provided for in this act for a permit to make such appropriation. No person, firm, association or corporation shall wilfully divert or use water or shall wilfully attempt to divert or use water for generating electricity or electrical or other power without first complying with the provisions of this act. The possession or use of water for generating electricity or electrical or other power except when a right to said water or the use thereof shall have been acquired in accordance with law shall be prima facie evidence of such wilful diversion or use or attempted diversion or use of such water.

Facts to
be stated
in applica-
tion.

SEC. 7. Every application for a permit to appropriate water or the use of water for the generation of electricity or of electrical or other power shall set forth the residence, or principal place of business, if the applicant be a corporation, and post office address of the applicant, the source of the water or the use of water to be appropriated or used, the nature and amount of the proposed use, the head of and amount of water to be utilized, the uses to which the water and electricity or electrical or other power are to be applied, the nature, the location (which may be changed by permission of the board of control), the character, the estimated capacity, and the estimated cost of the works, and whether the water is to be and will be returned to the stream or source from which it is to be taken

and if so at what point on the stream or source it is proposed to return said water to said stream or source. If the application is for the construction of a reservoir for the purpose of storing water to be used for the generation of electricity or of electrical or other power, it shall give the estimated height of the dam and the estimated capacity of the reservoir in addition to the other requirements above set forth. All applications shall be accompanied by such maps and drawings in duplicate and such other data in duplicate as may be prescribed by the board of control, and such accompanying data shall be considered as a part of the application. A true copy of such application without such accompanying data and maps and drawings shall be recorded by the applicant in the office of the recorder of the county, or city and county, in which the proposed works are to be erected, within ten days after said application is filed with said board.

Maps.

Recording of application.

Sec. 8. Upon receipt of an application under this act it shall be the duty of the board of control immediately to cause to be made an endorsement thereon of the date of its receipt and to keep the duplicate of said application and its endorsement on file as a record of the same. The board of control shall immediately examine the said application after it has been filed. If upon such examination the application is found to be defective, one copy of it and its accompanying data, maps and drawings shall be returned to the applicant for correction or completion, and the date of and reasons for the return thereof shall be endorsed thereon and a record kept of such endorsement in the office of the board of control. No application shall lose its priority of filing on account of such defect; *provided*, a proper application is filed in the office of the board of control within thirty days of the date of said return to the applicant. It shall be the duty of the board of control within six months to enter an order directing the rejection of such application if after further hearing the public interests shall seem to the board of control so to demand. Applications may be approved for a less amount of water or the use of water than that applied for, if there exist substantial reasons therefor, but in any event shall not be approved for more water or the use of water than can be applied to the use for which application is made under an efficient and economical use thereof.

Examination of application by board of control.

Application does not lose priority.

Approval for less amount of water.

Sec. 9. The approval or rejection of an application shall be endorsed thereon and a record made of such endorsement in the office of the board of control. One copy of the application so endorsed shall be returned immediately to the applicant in person or by registered mail. If said application be approved, the applicant shall immediately record said approved application, together with the endorsement thereon, in the office of the recorder of the county, or city and county, in which the proposed works are to be constructed and shall be authorized on receipt of said approval and on recording the same, to proceed with the construction of the necessary works and to take all steps required to apply the water or the use of

Approval of rejection of application.

the water to the purpose of generating electricity or electrical or other power as provided in the approved application, and to perfect the proposed appropriation; *provided, however,* that no right in or to such water or the use thereof shall vest in or accrue to the said applicant until the final permit is issued as is hereinafter provided.

Construction work.

SEC. 10. Actual construction work shall begin within six months from the date of the approval of the application and the construction of the work shall thereafter be prosecuted with reasonable diligence in proportion to the magnitude of the undertaking, and if such work is not so commenced and prosecuted the board of control may revoke its approval of the application; and such work shall be completed within a reasonable time as fixed in the permit, not to exceed five years from the date of such approval. Upon application of the proposed appropriator the board of control may for good cause shown extend the time within which such work shall be completed under any permit but no such extension shall be for a longer period than one year beyond the period fixed in the permit.

Completion.

Inspection of completed works.

SEC. 11. Upon the completion of the works for the diversion and application of water or the use of water under this act, the holder of such permit or his assigns shall report such completion to the board of control, and the board of control without delay shall cause to be made a full inspection and examination of the works constructed and a report upon their construction and condition, and whether or not they conform to the terms of the application and permit and are adequate for the purposes intended.

License to use water.

SEC. 12. Upon the receipt of such report, the board shall, if the law has been fully complied with, and if the work shall have been completed in accordance with the application, issue a license to the applicant or his assigns, allowing him or them to divert and use said water, or so much thereof as may be necessary for the use proposed, for a certain period of time therein specified, but in no case for more than twenty-five (25) years. Licenses granted upon application made under this act for water or the use of water shall be numbered consecutively as to each stream or other source in the order as to the dates when such applications are filed.

Facts stated in license.

SEC. 13. Said license shall set forth the name of the licensee, his place of residence, and if a corporation or firm or association, the date of its organization and its principal place of business, the stream or source from which the water is to be diverted or used, the quantity of water the licensee is authorized to divert from the stream or source, the point or points on said stream or source at which said water is to be diverted or used, the location of the proposed works, the period of time for which the water may be used, which in no case shall be for more than twenty-five years, by what means and the purposes for which the licensee is authorized to use the same.

Rights vested in licensee.

SEC. 14. Any license issued as above provided for water or the use of water appropriated under this act shall vest in the

licensee the right to the use of the amount of water mentioned therein for the period of time therein set forth, in the manner and for the purposes therein mentioned and not otherwise; *provided*, that such license shall not impair or affect any rights to water or the use of water which shall have become vested prior to the making of the application above provided for.

SEC. 15. Any appropriator of water or the use of water under the provisions of this act for the purpose of generating electricity or electrical or other power, or the successor or assigns of said appropriator, if a renewal or extension of the license herein provided for is desired, shall, not less than one or more than two years prior to the termination of the license granted as herein provided, notify the board of control that a renewal and extension of such license is desired. The board of control shall thereupon issue to said appropriator a renewal and extension of said license for a fixed period, but in no case for more than a period of twenty-five years from the date of such renewal in compliance with such laws of the state as shall then be in force regulating the renewal, issuing and granting of any license for water or the use of water for generating electricity or electrical or other power. Renewal of license.

SEC. 16. No license for the appropriation of water or the use of water as herein provided shall be valid as to any excess of the capacity of the works actually constructed. License not valid for excess.

SEC. 17. The board of control may upon application made therefor in the manner provided in this act and upon like procedure, grant to any person, firm, association or corporation a license to divert and store for the purpose of generating electricity or electrical or other power, the surplus waters of any stream during floods or high water or during those portions of the year when such water is not required or being stored for irrigation purposes, and for the purpose of this act all water which is not used during the season of flood or high water is declared to be surplus water. License to store surplus waters.

SEC. 18. All appropriations of water or the use of water for generating electricity or electrical or other power heretofore or hereafter made shall be subject to the right of the state to impose the fees and charges herein provided, and shall also be subject to the right of the state to increase or decrease such fees and charges from time to time thereafter. Appropriations subject to fees.

SEC. 19. Every person, firm, association or corporation making application for permission to appropriate water or the use of water under this act shall at the time of filing the said application pay to said board of control a fee of ten dollars. Every person, firm, association or corporation at the time of receiving a license to appropriate water or the use of water as provided in this act shall pay to said board a fee of one hundred dollars and also shall pay to said board when the said license is issued, and in addition thereto and annually thereafter shall pay to said board a charge for each theoretical horse power of the works estimated as follows: For the first one hundred (100) horse power there shall be no charge; and for Application fee.

all above one hundred (100) horse power ten (10) cents for each horse power. All fees collected shall be accounted for at the following regular meeting of the board of control and paid by said board into the general fund of the state treasury within thirty days thereafter.

Board of control.

SEC. 20. For the purpose of carrying out the provisions of this act, a board of control, to consist of five persons, is hereby created and established. Three members of said board shall be appointed by the governor for a term of four years; *provided*, that the members first appointed shall be appointed so that one of them shall go out of office at the end of one year, one at the end of two years, and one at the end of three years. The governor and the state engineer are hereby made *ex officio* members of said board of control in addition to the three members appointed by the governor. The appointed members of said board shall receive as compensation for services rendered by them, as such members, the sum of ten (10) dollars per day for each day's service actually rendered. If, however, there shall, hereafter, be created by law, any state board or commission having power to regulate or fix rates to be charged for services rendered, or commodities furnished, by public utilities, or by persons or corporations engaged in public service business, or if any state board or commission now existing shall hereafter have such powers conferred upon it, then the powers and duties of the board of control herein created shall vest in and be exercised by such board or commission, and said board of control shall thereupon cease to exist.

Compensation.

When board may cease to exist.

Powers of board.

SEC. 21. The board of control is hereby authorized and empowered to do and perform the acts and things required of it by this act and to adopt rules and regulations necessary to carry out the provisions of this act, and it shall be the duty of the board to provide for the public hearing upon the merits of all applications filed with the board and to prescribe the rules of procedure to be observed at such hearings.

Members may administer oaths, etc.

SEC. 22. Every member of said board of control is hereby authorized to administer oaths and to cause the production of persons, papers, records and books in all matters of business transacted before said board.

Record of business.

SEC. 23. A full and accurate record of the business transacted or acts performed by any member of the board of control and the proceedings of the meetings of said board shall be kept and shall be placed on file in the office of said board of control.

Appropriation.

SEC. 24. For the purpose of carrying out the provisions of this act, the said board of control is authorized to employ such expert, technical, professional and clerical assistance and upon such terms as it may deem proper. For the purpose of carrying out the provisions of this act during the sixty-third and sixty-fourth fiscal years the sum of fifty thousand (50,000) dollars is hereby appropriated out of the funds of the state not otherwise appropriated, and the state controller is hereby authorized and directed to draw warrants upon such

sum from time to time, upon the requisition of the state board of control approved by the board of examiners, and the state treasurer is hereby authorized and directed to pay such warrants.

SEC. 25. All indebtedness incurred for salaries and all necessary costs and traveling and other expenses of said board and each of its members and persons employed by it, while actually engaged in the business of said board, shall be paid by the state out of the funds hereby appropriated, upon a sworn statement of the person or persons incurring such indebtedness and upon the approval of the board of control and the state board of examiners upon warrants drawn upon the state treasurer as provided by law for the payment of similar costs and expenses and the drawing of similar warrants.

Salaries
and
expenses.

SEC. 26. All persons, firms, associations or corporations generating electricity or electrical or other power by water or the use of water appropriated under the provisions of this act, shall keep their plants and systems in proper repair and shall upon the first day of January after the passage of this act, and annually thereafter report to said board of control the condition of their plants and distributing systems, the number of kilowatt hours of electricity or electrical or other power generated during each month of said year, the number of kilowatt hours of electricity or electrical or other power rented, sold or distributed during each month of said year and the names of the persons, firms, associations or corporations to whom said power has been rented, sold or distributed.

Annual
report- to
board.

SEC. 27. The board of control shall maintain its office at Sacramento, California. The secretary of state shall furnish and set aside in the capitol rooms suitable for offices for said board of control, and if the secretary of state shall make and file an affidavit with the said board that it is not possible for him as such secretary of state to provide offices for said board in the capitol, then the said board may rent rooms suitable for offices, and said rental shall be deemed a necessary expense of said board.

Office of
board.

SEC. 28. No person, firm, association or corporation appropriating water or the use of water hereunder shall enter into any agreement, combination or trust in restraint of trade contrary to law, and if any of the works owned or operated by any licensee under this act or assign or assigns shall be owned, leased, trusted, possessed or controlled by any device, permanently, temporarily, directly or indirectly, tacitly, or in any manner whatsoever so that it or they form a part of or in any way effect any combination, or if it or they are in any wise controlled by any combination or conspiracy to limit the output of electricity or electrical or other power, or to increase the price at which electricity or electrical or other power is sold, rented or distributed, or to prevent the lowering of said price or in restraint of trade with foreign nations or between two or more states or territories or with any state or territory in the generation, sale, distribution of electricity or electrical or other power,

Combina-
tions in
restraint
of trade
pro-
hibited.

all rights to the appropriation of water or the use of water shall cease and be forfeited to the people of the state by proceedings instituted in the courts for that purpose by the attorney general of the state either upon his own initiative or upon demand of the board of control.

Violation
of this
act a mis-
demeanor.

SEC. 29. Any violation of the provisions of this act or of any order or regulation of the board of control is hereby declared to be a misdemeanor and shall be punished by a fine not exceeding five thousand (5,000) dollars, or by imprisonment in the county jail not exceeding one (1) year, or by both such fine and imprisonment. It shall be the duty of the board of control to enforce the provisions of this act and to prosecute violations thereof, by proceeding in a court of competent jurisdiction, against any person, firm, association or corporation violating any such provision or failing or refusing to comply with any regulation or requirement of the board of control made pursuant to the provisions of this act.

Act not
applicable
to mun-
icipal cor-
porations.

SEC. 30. None of the provisions of this act shall apply to municipal corporations, other than irrigation districts or lighting districts, nor to the use by any irrigation district of water for the generation of electricity, electrical or other power only for use and distribution within its own limits, and as subsidiary to and mainly for the purpose of serving and carrying out irrigation, nor to the use by any lighting district of water for the generation of electricity, electrical or other power only for use and distribution within its own limits; *provided, however*, that all municipal corporations, other than irrigation districts and lighting districts, desiring to appropriate water for the generation of electricity, electrical or other power, and all irrigation districts and lighting districts desiring to appropriate water for the generation of electricity, electrical or other power, and all irrigation districts and lighting districts desiring to appropriate water for the generation of electricity, electrical or other power for the uses hereinabove in this section specified shall within ten days from the time that they post and record notices of appropriation, as required by law, file with the board of control a notice of said appropriation together with the name and post office address of the appropriator, the source of the water to be appropriated or used, the nature and amount of the proposed use, the head of an amount of water proposed to be utilized, the uses to which the water and power are to be applied, the nature, location, character, estimated capacity and estimated cost of the works and whether the water is to be and will be returned to the stream or source from which it is to be taken and if so, at what point on said stream or source. If the appropriation contemplates the construction of a reservoir for the purpose of storing water to be used for the generation of electricity or electrical or other power, the notices filed with the board shall also give the estimated height of the dam and the estimated capacity of the reservoir in addition to the other requirements above set forth.

SEC. 31. Wherever in this act the performance or doing of certain acts or things by any firm, association or corporation is made a misdemeanor, and a penalty provided therefor, the person, officer, member, manager, agent, director or employee of any such firm, association or corporation who by vote, act, authorization, direction, order or request shall have caused such act or thing to be done is likewise and in the same manner guilty of a misdemeanor, and shall be punished likewise and in the same manner as the person actually performing or doing the act or thing. Agent held guilty.

SEC. 32. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 33. This act shall take effect immediately.

CHAPTER 407.

An act to amend section 1410 of the Civil Code of the State of California, relating to the rights to water which may be acquired by appropriation.

[Approved April 8, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1410 of the Civil Code of the State of California is hereby amended so as to read as follows:

1410. All water or the use of water within the State of California is the property of the people of the State of California, but the right to the use of running water flowing in a river or stream or down a canyon or ravine may be acquired by appropriation in the manner provided by law; *provided*, that no water for the generation of electricity or electrical or other power may be appropriated for a longer period than twenty-five years, except by a municipal corporation, other than an irrigation district or a lighting district, or by an irrigation district when such electricity, electrical or other power is for use and distribution only within its own limits, and as subsidiary to and mainly for the purpose of serving and carrying out irrigation, or by a lighting district when such electricity, electrical or other power is for use and distribution only within its own limits. How right to water may be acquired.

SEC. 2. This act shall take effect immediately.

CHAPTER 408.

An act creating and establishing a commission for investigating and gathering data and information concerning the subjects of forestry, water, the use of water, water power, electricity, electrical and other power, mines and mining, mineral and other lands, dredging, reclamation and irrigation, and for revising, systematizing and reforming the laws of this state upon, concerning, regarding or appertaining to these said subjects; providing for the appointment of said commission to be known as the "Conservation Commission of the State of California"; prescribing the powers and duties of said commission and its members and providing for the expenses of said commission and appropriating money therefor.

[Approved April 8, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Conservation
commission.

SECTION 1. A commission consisting of three persons which shall be known and designated as the "Conservation Commission of the State of California," is hereby created and established for the purpose of investigating and gathering data and information concerning the subjects of forestry, water, the use of water, water power, electricity, electrical or other power, mines and mining, mineral and other lands, dredging, reclamation and irrigation, and for the purpose of revising, systematizing and reforming the laws of this state, upon, concerning, regarding or appertaining to these said subjects.

Appointment by
governor.

SEC. 2. Said commission shall be appointed by the governor, and shall enter upon the performance of its duties immediately. The members of said commission shall hold office at the pleasure of the governor. In case of a vacancy in said commission, such vacancy shall be filled by appointment by the governor.

Duties.

SEC. 3. It shall be the duty of said commission to investigate and examine the laws of the United States, of foreign nations, of the states of the union and of this state, and the reports and recommendations of persons, officials, commissions, societies and associations upon the subjects of forestry, water, the use of water, water power, electricity, electrical and other power, mines and mining, mineral and other lands, dredging, reclamation and irrigation and to prepare and recommend to the legislature laws, statutes and constitutional amendments revising, systematizing and reforming the laws of this state upon forestry, water, the use of water, water power, electricity, electrical and other power, mines and mining, mineral and other lands, dredging, reclamation and irrigation. The said commission is hereby authorized and empowered to do and perform the acts and things required of it by this act, and to adopt all rules and regulations necessary to carry out the provisions of this act.

SEC. 4. The said commission is hereby empowered and authorized to have printed by the state printer its reports, records and proceedings in the manner provided by law. Reports.

SEC. 5. It is hereby made the duty of the attorney general, surveyor general, the state engineer and all other state officers to render such aid and assistance to said board as said board may require. State officers to assist.

SEC. 6. For the purpose of carrying out the provisions of this act the said commission is authorized to employ such expert, technical, professional and clerical assistance and upon such terms as it may deem proper. Expert, etc., assistance.

SEC. 7. In order to carry out the provisions of this act the members of said commission or any person authorized by it are authorized to enter and cross all lands within this state, and to make all proper and necessary surveys and measurements of land and water; *provided*, that in doing so no damage is done to private property; and it shall be a misdemeanor, for any person or persons to wilfully and maliciously remove or destroy any permanent marks or monuments made or erected by said commission or any person or persons under its direction or authorization, or to prevent the members of the said commission or any person authorized by said commission to enter and cross any land within this state or to make surveys and measurements of land and water. Commission given authority to enter all lands.

SEC. 8. Said commissioners shall receive no salary for their services but shall be allowed their actual expenses while in the performance of their duties as in this act provided. No salary.

SEC. 9. The sum of \$100,000 is hereby appropriated out of the funds of the state not otherwise appropriated for the purposes of carrying out the provisions of this act, and the state controller is hereby authorized and directed to draw warrants upon such sum from time to time upon the requisition of said conservation commission approved by the board of examiners, and the state treasurer is hereby authorized and directed to pay such warrants. Appropriation.

SEC. 10. All acts or parts of acts in conflict herewith are hereby repealed.

SEC. 11. This act shall take effect immediately.

CHAPTER 409.

An act to amend an act entitled "An act to create for the State of California a department of engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony, and repealing an act entitled 'An act creating a commissioner of

public works, defining his duties and powers, and fixing his compensation,' approved February ninth, nineteen hundred, and all acts or parts of acts amendatory thereof; also repealing an act entitled 'An act to create a department of highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year.' approved April first, eighteen hundred and ninety-seven; also repealing an act entitled 'An act providing for the appointment of an auditing board to the commissioner of public works, authorizing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this act,' approved March seventeenth, eighteen hundred ninety-seven, and all acts or parts of acts amendatory thereof; also repealing an act entitled 'An act to provide for the appointment, duties and compensation of a debris commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all acts or parts of acts amendatory thereof; also repealing an act entitled, 'An act to create the office of Lake Tahoe wagon road commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this act.' approved April first, eighteen hundred ninety-seven, and all acts or parts of acts amendatory thereof." approved March eleventh, nineteen hundred and seven, and all acts or parts of acts amendatory thereof, by amending sections 1, 1½, 2, 3, 7, 9, 11, 17 and 19 thereof and by adding a new section thereto to be numbered section 6a, relating to the officers and employees of the department of engineering, their powers, duties and salaries.

[Approved April 8, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Acts
amended.

SECTION 1. Section 1 of an act entitled "An act to create for the State of California a department of engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an

appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony and repealing an act entitled 'An act creating a commissioner of public works defining his duties and powers and fixing his compensation,' approved February ninth, nineteen hundred, and all acts or parts of acts amendatory thereof; also repealing an act entitled 'An act to create a department of highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven; also repealing an act entitled 'An act providing for the appointment of an auditing board to the commissioner of public works, authorizing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this act,' approved March seventeenth, eighteen hundred and ninety-seven, and all acts or parts of acts amendatory thereof; also repealing an act entitled 'An act to provide for the appointment, duties and compensation of a debris commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all acts or parts of acts amendatory thereof; also repealing an act entitled 'An act to create the office of Lake Tahoe wagon road commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this act,' approved April first, eighteen hundred and ninety-seven, and all acts or parts of acts amendatory thereof," approved March eleventh, nineteen hundred and seven, and all acts or parts of acts amendatory thereof is hereby amended to read as follows:

Section 1. A department of and for the State of California to be known as the department of engineering is hereby created, to consist of an advisory board composed of the governor as ex officio member and chairman of said board, and a state engineer who shall be the chief executive officer of the department, the general superintendent of state hospitals, the chairman of the state board of harbor commissioners of San Francisco, and three other members to be appointed by the governor, which said three appointive members shall hereafter in this act be designated as the appointed members of said advisory board. The said department, its officers and employees, shall have and exercise the powers and duties

Department of engineering.

Advisory board.

hereinafter set forth and specified, and such as are or may be hereafter provided by law.

SEC. 2. Section 1½ of said act is hereby amended to read as follows:

Consulting
board.

Section 1½. Upon this act becoming effective the governor shall appoint five persons who shall be known as a consulting board to the department of state engineering upon all matters that affect irrigation, drainage and river improvement. Such board shall meet at such times as the work requires and shall meet at least once in two months. They may report to the advisory board on all matters relating to irrigation, drainage and river improvement together with their conclusions thereon, and may render a report to the advisory board upon all plans for river improvements.

Meetings.

Reports.

SEC. 3. Section 2 of said act is hereby amended to read as follows:

Head of
department.

Section 2. Upon this act becoming effective the governor shall appoint a competent civil engineer as the head of the department of engineering, and such person shall be known as the state engineer. The state engineer shall devote his entire time to the services of the state and shall not actively engage in any other pursuit while serving as such state official. He shall have charge of all the engineering and structural work of the department and may receive by and through the approval of the advisory board such special assistance of a technical character beyond the employees hereinafter specified as they shall allow for the proper conduct of the business of the department.

SEC. 4. Section 3 of said act is hereby amended to read as follows:

Hold
office at
pleasure
of gov-
ernor.

Section 3. The state engineer and the appointed members of said advisory board shall hold office at the will and pleasure of the governor. Immediately after qualifying, the advisory board shall meet and organize and shall adopt a seal for the authentication of its acts and records.

SEC. 5. A new section is hereby added to said act to be numbered 6a, and to read as follows:

Highway
engineer.

Section 6a. The department of engineering by and through the chairman of said advisory board shall have the power to appoint one engineer who shall be particularly skilled and qualified by experience in highway construction and who shall be designated highway engineer, and such assistant engineers, designers, draughtsmen, clerks, stenographers, and such other technical assistants and help as the advisory board may, in its judgment, deem necessary and said advisory board shall fix their salaries and compensation and prescribe their duties.

SEC. 6. Section 7 of said act is hereby amended to read as follows:

Section 7. The advisory board shall meet at such times as the work of the department may require and shall meet at least once in two months. Said board shall advise with the state engineer, highway engineer or state architect as neces-

sity requires and may advise with the boards of managers or trustees of the various state institutions requiring engineering or structural work, and with any state commission regarding all works wherein such commission may be interested. The advisory board shall approve all plans and specifications for all public work and shall determine the kind, quality and extent of all public work of the state. All boards of managers, trustees and state commissions of state institutions shall apply to the department of engineering for plans and specifications for all public work coming under their charge, and before accepting any such work done under contract shall have a certificate from the state engineer who shall examine and certify to its completion. All public work coming under the full control of the department of engineering may upon the discretion of the advisory board be either contracted for or done by day's labor. The advisory board shall have the power, on the approval of plans and specifications by the state engineer, to direct whether any building or structure at any state institution shall be let by contract in part or in whole, or whether said building or structure shall be built by day's labor in part or in whole, but after approval of the plans, specifications and estimates by the advisory board of the department of engineering, if, in the opinion of such department of engineering, the acceptance of any bid or bids shall not be for the best interests of the state, or if in the opinion of such department of engineering the acceptance of any further bids after the rejection of all bids submitted shall not be for the best interests of the state, it may be legal for them to direct that the work or improvement of any state building, road or any other improvement be done upon a day's labor basis. Whenever any public work to be done by the state except work on property of the state on the water front of the city and county of San Francisco under the jurisdiction of the board of state harbor commissioners is placed upon a day's labor basis, it is especially exempted from any law on or relating to contracts of the state. The full control of such day's labor work is placed under the department of engineering and said department shall do all things necessary to properly carry out the work. When such work is so placed upon a day's labor basis, any appropriation which is now available or which is now or may be appropriated to become available, is by this act taken out of the control of any board of trustees, directors, commissioners, officers or other body to whom it has been appropriated, and placed exclusively under the control of the department of engineering, and the claims for said work shall be approved by the department of engineering, and audited by the board of examiners, upon whose audit the controller shall draw his warrant and the treasurer shall pay the same. The department of engineering shall have power to receive informal bids upon any subdivision of the day's labor work and the state engineer may upon the approval of the advisory board enter into an agreement for any such subdivisional work of the day's labor work.

Meetings,
powers,
etc., of
advisory
board.

SEC. 7. Section 9 of said act is hereby amended to read as follows:

Section 9. The department of engineering shall take full possession and control of all roads which have been declared state highways enumerated as follows: The Lake Tahoe wagon road, the Sonora and Mono road, the Mono Lake basin road and all other state highways which may hereafter be constructed and all public work being done or now completed by the department of highways. All expenditures by the state for highway purposes except as otherwise hereafter provided by law shall be under the full charge of the department of engineering, and all moneys appropriated for such purpose shall be made payable upon the proper order of said department and shall be audited by the state board of examiners. The department of engineering, in the name of the people of the State of California, shall have the power to obtain or condemn necessary rights of way for any authorized state highway or for the change of any existing state highway or for any road placed under the department's charge by law unless otherwise provided. It shall have power to alter or change the route of a road and shall do all things necessary, and obtain all tools and implements required to properly care for and manage the roads under the charge of the department. The department may, in its discretion, and by and through its chairman, appoint superintendents of the state highways who shall hold office at the pleasure of the appointive power. They shall be specially qualified in road work. All unexpended balances of money now existing by law for improvements or maintenance of whatever kind under the department of highways, and the Lake Tahoe wagon road commissioner shall be placed under the control of the department of engineering, and the state controller shall transfer said funds to the credit of the department of engineering. Whenever under any statutes of this state the performance of any duty or obligation is imposed upon the department of highways, the same shall be assumed by and the performance of the same shall devolve upon the department of engineering.

SEC. 8. Section 11 of said act is hereby amended to read as follows:

Section 11. All architectural work of the department shall be under the charge of the state architect, and it shall be the duty of said architect to make plans and specifications and estimates for all work for state buildings. He shall, in company with the state engineer, visit and inspect all completed architectural work, and shall certify to the state engineer its proper or improper completion. The state architect shall have general charge under the state engineer of the erection of all buildings and must have an inspector at each building during the whole time of its construction.

SEC. 9. Section 17 of said act is hereby amended to read as follows:

Section 17. The highway engineer shall receive not to exceed the sum of ten thousand dollars (\$10,000) per annum:

Control of state highways.

Expenditures.

Power to condemn right-of-way.

Superintendents of highways.

State architect.

the state engineer shall receive the sum of five thousand dollars (\$5,000) per annum; and the officers and employees enumerated in section 6 of this act shall receive the following sums: Each assistant state engineer shall receive the sum of three thousand dollars (\$3,000) per annum; the state architect shall receive forty-eight hundred dollars (\$4,800) per annum; each of the five draughtsmen shall receive two thousand dollars (\$2,000) per annum; the architectural designer shall receive twenty-four hundred dollars (\$2,400) per annum; the mechanical engineer shall receive twenty-seven hundred dollars (\$2,700) per annum; the testing engineer shall receive twenty-one hundred dollars (\$2,100) per annum; each of the two filing clerks shall receive eighteen hundred dollars (\$1,800) per annum; the secretary shall receive twenty-four hundred dollars (\$2,400) per annum; the blue print pressman shall receive fifteen hundred dollars (\$1,500) per annum; each clerk and stenographer shall receive fifteen hundred dollars (\$1,500) per annum; and the porter and messenger shall receive nine hundred dollars (\$900) per annum. Such salaries shall be paid at the same time and in the same manner as are the salaries of other state officers. The highway engineer shall furnish the state with a bond in the sum of twenty thousand dollars (\$20,000); the two assistant engineers and the state architect shall each furnish the state with a bond in the sum of ten thousand dollars (\$10,000) for the faithful performance of their duties. Said bonds must be approved by the governor of the State of California and filed in the office of the secretary of state. Each of the three appointed members of said advisory board shall receive the sum of three thousand six hundred dollars (\$3,600) per annum, payable in equal monthly installments. Each and every one of the above-mentioned officers shall take the oath of office as prescribed for other state officers. The members of the advisory board, the state engineer and the officers and employees of the department of engineering shall be allowed their necessary traveling expenses while engaged in the discharge of their duties within the state.

Sec. 10. Section 19 of said act is hereby amended to read as follows:

Section 19. The sum of ten thousand dollars (\$10,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated to provide and maintain a permanent revolving fund for the payment of salaries and wages of employees in the department of engineering when employed upon public work at or for any state institution, other than those employees whose salaries are fixed and determined by section 17 of this act. Such payment so made for salaries and wages shall be charged against the institutions for which said act is performed and in favor of the department of engineering, and when collected by said department, shall be paid into the revolving fund hereby created.

Salaries.

Bonds.

Salary of
advisory
board.

Expenses.

Revolving
fund.

CHAPTER 410.

An act to create a reclamation district to be called "Reclamation District Number 831," and providing for the control and management thereof.

[Approved April 8, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Reclamation
District
No. 831.

SECTION 1. A reclamation district is hereby created, to be called "Reclamation District Number 831," and the boundaries of such reclamation district shall be as follows:

Commencing where the north boundary line of township seventeen (17) north, range three (3) east crosses the west line of drainage district number one of Butte county: thence west to corner of said township seventeen (17); thence south one (1) mile to the northwest corner of section seven (7), township seventeen (17) north, range three (3) east; thence west four (4) miles to the northwest corner of section nine (9), township seventeen (17) north, range two (2) east; thence south four (4) miles to the northwest corner of section thirty-three (33), township seventeen (17) north, range two (2) east; thence west one half ($\frac{1}{2}$) mile to center of north line of section thirty-two (32), township seventeen (17) north, range two (2) east; thence south one (1) mile to the township line; thence east on township line one (1) mile; thence south one and one half ($1\frac{1}{2}$) miles to the center of section nine (9), township sixteen (16) north, range two (2) east; thence west to the center of section eight (8) in said township; thence south two and one half ($2\frac{1}{2}$) miles to the quarter ($\frac{1}{4}$) section corner on the north boundary of section twenty-nine (29); thence east on section line two (2) miles; thence south four (4) miles to the quarter ($\frac{1}{4}$) section corner on the north line of section fifteen (15), township fifteen (15) north, range two (2) east; thence west one half ($\frac{1}{2}$) mile to the northwest corner of said section; thence south one (1) mile to the northeast corner of section twenty-one (21) in said township and range; thence west on section line one (1) mile; thence south on section line five (5) miles to the southwest corner of section nine (9), township fourteen (14) north, range two (2) east; thence east on section line to west boundary of levee district number one of Sutter county; thence north one (1) mile to the southwest corner of section two (2), township fourteen (14) north, range two (2) east; said point being the southwest corner of levee district number nine of Sutter county; thence north along the west line of said district number nine to the northwest corner of section seven (7): township fifteen (15), north, range three (3) east to a point marking the southwest corner of Reclamation District No. 777; thence northerly along the west line of said district No. 777 to the

center of section nineteen (19), township seventeen (17) north, range three (3) east; thence east along north boundary line of said district No. 777 to the west boundary line of drainage district number one of Butte county; thence northerly along said boundary line of said drainage district to the place of beginning.

SEC. 2. The management and control of said reclamation district is hereby made subject to the provisions of the Political Code of the State of California and other laws of this state relative to reclamation districts formed under the provisions of said Political Code.

Control.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

This act shall take effect immediately.

CHAPTER 411.

An act to create a reclamation district to be called Reclamation District No. 1001, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts and reclamation districts within the boundaries of said Reclamation District No. 1001, and providing for the liquidation and winding up of said dissolved districts.

[Approved April 8, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A reclamation district is hereby created, to be called Reclamation District No. 1001, and the boundaries of said reclamation district shall be as follows:

Reclamation
District
No. 1001.

Beginning at a point on the left bank of the Sacramento river, 672 feet north and 1834 feet west of the southeast corner of section 23, township 11 north, range 3 east, M. D. B. & M., and running thence north $34^{\circ} 30'$ east, a distance of 3460 feet to a point in the east line of said section 23, 1660 feet south of the northeast corner thereof; thence north $55^{\circ} 30'$ east, a distance of 4.76 miles to a point in the west line of the land now owned and occupied by the Northern Electric Railway Company, a corporation, the same being commonly known as the railroad right of way of said company; said point being 2445 feet north and 1173 feet west, of the southeast corner of section 4, township 11 north, range 4 east; thence north $24^{\circ} 30'$ west, along the westerly right of way line of said Northern Electric Railway Company, a distance of 1.97 miles, to a point where the railroad of said company curves to the right, thence continuing along the westerly right of way line of said railway company, running north $0^{\circ} 13'$ east, a distance of 5.75 miles,

Boundaries
Reclama-
tion Dis-
No. 1001.

to a point in the south line of section 29, township 13 north, range 4 east, M. D. B. & M.; thence east a distance of 4270 feet to the west line of the land now owned and occupied by the Western Pacific Railway Company, a corporation; thence north $8^{\circ} 46'$ west, along the westerly line of said railway company's right of way, a distance of 1341 feet to the line between the north and south halves of the southeast quarter of section 28; thence east a distance of 1296 feet to a point in the east line of said section 28; thence north along the east line of said section 28, a distance of 2640 feet to the southwest corner of the northwest quarter of the northwest quarter of section 27, township 13 north, range 4 east, M. D. B. & M.; thence east a distance of 1320 feet to the southeast corner of said northwest quarter of the northwest quarter of section 27; thence north 1320 feet to a point on the section line between sections 22 and 27; thence east 1320 feet to the quarter section corner between sections 22 and 27; thence north 2640 feet to the center of section 22; thence east 5280 feet to the center of section 23; thence north 1320 feet; thence east along the line through the center of northeast quarter of section 23 and northwest quarter of section 24, a distance of 5280 feet, to a point in the line between the east and west halves of section 24; thence north 1320 feet to the quarter section corner between sections 18 and 24; thence east 2640 feet to the corner of sections 13, 18, 19 and 24, township 13 north, ranges 4 and 5 east, M. D. B. & M.; thence east along the south line of sections 18 and 17, a distance of 8802 feet; thence south 1320 feet; thence east 2640 feet; thence south 1320 feet; thence east, following a line through the center of section 21, a distance of 3960 feet, to the quarter section corner between sections 21 and 22; thence north along the east line of sections 21 and 16, a distance of 5280 feet to the quarter section corner between sections 15 and 16; thence east 1320 feet; thence north 2640 feet to a point in the north line of section 15; thence east along the north line of said section 15, a distance of 2640 feet; thence north 1320 feet; thence east 3960 feet; thence north 1320 feet, to the center of section 11. thence east 1320 feet; thence north 2640 feet to a point in the north line of section 11; thence east along the north line of sections 11 and 12, a distance of 1980 feet to a point; thence north 2894 feet to a point 254 feet north, and 660 feet east of the quarter section corner between sections 1 and 2, township 13 north, range 5 east, M. D. B. & M., said point being in the center line of Bear river, said center line being particularly defined as being 150 feet northerly, and parallel with the base of the levee now constructed along the south bank of Bear river; thence following said center line of Bear river, running south 89° west, 4213 feet; thence north $77^{\circ} 30'$ west, 744 feet; thence south $70^{\circ} 45'$ west, 1272 feet; thence south $44^{\circ} 40'$ west, 4505 feet; thence south $83^{\circ} 35'$ west, 1124 feet; thence south $76^{\circ} 15'$ west, a distance of 910 feet to a point in the west line of section 10, township 13 north, range 5 east, 4290 feet north

of the southwest corner thereof; said west line of said section 10, being the division line between Placer and Sutter counties; thence continuing along said center line of Bear river south $84^{\circ} 40'$ west, a distance of 1118 feet to a point; thence south $73^{\circ} 45'$ west, a distance of 4350 feet to a point in the west line of section 9, township 13 north, range 5 east, 2988 feet north of the southwest corner thereof; thence south 75° west, a distance of 1403 feet to a point; thence south $88^{\circ} 21'$ west, a distance of 664.5 feet; thence north $89^{\circ} 57'$ west, a distance of 427 feet; thence north $84^{\circ} 26'$ west, a distance of 385 feet; thence north $80^{\circ} 21'$ west, a distance of 707 feet; thence north $76^{\circ} 14'$ west, a distance of 701.6 feet; thence south $89^{\circ} 34'$ west, a distance of 528.5 feet; thence south $85^{\circ} 16'$ west, a distance of 528.2 feet to a point in the west line of section 8, township 13 north, range 5 east, 2882.7 feet north of the southwest corner thereof; thence continuing along said center line of Bear river running south $83^{\circ} 54'$ west, a distance of 521 feet; thence south $81^{\circ} 48'$ west, a distance of 597 feet; thence south $81^{\circ} 33'$ west, a distance of 322 feet; thence south $84^{\circ} 39'$ west, a distance of 307 feet; thence south $70^{\circ} 23'$ west, a distance of 390 feet; thence south $69^{\circ} 30'$ west, a distance of 768 feet; thence south $67^{\circ} 25'$ west, a distance of 941 feet; thence south $72^{\circ} 36'$ west, a distance of 1077 feet; thence south $76^{\circ} 3'$ west, a distance of 797 feet; thence south $77^{\circ} 08'$ west, a distance of 449 feet; thence south $71^{\circ} 58'$ west, a distance of 528 feet; thence south $71^{\circ} 43'$ west, a distance of 398 feet; thence south $72^{\circ} 28'$ west, a distance of 341 feet; thence south $76^{\circ} 28'$ west, a distance of 357 feet to a point in the north and south center line of section 12, township 13 north, range 4 east; thence leaving said center line of Bear river and running south $83^{\circ} 31'$ west, a distance of 5854.4 feet to a point in the boundary line between Sutter and Yuba counties, said point being 85 feet north and 600 feet west of the quarter section corner between sections 11 and 14, township 13 north, range 4 east. M. D. B. & M.; thence in a westerly and southwesterly direction following the said boundary line between said counties of Sutter and Yuba, to a point on the left bank of the Feather river, at the junction of Bear and Feather rivers; thence in a southwesterly direction along the left bank of the Feather river, following the meanderings thereof, to where the same intersects the Sacramento river; thence down the left bank of said Sacramento river, following the meanderings thereof, to the point of beginning.

SEC. 2. The management and control of the said district is hereby made subject to the provisions of the Political Code of the State of California, and other laws of the state, relative to reclamation districts formed under the provisions of the said Political Code, or such as may be hereafter enacted.

The management and control of the said district shall be vested in three (3) trustees. H. L. Hansen and C. W. McConaughy are hereby appointed to act as trustees of the said district in conjunction with a third trustee, who shall be

Boundary
Reclamation
District No.
1001.

Control.

Trustees.

appointed by the board of supervisors of the county of Sutter, at the next regular meeting of the said board after the passage of this act; and the said H. L. Hansen and the said C. W. McConaughy and the third trustee so appointed shall hold office as such trustees until their successors are elected and qualified. An election of three trustees shall be held in the said district on the first Monday in May, 1911, and every two years thereafter, and the term of office shall be two years, and until their successors are elected and qualified. In case of any vacancy in the office of trustee of the said district, the board of supervisors of the said county of Sutter shall appoint a qualified person as trustee, who shall hold the said office for the unexpired term. The office of the said district shall be in Yuba City, county of Sutter. The board of supervisors of the county of Sutter shall have jurisdiction of all matters concerning said district. All funds of the said district shall be deposited in the county treasury of the said county of Sutter, and shall be disbursed by the treasurer of the said county of Sutter in payment of the warrants of the said district. The said district shall have power to make by-laws in conformity with the provisions of law, and shall have all the rights and powers which are now or may hereafter be conferred by the provisions of the Political Code, or by other laws of the state, upon reclamation or swamp land districts, and shall also have the right and power of purchasing real and personal property and rights of way, within the boundaries of said district, or outside thereof, that may be necessary or desirable to carry out the purposes of the said district, or to acquire the same by condemnation proceedings, in the manner provided by law, and shall have the right and power to join in with other reclamation districts, levee districts, or swamp land districts, or other persons, in the construction and maintenance of levee and reclamation works, and to contract as to the same, and also to do all other acts and things that may be lawfully done by any reclamation district. All laws and parts of laws, now existing, or that may hereafter be enacted, relative to the qualification of electors for trustees, election of trustees, levy and collection of assessments, disbursements of funds, and the management and control of reclamation districts, and in and to all other matters pertaining to the management, control, or administration of reclamation districts are, so far as the same may be applicable, made a part of this act, and shall be deemed to be incorporated herein.

SEC. 3. All reclamation districts, levee districts, and swamp land districts wholly situated within the boundaries of said district, are hereby dissolved except for the purposes of liquidation and the disposition of property, and for these purposes only the existence of said districts is continued. Each of said reclamation districts, levee districts, or swamp land districts, shall pay all legal outstanding indebtedness that each may respectively owe, and may cause assessments or taxes to be levied and collected therefor, and may sell and dispose of any levees and other works of reclamation and property belonging to any

Election of trustees.

Jurisdiction.

Funds deposited.

Powers.

What laws apply.

Districts dissolved.

of such districts, to the said Reclamation District No. 1001, and may use the proceeds received from such sale for the purpose of paying such indebtedness, and shall divide the excess of such proceeds, if any there be, among the landowners of land within such dissolved district in the proportion which the last assessment or tax assessed against each tract of land, as shown by the last assessment roll or list within such dissolved district, shall bear to the total amount of the assessment or tax levied or assessed by the said last assessment roll or list, on all the lands within such dissolved districts; *provided*, that in the event that a sale of any of such levees or other works of reclamation or property shall be agreed upon, and the parties are unable to agree upon the price to be paid therefor, then the question of what price shall be paid therefor shall be determined by a board of arbitration to consist of three members to be appointed by the board of supervisors of the said county of Sutter, a majority of whom must unite in the decision, and the decision of a majority of said board of arbitration shall be final and conclusive. Any lands within the boundaries of said Reclamation District No. 1001, and now included in any reclamation district, however formed or existing, and which reclamation district is not wholly situated within the boundaries of said Reclamation District No. 1001, are hereby excluded from said reclamation district now existing, and included within the said Reclamation District No. 1001; *provided, however*, that the said lands so excluded from any such existing district shall be liable for its just proportion of the existing indebtedness of any such existing district. Districts
excluded.

SEC. 4. All acts, and parts of acts, inconsistent with the provisions of this act, and all acts creating any reclamation districts, levee districts, or swamp land districts, wholly within the above described boundaries of said Reclamation District No. 1001, are hereby repealed.

SEC. 5. This act shall take effect from and after its passage.

CHAPTER 412.

An act to create a reclamation district to be called Reclamation District No. 1000, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 1000, and providing for the liquidation and winding up of said dissolved districts.

[Approved April 8, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A reclamation district is hereby created to be called Reclamation District No. 1000, and the boundaries of said reclamation district shall be as follows: Reclama-
tion
District
No. 1000.

Beginning at a point on the left bank of the Sacramento

river, 1320 feet east of the section line between sections 26 and 27, township 9 north, range 4 east, M. D. B. & M., and running thence in a straight line north $69^{\circ} 30'$ east, a distance of 9890 feet to the corner common to sections 19, 24, 25 and 30, township 9 north, ranges 4 and 5 east, M. D. B. & M.; thence east a distance of 4870 feet to the west line of the land now owned and occupied by the Western Pacific Railway Company, a corporation, the same being commonly known as the railroad right of way of said company; thence north $8^{\circ} 46'$ west, along the westerly line of said railway company's right of way, a distance of 11.16 miles to a point near the center of section 26, township 11 north, range 4 east, M. D. B. & M., at which point the said westerly right of way line of the Western Pacific Railway Company intersects the west line of the land now owned and occupied by the Northern Electric Railway Company, a corporation, the same being commonly known as the railroad right of way of said company; thence north $24^{\circ} 30'$ west, along the westerly right of way line of said Northern Electric Railway Company, a distance of 4.27 miles, to a point in section 4, township 11 north, range 4 east, M. D. B. & M., 2445 feet north and 1173 feet west of the southeast corner of said section 4; thence south $55^{\circ} 30'$ west, a distance of 4.76 miles to a point in the east line of section 23, township 11 north, range 3 east, M. D. B. & M., 1660 feet south of the northeast corner thereof; thence south $34^{\circ} 30'$ west, a distance of 3460 feet to a point on the left bank of the Sacramento river, 672 feet north and 1834 feet west of the southeast corner of said section 23; thence in a southerly and southeasterly direction, down the left bank of the Sacramento river, following the meanderings thereof, to the point of beginning.

Control.

SEC. 2. The management and control of said Reclamation District No. 1000 is hereby made subject to the provisions of the Political Code of the State of California, and other laws of this state, relative to reclamation districts, formed under the provisions of said Political Code, or such as may be hereafter enacted. The management and control of said Reclamation District No. 1000 shall be vested in three trustees, and the governor shall appoint three trustees who shall hold office until their successors are elected and qualified. An election of three trustees shall be held in said district on the first Monday in May, 1911, and every two years thereafter, and the term of office shall be two years, and until their successors are elected and qualified. In case of any vacancy in the office of trustee of said district, the board of supervisors of the county of Sacramento shall appoint a qualified person as trustee, who shall hold said office for the unexpired term. The office of said district shall be in the city of Sacramento, and the board of supervisors of the county of Sacramento shall have jurisdiction of all matters concerning said district. All funds of said district shall be deposited in the county treasury of said county of Sacramento, and shall be disbursed by the treasurer of said county in payment of the

Election of trustees.

Vacancy.

Funds deposited.

warrants of said district. The said district shall have power to make by-laws in conformity with the provisions of law, and shall have all the rights and powers which are now or may hereafter be conferred by the provisions of the Political Code, or by other laws of the state, upon reclamation or swamp land districts, and shall also have the right and power of purchasing real and personal property and rights of way, within the boundaries of said district, or outside thereof, that may be necessary or desirable to carry out the purposes of the said district, or to acquire the same by condemnation proceeding, in the manner provided by law, and shall have the right and power to join in with other reclamation districts, levee districts, or swamp land districts, or other persons, in the construction and maintenance of levee and reclamation works, and to contract as to the same, and also to do all other acts and things that may be lawfully done by any reclamation district. All laws, and parts of laws, now existing, or that may hereafter be enacted, relative to the qualification of electors for trustees, election of trustees, levy and collection of assessments, disbursements of funds, and the management and control of reclamation districts, and in and to all other matters pertaining to the management, control, or administration of reclamation districts, are, so far as the same may be applicable, made a part of this act, and shall be deemed to be incorporated herein.

Rights and powers.

What laws apply.

Sec. 3. All reclamation districts, levee districts, and swamp land districts wholly or partly situated within the boundaries of said district, are hereby dissolved except for the purposes of liquidation and the disposition of property, and for these purposes only the existence of each of said districts is continued. Each of the said reclamation districts, levee districts, or swamp land districts shall pay all legal outstanding indebtedness that each may respectively owe, and may cause assessments or taxes to be levied and collected therefor, and may sell and dispose of any levees or other works of reclamation and property belonging to any of such districts, to the said Reclamation District No. 1000, and may use the proceeds received from such sale for the purpose of paying such indebtedness, and shall divide the excess of such proceeds, if any there be among the landowners of land within such dissolved district in the proportion which the last assessment or tax assessed against each tract of land, as shown by the last assessment roll or list, within such dissolved district, shall bear to the total amount of the assessment or tax levied or assessed by the said last assessment roll or list, on all the lands within such dissolved districts; *provided*, that in the event that a sale of any of such levees or other works of reclamation or property shall be agreed upon, and the parties are unable to agree upon the price to be paid therefor, then the question of what price shall be paid therefor, shall be determined by a board of arbitration to consist of three members to be appointed by the board of supervisors of the said county of Sacramento, a majority of whom must unite in the decision,

Districts dissolved.

and the decision of a majority of said board of arbitration shall be final and conclusive.

SEC. 4. All acts and parts of acts inconsistent with the provisions of this act, and all acts creating any reclamation districts, levee districts, or swamp land districts within the above described boundaries of said Reclamation District No. 1000 are hereby repealed.

SEC. 5. This act shall take effect from and after its passage.

CHAPTER 413.

An act establishing a state normal school at Fresno, county of Fresno, State of California, and making an appropriation for the maintenance of said school.

[Approved April 10, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Fresno
State
Normal
School.

SECTION 1. There is hereby established in the county of Fresno, State of California, a school to be called the "Fresno State Normal School," for training and educating teachers in the art of instructing and governing in the public schools of this state; the course of study prescribed for use in said school to include agriculture and manual training.

Board of
trustees.

SEC. 2. The governor, within thirty days after the passage of this act, shall appoint five persons, one for one year, one for two years, one for three years, and two for four years, the successor of each to be appointed for four years thereafter, and the persons so appointed, with the governor and state superintendent of public instruction, shall constitute the board of trustees of said Fresno State Normal School, with full power and authority to select a site for the permanent location of said state normal school in said county of Fresno. Said trustees shall examine the different sites offered to be donated by the people of the said county of Fresno for the location of state normal school buildings, and select therefrom a suitable location for said state normal school buildings, and the site selected by them, upon its conveyance to the State of California, shall be and remain the permanent site for the said Fresno State Normal School of Fresno.

Appropriation.

SEC. 3. The sum of twenty-five thousand dollars is hereby appropriated out of any moneys of the state not otherwise appropriated, for the maintenance of the said Fresno State Normal School, during the sixty-third and sixty-fourth fiscal years: *provided*, that no money shall be expended for said school until the site selected has been conveyed by a deed in fee simple to the State of California.

Opening
of school.

SEC. 4. The said board of trustees shall provide for the opening of said state normal school at Fresno on or before

October 1, 1911, in buildings or rooms to be furnished by the board of education of the city of Fresno free of cost to the State of California, and the said board shall have full power and authority to employ suitable teachers for conducting and maintaining said Fresno State Normal School, and supplying the same with necessary books, stationery and apparatus.

SEC. 5. The state controller is hereby authorized and directed to draw his warrants for the amount herein appropriated, in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 6. This act shall take effect and be in force from and after its passage.

CHAPTER 414.

An act providing that in the event of no election having been held for the election of officers of municipalities of the sixth class at the time fixed for first election after incorporation thereof, that the officers elected at the time of the incorporation shall continue in office until after the municipal election to be held in 1912.

[Approved April 10, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. When a municipality of the sixth class has been incorporated under the laws of the State of California less than sixty days prior to the date of the municipal election on the second Monday in April, and for any reason no election was held on said date and the officers of such municipality elected at the time of its incorporation have continued to hold office and have discharged the duties of such offices ever since the date of their said election, their right to hold such offices is hereby confirmed, and they are hereby declared to be the officers of such municipality and their terms shall continue until the next municipal election hereafter to be held on the second Monday in April, 1912.

SEC. 2. This act shall take effect immediately.

CHAPTER 415.

An act to add a new section to article III, chapter V, title II, part IV, of the Political Code, to be numbered section four thousand one hundred and one a, relating to the payment of money into the county treasury.

[Approved April 10, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to article III, chapter V, title II, part IV, of the Political Code, to be numbered section four thousand one hundred and one a, to read as follows:

County
officer
may pay
money to
treasurer
daily.

4101a. The assessor, the tax collector, the clerk, the recorder and any other officer required to pay into the county treasury taxes, fees or other money collected by him, may pay such money to the treasurer daily without making an account of the sources from which the same was collected, and the treasurer and auditor shall credit such officer with the amount so paid in without apportioning the same to any specific fund. Such officer shall, notwithstanding such payment, make regular settlements and accounts of his collections monthly or otherwise, as may be required by law, and upon such settlements shall be credited with all amounts so paid to the treasurer and not included in his previous settlements, as so much cash.

SEC. 2. This act shall take effect July 1, 1911.

CHAPTER 416.

An act to amend an act entitled "An act to authorize and empower the board of trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings" approved March 4, 1907, and making an appropriation of \$100,000.00 for the purpose of purchasing a new site for the State Normal School at Los Angeles.

[Approved April 10, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3 of an act entitled "An act to authorize and empower the board of trustees of the State Normal School

at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings" is hereby amended to read as follows:

Section 3. The moneys received from the sale of said lands and buildings shall be paid into the state treasury and kept in a fund to be called: "Los Angeles State Normal School building and improvement fund," to the credit of the state normal school at Los Angeles and said moneys shall not be drawn therefrom except to pay the costs and expenses of carrying out the provisions of this act and those incidental thereto, for rent of grounds and buildings as in this act provided and for the construction of new buildings and other improvements as hereinafter provided.

Los Angeles State Normal School building and improvement fund.

SEC. 2. Section 4 of said act is hereby amended to read as follows:

Section 4. The board of trustees of the state normal school at Los Angeles is authorized, directed and empowered to examine sites and to select a new and suitable site for said school in the county of Los Angeles and to purchase for and on behalf of the State of California the necessary lands therefor, and the lands so selected and purchased shall be and remain the site of the state normal school at Los Angeles until otherwise provided by law. The sum of one hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be expended by said board of trustees in the purchase of a new site for said normal school. The controller is hereby authorized and directed to draw his warrant for said sum of one hundred thousand dollars and the treasurer is hereby directed to pay the same and place said money in the state treasury to the credit of the aforesaid "Los Angeles State Normal School building and improvement fund"; *provided, however*, that if the site for said school, so purchased, shall cost less than one hundred thousand dollars; the unexpended balance of said sum shall be drawn from said fund and expended for the purposes set forth in section one of this act.

Trustees to purchase new site

Appropriation.

CHAPTER 417.

An act to amend section twelve hundred and forty-nine of the Code of Civil Procedure of the State of California.

[Approved April 10, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section twelve hundred and forty-nine of the Code of Civil Procedure is hereby amended to read as follows:

Date from which compensation shall be assessed.

1249. For the purpose of assessing compensation and damages the right thereof shall be deemed to have accrued at the date of the issuance of summons and its actual value at that date shall be the measure of compensation for all property to be actually taken, and the basis of damages to property not actually taken but injuriously affected, in all cases where such damages are allowed as provided in section one thousand two hundred forty-eight; *provided*, that in any case in which the issue is not tried within one year after the date of the commencement of the action, unless the delay is caused by the defendant, the compensation and damages shall be deemed to have accrued at the date of the trial. Nothing in this section contained shall be construed or held to affect pending litigation. If an order be made letting the plaintiff into possession, as provided in section one thousand two hundred fifty-four, the compensation and damages awarded shall draw lawful interest from the date of such order. No improvements put upon the property subsequent to the date of the service of summons shall be included in the assessment of compensation or damages.

Damage on letting into possession.

CHAPTER 418.

An act adding four new sections to an act entitled, "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 752a and 752b, 852a and 852b thereof, relating to the government of municipalities of the fifth and sixth classes, and providing for the so-called commission form of government.

[Approved April 10, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to an act entitled, "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 752a and read as follows:

Section 752a. The board of trustees may at any time submit to the electors at any municipal or at any special election to be held for that purpose, an ordinance to divide the admin-

istration of the municipality into five departments and provide for the assignment of its several members to be heads of such respective departments and to be appointed as the commissioners of such respective departments; *provided*, that if a department of public health be created the commissioner in charge may be given the powers and duties of the municipal board of health, and such health board be thereby abolished. Such ordinance shall define the duties, powers and responsibilities of each commissioner and may require such commissioner to devote a specified number of hours of each business day to the performance of such duties, in which event such commissioner may receive a compensation, the amount of same to be fixed by said ordinance. The board may, by majority vote, subject to the provisions of this section, assign its several members to be and appoint them as the respective commissioners of such several departments, and may by like vote from time to time change such assignment and appointment. It may assign employees to one or more departments, may require an officer or employee to perform duties in two or more departments, and may make such other rules and regulations as may be necessary or proper to the efficient and economical conduct of the business of the municipality. The substance of the ordinance so proposed shall be printed on the ballots used at such election substantially as follows: Shall the administration of the municipality be divided into five departments as follows: (insert the five departments of government proposed and briefly designate the powers and duties conferred upon each and the compensation each commissioner or head of department shall receive), "Yes" and "No" so printed in connection therewith that the voters may express their choice. The returns of the election shall be canvassed and declared as at other municipal elections and if it appears that a majority of the votes cast at such election were in favor of the ordinance, such ordinance shall take effect and be in force on the tenth day thereafter.

Election on adoption of commission form of government.

SEC. 2. A new section is hereby added to the act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 752*b*, and read as follows:

Section 752*b*. The board of trustees may submit to the electors at any municipal election or at a special election to be held for that purpose, the question as to whether the elective officers, or any of them, other than trustees, shall be appointed by said board, instead of being elected as provided in the preceding section. The question so submitted shall be printed on the ballots used at such election substantially as follows: "Shall the board of trustees hereafter appoint the (naming the offices) of the city (or town) of," with the words "Yes" and "No" so printed in connection therewith that the voters may express their choice. The returns of the election shall be canvassed and declared as at other municipal elections, and if it appears that a majority of the votes cast on any such proposition were in favor of the appointment of such officers or any of them, then at the expira-

Election on question of appointment of city officers.

tion of the terms of office of any such officials then in office, and on the occurrence of a vacancy in any such offices, such elective officers or any of them for the appointment of whom such majority vote was so cast, shall thereafter be appointed by the board of trustees and hold office during the pleasure of such board.

SEC. 3. A new section is hereby added to an act entitled, "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 852a and read as follows:

Election
on adop-
tion of
commis-
sion form
of govern-
ment.

Section 852a. The board of trustees may at any time submit to the electors at any municipal or at any special election to be held for that purpose, an ordinance to divide the administration of the municipality into five departments and provide for the assignment of its several members to be the heads of such respective departments and to be appointed as the commissioners of such respective departments; *provided*, that if a department of public health be created the commissioner in charge may be given the powers and duties of the municipal board of health, and such health board be thereby abolished. Such ordinance shall define the duties, powers and responsibilities of each commissioner and may require such commissioner to devote a specified number of hours of each business day to the performance of such duties, in which event such commissioner may receive a compensation, the amount of same to be fixed by said ordinance. The board may, by majority vote, subject to the provisions of this section, assign its several members to be and appoint them as the respective commissioners of such several departments and may by like vote from time to time change such assignment and appointment. It may assign employees to one or more departments, may require an officer or employee to perform duties in two or more departments, and may make such other rules and regulations as may be necessary or proper to the efficient and economical conduct of the business of the municipality. The substance of the ordinance so proposed shall be printed on the ballots used at such election substantially as follows: Shall the administration of the municipality be divided into five departments as follows: (insert the five departments of government proposed and briefly designate the powers and duties conferred upon each and the compensation each commissioner or head of department shall receive), "Yes" and "No" so printed in connection therewith that the voters may express their choice. The returns of the election shall be canvassed and declared as at other municipal elections and if it appears that a majority of the votes cast at such election were in favor of the ordinance, such ordinance shall take effect and be in force on the tenth day thereafter.

SEC. 4. A new section is hereby added to an act entitled, "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 852b and read as follows:

Section 852b. The board of trustees may submit to the elect-

ors at any municipal election, or at a special election to be held for that purpose, the question as to whether the elective officers, or any of them, other than trustees, shall be appointed by said board, instead of being elected as provided in the preceding section. The question so submitted shall be printed on the ballots used at such election substantially as follows: "Shall the board of trustees hereafter appoint the (naming the offices) of the city (or town) of, with the words "Yes" and "No." so printed in connection therewith that the voters may express their choice. The returns of the election shall be canvassed and declared as at other municipal elections, and if it appears that a majority of the votes cast on any such proposition were in favor of the appointment of such officers or any of them, then at the expiration of the terms of office of any such officials then in office, and on the occurrence of a vacancy in any such offices, such elective officers or any of them, for the appointment of whom such majority vote was so cast, shall thereafter be appointed by the board of trustees and hold office during the pleasure of such board.

Flection on ques- tion of appoint- ment of city officers.

CHAPTER 419.

An act to authorize certain improvements upon the grounds and streets adjacent to the grounds of the California Institution for the Deaf and the Blind, at Berkeley, California, and making an appropriation therefor.

[Approved April 10, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The directors of the California Institution for the Deaf and the Blind, are hereby authorized to remove the present fence on the southern boundary line of the grounds of said institution, extending from the present eastern terminus of Derby street for a distance of two hundred (200) feet, more or less, to the point of intersection of said southern boundary line with the eastern line of Belrose avenue, extended northerly, as Belrose avenue is delineated upon map entitled "Claremont court, Berkeley, California," filed in the office of the county recorder of Alameda county, April 16th, 1907, in Liber 22 of maps, page 78, and to place said fence on a line parallel to and thirty (30) feet north of said southern boundary line of the grounds of said institution in order that the following described property belonging to the state may be used as a public highway, to wit:

Authori- zing direct- ors of California Institution for Deaf and Blind to make certain improve- ments.

Commencing at the intersection of the southern boundary line of the grounds of the California Institution for the Deaf and the Blind, in the city of Berkeley, Alameda county, Cali- fornia, with the eastern line of Belrose avenue, extended northerly; thence westerly along said boundary line of the

grounds of said institution to its intersection with the easterly terminus of Derby street; thence at a right angle northerly thirty (30) feet to the northern line of Derby street; thence easterly along the northern line of Derby street, extended easterly, two hundred (200) feet, more or less, to the eastern line of Belrose avenue, extended northerly; thence northerly along said last mentioned line to the point of beginning; *provided, however*, that Mrs. Juliet W. Garber shall first dedicate and deed to the city of Berkeley, for the purpose of a public street, all of Belrose avenue, as delineated on said map of Claremont court, and also a strip of land two hundred (200) feet long by thirty-six (36) feet wide, extending from the eastern terminus of Derby street to the eastern line of Belrose avenue, extended northerly, and lying adjacent to the grounds of the California Institution for the Deaf and the Blind immediately south of the above described property belonging to the State of California, and also sufficient land to extend Belrose avenue for its full width of eighty (80) feet from its present northern terminus to the southern line of Derby street, extended easterly.

Appropriation.

SEC. 2. The sum of four hundred and seventy five dollars (\$475) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to the directors of the California Institution for the Deaf and the Blind, for the purpose of removing and reconstructing said fence, of improving one half of said extension of Derby street adjacent to the grounds of said institution, to conform to the improvement of the adjacent portion of Derby street, and of laying a cement sidewalk thereon, and doing such other work as may be necessary in connection with the improvements herein mentioned.

SEC. 3. The controller is hereby directed to draw his warrants in favor of the board of directors of said institution for the money hereby provided, and the treasurer is hereby directed to pay said warrants.

SEC. 4. All bills for material and labor shall be first audited by the board of directors of said institution and approved by the state board of examiners before being paid.

SEC. 5. This act shall take effect immediately.

CHAPTER 420.

An act authorizing municipal corporations, other than freeholder charter cities, to levy and collect a tax for park, music and advertising purposes.

[Approved April 10, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The council, board of trustees, or other legislative body of any city or municipal corporation within this state, except freeholder charter cities, may levy and collect

a tax, not exceeding fifteen cents on each one hundred dollars, for the purpose of providing and maintaining parks and music, and for advertising purposes, and use and expend the money realized from such tax in any manner that may be deemed best by such council, board of trustees, or other legislative body. Such tax shall be in addition to all other taxes now authorized by law to be levied, and may be levied and collected for each fiscal year. The manner of using such tax and the time of collecting the same shall be provided by the ordinance levying such tax; *provided, however*, that such ordinance shall not become effective until the same shall have been submitted to the electors of such municipal corporation at a special election to be held for that purpose; and such legislative body shall give notice of such election by publication at least once a week for a period of four weeks prior to such election in a newspaper printed and published in such municipal corporation. Such notice shall contain a copy of said ordinance and the electors shall be invited thereby to vote for or against the same. If upon canvassing the votes at such an election, it is found that a majority of the votes so cast are in favor of said ordinance, the same shall become effective, and said tax shall be levied and collected and used in the manner provided therein.

City trustees may levy tax for parks, music and advertising purposes

SEC. 2. Except as otherwise provided herein, the election herein mentioned shall be held as provided by law for holding municipal elections in such municipality, and the mode and manner of levying and collecting the tax herein provided shall be the same as apply to and govern in the assessment and collection of other municipal taxes.

Election.

CHAPTER 421.

An act to amend section 395 of the Code of Civil Procedure, relating to the place of trial of civil actions.

[Approved April 10, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 395 of the Code of Civil Procedure of the State of California, is hereby amended to read as follows:

395. In all other cases, the action must be tried in the county in which the defendants, or some of them, reside at the commencement of the action, or if it be an action for injury to person, or property, or for death from wrongful act, or negligence, in the county where the injury occurs, or the injury causing death occurs, or in the county in which the defendants, or some of them, reside at the commencement of the action. If none of the defendants reside in the state, or, if residing in the state, and the county in which they reside is unknown to the plaintiff, the same may be tried in any county which the

Actions to be tried in county in which defendant resides, etc.

If defendant does not reside in state.

plaintiff may designate in his complaint, and if the defendant is about to depart from the state, such action may be tried in any county where either of the parties reside, or service is had, subject however, to the power of the court to change the place of trial, as provided in this code. If any person is improperly joined as a defendant, or has been made a defendant solely for the purpose of having the action tried in the county where he resides, his residence must not be considered in determining which is the proper county for the trial of the action.

CHAPTER 422.

An act to amend section 287 of the Code of Civil Procedure of the State of California relating to the causes and proceedings for the removal or suspension of attorneys and counselors.

[Approved April 10, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 287 of the Code of Civil Procedure of the State of California is hereby amended so as to read as follows:

Causes for
which
court may
remove
attorney.

287. An attorney and counselor may be removed or suspended by the supreme court, or any department thereof, or by any district court of appeal, or by any superior court of the state, for either of the following causes, arising after his admission to practice:

1. His conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction shall be conclusive evidence;

2. Wilful disobedience or violation of an order of the court requiring him to do or forbear an act connected with, or in the course of his profession, which he ought in good faith to do or forbear, and any violation of the oath taken by him, or of his duties as such attorney and counselor;

3. Corruptly or wilfully and without authority appearing as attorney for a party to an action or proceeding;

4. Lending his name to be used as attorney and counselor by another person who is not an attorney and counselor;

5. For the commission of any act involving moral turpitude, dishonesty or corruption, whether the same be committed in the course of his relations as an attorney or counselor at law, or otherwise, and whether the same shall constitute a felony or misdemeanor or not; and in the event that such act shall constitute a felony or misdemeanor, conviction thereof in a criminal proceeding shall not be a condition precedent to disbarment or suspension from practice therefor.

In all cases where an attorney is removed or suspended by a superior court, the judgment or order of removal or suspension may be reviewed on appeal by the supreme court.

CHAPTER 423.

An act to add a new section to the Political Code to be known as section two thousand eight hundred and ninety-six, relating to public ferries.

[Approved April 10, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code, to be known as section two thousand eight hundred and ninety-six, to read as follows:

2896. The provisions of article I and of article III of this chapter shall not apply to or affect any ferry owned or operated as a municipal ferry by any city and county, or incorporated city or town in this state, over waters situated in whole or in part within the limit of such city and county, incorporated city or town.

Not applicable to municipal ferry.

SEC. 2. This act shall take effect immediately.

CHAPTER 424.

An act to amend section 5 of an act entitled, "An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and all acts amendatory thereof, by amending section five of said act, relating to contracts for work to be done.

[Approved April 10, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section five of an act entitled, "An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and acts amendatory thereof, is hereby amended to read as follows:

Section 5. Before the awarding of any contract by the city council for doing any work authorized by this act, the city council shall cause notice, with specifications, to be posted conspicuously for five days on or near the council chamber door of said council, inviting sealed proposals or bids for doing the work ordered, and shall also cause notice of said work inviting said proposal, and referring to the specifications posted or on file, to be published for two days in a daily, semi-weekly, or weekly newspaper, published and circulated in said city, desig-

Procedure preliminary to letting contracts.

nated by the council for that purpose, and in case there is no newspaper published in said city, then it shall only be posted as hereinbefore provided. All proposals or bids offered shall be accompanied by a check payable to the order of the mayor of the city, certified by a responsible bank, for an amount which shall not be less than ten per cent of the aggregate of the proposal, or by a bond for the said amount and so payable, signed by the bidder and by two sureties, who shall justify, before any officer competent to administer an oath, in double the said amount, and over and above all statutory exemptions. Said proposals or bids shall be delivered to the clerk of the said city council, and said council shall, in open session, examine and publicly declare the same; *provided, however*, that no proposal or bid shall be considered unless accompanied by said check or bond satisfactory to the council. The city council may reject any and all proposals or bids should it deem this for the public good, and also the bid of any party who has been delinquent and unfaithful in any former contract with the municipality, and shall reject all proposals or bids other than the lowest regular proposal or bid of any responsible bidder, and may award the contract for said work or improvement to the lowest responsible bidder at the prices named in his bid, which award shall be approved by the mayor or a three-fourths vote of the city council. If not approved by him, or a three-fourths vote of the city council, without further proceedings, the city council may readvertise for proposals or bids for the performance of the work as in the first instance, and thereafter proceed in the manner in this section provided, and shall thereupon return to the proper parties the respective checks and bonds corresponding to the bids so rejected. But the checks accompanying such accepted proposals or bids shall be held by the clerk of said city until the contract for doing said work, as hereinafter provided, has been entered into, either by said lowest bidder or by the owners of three fourths part of the frontage, whereupon said certified check shall be returned to said bidder. But if said bidder fails, neglects or refuses to enter into the contract to perform said work or improvement, as hereinafter provided, then the certified check accompanying his bid and the amount therein mentioned, shall be declared to be forfeited to said city, and shall be collected by it and paid into its fund for repairs of streets; any bond forfeited may be prosecuted, and the amount due thereon collected and paid into said fund. Notice of such awards of contracts shall be posted for five days, in the same manner as hereinbefore provided for the posting of proposals for said work. It shall be published for two days in a daily newspaper published and circulated in said city and designated by said city council, or in cities where there is no daily newspaper, by one insertion in a semi-weekly or weekly newspaper so published, circulated and designated; *provided, however*, that in case there is no newspaper printed or published in any such city, then such notice of award shall only be kept posted as hereinbefore provided.

Certified
check.

Council
may
reject.

Return of
checks.

Notice of
award of
contracts.

The owners of three fourths of the frontage of lots and lands upon the street whereon said work is to be done, or their agents, and who shall make oath that they are such owners or agents, shall not be required to present sealed proposals or bids, but may, within ten days after the first posting and publication of said notice of said award, elect to take said work and enter into a written contract to do the whole work at the price at which the same has been awarded. Should the said owners fail to elect to take said work, and to enter into a written contract therefor within ten days, or to commence the work within fifteen days after the first posting and publication of said award, and to prosecute the same with diligence to completion, it shall be the duty of the superintendent of streets to enter into a contract with the original bidder to whom the contract was awarded, and at the prices specified in his bid. But if such original bidder neglects, fails or refuses, for fifteen days after the first posting and publication of notice of award, to enter into the contract, then the city council, without further proceedings, shall again advertise for proposals or bids as in the first instance, and award the contract of said work to the then lowest regular bidder. The bids of all persons and the election of all owners, as aforesaid, who have failed to enter into the contract as herein provided, shall be rejected in any bidding or election subsequent to the first for the same work. If, however, the owner or contractor, who may have taken any contract, do not complete the same within the time limited in the contract, or within such further time as the city council may give them, the superintendent of streets shall report such delinquency to the city council, which may relet the unfinished portion of said work, after pursuing the formalities prescribed hereinbefore for the letting of the whole in the first instance. All contractors, contracting owners included, shall, at the time of executing any contract for street work, execute a bond to the satisfaction and approval of the superintendent of streets of said city, with two or more sureties and payable to such city, in such sums as the mayor shall deem adequate, conditioned for the faithful performance of the contract; and the sureties shall justify before any person competent to administer an oath, in double the amount mentioned in said bond, over and above all statutory exemptions. Before being entitled to a contract, the bidder to whom the award was made, or the owners who have elected to take the contract, must advance to the superintendent of streets, for payment by him, the cost of publication of notices, resolutions, orders, or other incidental expenses and matters required under the proceedings prescribed in this act, and such other notices as may be deemed requisite by the city council; *provided, however,* that all contracts entered into between the owners of any property and the contractor or his agents to perform the work of improvement on any street, alley, lane, avenue, place, or court, shall be in triplicate and shall

Owners may elect to take work.

Failure of bidder.

Reletting work not completed.

Contractor's bond.

Bidder to advance cost of publication of notices, etc.

City to
hold orig-
inal of
contract.

contain all items of expense and the total contract price therefor, and no other payment shall be allowed to or recovered by such contractor, other than as itemized and set forth in said contract. The original of such contract shall be held by the city, one copy thereof shall be held by the contractor or his agent, and one copy thereof duplicate shall be held by the owners. And in case the work is abandoned by the city before the letting of the contract, the incidental expenses incurred previous to such abandonment shall be paid out of the city treasury.

CHAPTER 425.

An act to amend section 1613 of the Political Code of the State of California, fixing the term of office of school trustees.

[Approved April 10, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1613 of the Political Code of the State of California is hereby amended to read as follows:

Term of
school
trustees.

1613. The term of office of school trustees is three years from the first day of May next succeeding their election.

SEC. 2. This act shall take effect immediately.

CHAPTER 426.

An act granting to municipal corporations of the State of California the right to construct, operate and maintain water and gas pipes, mains or conduits, electric light and electric power lines, and telephone and telegraph lines, along or upon any road, street, alley, avenue or highway, or across any railway, canal, ditch or flume.

[Approved April 10, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Cities may
construct,
etc., water
and gas
pipes, and
electric,
telegraph,
etc., lines
on a road.

SECTION 1. That there is granted to every municipal corporation of the State of California, the right to construct, operate and maintain water and gas pipes, mains or conduits, electric light and electric power lines, and telephone and telegraph lines, along or upon any road, street, alley, avenue or highway, or across any railway, canal, ditch or flume which the route of such works intersects, crosses or runs along, in such manner as to afford security for life and property; but

the municipality shall restore the road, street, alley, avenue, highway, canal, ditch or flume thus intersected to its former state of usefulness, as near as may be; *provided, however*, that such municipality may not use any street, alley, avenue or highway within any city and county or incorporated city or town, for such purpose, unless the right so to use the same is granted by a two-thirds vote of the governing body of such city and county, or incorporated city or town.

SEC. 2. This act shall take effect immediately.

CHAPTER 427.

An act to add a new section to the Code of Civil Procedure, to be numbered section one thousand two hundred forty-eight a, relating to the removal or relocation of railroad, street and interurban railway tracks situated on lands or rights of way taken for road, highway, boulevard, street or alley purposes, under the right of eminent domain, and to compensation for such removal or relocation.

[Approved April 10, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be numbered section one thousand two hundred forty-eight a, to read as follows:

1248a. In any proceeding taken under the provisions of this title, where any railroad, street or interurban railway tracks are situated on, upon, along or across any lands or rights of way sought to be taken therein, for road, highway, boulevard, street or alley purposes, the plaintiff shall, if the complaint contains a prayer therefor, and shows the matter hereinafter provided, obtain a final judgment of condemnation ordering, in addition to the condemnation of such lands or right of way for the purposes set forth in the complaint, the relocation or removal of any railroad, street or interurban railway tracks thereon. Where the removal or relocation of such tracks is sought in any such proceeding, the complaint must contain a description of the location and proposed location of such tracks, and must be accompanied by a map showing such location and the proposed location of such tracks. The compensation to be paid for such relocation or removal of tracks shall be ascertained and assessed in the action, as in other cases, and separately from other sources of damage.

Removal
of rail-
roads,
etc., from
rights of
way taken
for roads.

CHAPTER 428.

An act to add a new section to an act entitled "An act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places within municipalities," approved April 21, 1909, to be numbered section five a.

[Approved April 10, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places within municipalities," approved April 21, 1909, to be numbered section five a, to read as follows:

Affidavits
of publi-
cation
and post-
ing of
notices.

Section 5a. Proof of publication of any notice required by this act shall be made by affidavit, as provided in the Code of Civil Procedure, and proof of the posting of any such notice shall be made by the affidavit of the person posting the same, setting forth the facts regarding such posting. It shall be the duty of any officer who is required by this act to have any notice published or posted, to obtain and file in his office the affidavit or affidavits in proof thereof; *provided*, that his failure so to do shall not affect the validity of any proceedings under this act. Any such affidavit so filed shall be prima facie evidence of the facts therein stated regarding such publication or posting.

CHAPTER 429.

An act to provide for the sale of an excess of water when owned by a municipality, and repealing an act entitled "An act to provide for the sale of an excess of water when owned by a municipality," approved March 27, 1897.

[Approved April 10, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Cities
supplying
own water
may sell
excess.

SECTION 1. Whenever the water supply owned by any city, incorporated town, county, or city and county, is in excess of the amount required to supply the water required by the inhabitants thereof, it may be declared by ordinance that such excess exists, and such excess of water may be sold outside of the limits of the corporation; but in no case shall a contract be made for a supply of any excess of water sold by a city,

incorporated town, county, or city and county, outside the corporate limits, for a period longer than one year; and in no case shall such a contract be made, unless the legislative authority of a city, incorporated town, county, or city and county, declare by ordinance that there exists an excess of water not required to supply the inhabitants of the city, incorporated town, county, or city and county, within the term of the contract, but water not required to supply the inhabitants of the city, incorporated town, county, or city and county, may be sold by the authorities thereof outside the corporate limits, from month to month, during the existence of such excess, and shall be sold only at the rates fixed for consumers inside the corporate limits; *provided, however,* that the terms of this act shall not apply to any city, or city and county, having a charter framed and adopted under the authority of section 8 of article XI of the constitution of this state, and which charter contains provisions inconsistent herewith.

SEC. 2. An act entitled "An act to provide for the sale of an excess of water when owned by a municipality," approved March 27, 1897, is hereby repealed.

CHAPTER 430.

An act to amend section thirty-three of an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903.

[Approved April 10, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section thirty-three of an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903, is hereby amended to read as follows:

Laying out, etc., streets.

Sec. 33. The following words and phrases shall, where used in this act, have the following meanings:

Definitions.

(1) The term "improvement" includes all of the improvements mentioned in section 1 of this act.

Definitions.

(2) The terms "municipality" and "city" include all incorporated cities, cities and counties, and other corporations organized for municipal purposes.

(3) The terms "city council" and "council" include any body or board in which by law is vested the legislative power of any municipality.

(4) The terms "clerk" and "city clerk" include any person or officer who acts as clerk of said city council.

(5) The terms "treasurer" and "city treasurer" include any person or officer who has charge and makes payment of the city funds.

(6) The term "street superintendent" includes any officer or board whose duty it is by law to have the care or charge of streets, or the improvement thereof, in any city. In any city where there is no street superintendent, or no such board, the city council thereof is hereby authorized to appoint a suitable person to perform the duties imposed by this act on the street superintendent, and all the provisions hereof applicable to the street superintendent shall apply to the person so appointed.

(7) The terms "owner" and "any person interested" include the person owning the fee, or the person in whom, on the day any protest or petition is filed, the legal title to real property appears, by deeds duly recorded in the county recorder's office of the county in which said city is situated, or any person in possession of real property, as the executor, administrator, trustee under an express trust, guardian or other legal representative of the owner, or any person in possession of real property under a written contract of purchase thereof duly recorded, or any person in possession of real property, as lessee thereof under a lease duly recorded, which shall require such lessee to pay or discharge all assessments for street or other public improvements, that may be levied or assessed against such real property.

(8) The term "property of any railroad or street railroad" shall be deemed to include and shall include property owned or controlled by any person, firm or corporation, as a railroad, street railroad or interurban railroad right of way whether such right of way be owned or controlled in fee or as an easement or by virtue of a franchise or otherwise, also the roadbed, ties and rails located on such right of way; and such property shall be assessed and the assessment thereof enforced in the same manner and to the same effect as other lands and property in the assessment district.

CHAPTER 431.

An act to amend section one of an act entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and to add a new section thereto to be designated as section one a, relating to the taxation of property within such annexed territory for the payment of indebtedness of such municipalities.

[Approved April 10, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of an act entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, is hereby amended to read as follows:

Section 1. The boundaries of any incorporated town or city, whether heretofore or hereafter formed, incorporated, reincorporated, organized, or reorganized, may be altered and new territory annexed thereto, incorporated and included therein, and made a part thereof, upon proceedings being had and taken as in this act provided. The council, board of trustees, or other legislative body of any such municipal corporation, upon receiving a written petition therefor containing a description of the new territory asked to be annexed to such corporation, and signed by not less than one fifth in number of the qualified electors of such municipal corporation, computed upon the number of votes cast at the last general municipal election held therein, must, without delay, submit to the electors of such municipal corporation and to the electors residing in the territory proposed by such petition to be annexed to such corporation, the question whether such new territory shall be annexed to, incorporated in, and made a part of said municipal corporation. Such question shall be submitted at a special election, to be held for that purpose, and no other; and such legislative body is hereby empowered to, and it shall be its duty to cause notice to be given of such election by the publication of a notice thereof in a newspaper printed and published in such municipal corporation, and also in a newspaper, if any such there be, printed and published outside of such corporation, but in the county in which the territory so proposed to be annexed is situated, in each case at least once a week for a period of four successive weeks next preceding the date of such election. Such

Procedure for annexing new territory to cities

Special election.

notice shall distinctly state the proposition to be submitted, *i. e.*, that it is proposed to annex to, incorporate in, and make a part of such municipal corporation the territory sought to be annexed, specifically describing the boundaries thereof; and in said notice the qualified electors of said municipal corporation, and the qualified electors residing in said territory so proposed to be annexed, shall be invited to vote upon such proposition by placing upon their ballots the words "For Annexation" or "Against Annexation," or words equivalent thereto. Such legislative body is hereby empowered, and it shall be its duty, to establish, and in such notice of election designate the voting precinct or precincts, and the place or places at which the polls will be opened in such territory so proposed to be annexed, and also in such municipal corporation. And such place or places shall be that or those commonly used as voting places within such municipal corporation, and also that or those commonly used within such new territory, if any such there be. Such legislative body is empowered to, and it shall, appoint the officers of such election, who shall be, for each voting place in such municipal corporation, and for each voting place in said new territory, two judges and one inspector, each of whom shall be a qualified elector of the voting precinct in which he is appointed to act as an officer of such election. The ballots used at such election, the opening and closing of the polls, and the holding and conducting of such election, shall be in conformity, as far as may be, with the general laws of this state concerning elections; and the judges and inspectors of such election shall, immediately on the closing of the polls, count the ballots, make up and certify the tally sheets of the ballots cast at their respective polling places, seal, and then immediately return the same as below provided, doing so, as nearly as practicable, in the manner provided in the election laws of this state; but the ballots, tally sheets, and returns shall be so returned to and deposited with the clerk of such legislative body. Such legislative body shall, at the time provided for its regular meeting next after the expiration of three days from and after the date of said election, meet and proceed to canvass said returns; and such canvass shall be completed at such meeting, if practicable, and in any event, as soon as practicable, avoiding adjournment or adjournments, if possible, until said canvass is completed. Said canvass by such legislative body shall be conducted and completed as follows: The returns of the votes cast in said outside territory, so proposed to be annexed shall be canvassed separately; and the returns of the votes cast inside of said municipal corporation shall be canvassed separately. Immediately upon the completion of such canvass, said legislative body shall cause a record thereof to be made and entered upon its minutes, showing the whole number of votes cast in such outside territory, the whole number of votes cast in such municipal corporation, the number thereof cast in each in favor of annexation, and the number thereof cast

Voting
precincts.

Election
officers.

Canvass
of returns.

in each against annexation; and if it shall appear from such canvass that a majority of all the votes cast in such outside territory, and a majority of all the votes cast inside of said municipal corporation, are in favor of annexation, the clerk, or other officer performing the duties of clerk, of such legislative body, shall promptly make and certify, under the seal of said municipal corporation, and transmit to the secretary of state, a copy of said record, so entered upon said minutes, together with a statement showing the date of said election and the time and result of said canvass, which document shall be filed by the secretary of state immediately upon the receipt thereof. From and after the date of the filing of said document in the office of the secretary of state, the annexation of such territory so proposed to be annexed shall be deemed and shall be complete, and thenceforth such annexed territory shall be, to all intents and purposes, a part of such municipal corporation, except only that no property within such annexed territory shall ever be taxed to pay any portion of any indebtedness or liability of such municipal corporation contracted prior to or existing at the time of such annexation, excepting as provided in section one *a* of this act. No territory which, at the time such petition for such proposed annexation is presented to such legislative body, forms any part of any incorporated town or city, shall be annexed under the provisions of this act.

Copy of record to secretary of state.

Annexed territory not liable for prior indebtedness.

SEC. 2. A new section is added to said act and designated section one *a*, immediately following section one of said act, and to read as follows:

Section 1*a*. Whenever any municipal corporation to which it is proposed to annex territory under the provisions of this act shall have incurred, or authorized the incurring of, any bonded indebtedness for the acquisition, construction or completion of any municipal improvement or improvements, the petition presented to the legislative body of such municipal corporation, as hereinabove provided, may contain a request that the question to be submitted to the electors of such municipal corporation and to the electors residing in the territory proposed by such petition to be annexed to such corporation, shall be, whether such new territory shall be annexed to, incorporated in, and made a part of, said municipal corporation, and the property therein be, after such annexation, subject to taxation, equally with the property within such municipal corporation, to pay any such bonded indebtedness of such corporation, outstanding at the date of such annexation, or theretofore authorized. If such request shall be made in said petition proceedings shall be had thereon the same in all respects as upon a petition presented under the provisions of the preceding section, excepting that the notice of election shall distinctly state the proposition to be submitted, *i. e.*, that it is proposed to annex to, incorporate in, and make a part of, such municipal corporation, the territory sought to be annexed, specifically describing the boundaries thereof, and that the property therein, shall, after such annexation, be subject to taxation, equally with

Question of making annexed territory liable for share of indebtedness may be submitted.

Improvements specified.

Two thirds majority.

the property within such municipal corporation, to pay such bonded indebtedness of such municipal corporation, outstanding at the date of the said annexation, or theretofore authorized, and to be represented by bonds thereafter to be issued. The said notice shall, in addition, distinctly specify the improvement or improvements for which such indebtedness was so incurred or authorized, and state the amount or amounts of such indebtedness already incurred, outstanding at the date of the first publication of such notice, and the amount or amounts of such indebtedness theretofore authorized, and to be represented by bonds thereafter to be issued, and the maximum rate of interest payable, or to be payable on such indebtedness; and upon the canvass of the returns of the votes cast at any election held under the provisions of this section, if it shall appear that two thirds of all the votes cast in such outside territory, and a majority of all the votes cast inside of said municipal corporation, are in favor of annexation, and not otherwise, a copy of the record of such canvass shall be transmitted to the secretary of state in the same manner as provided in the preceding section. From and after the date of the filing of said document in the office of the secretary of state, the annexation of such territory so proposed to be annexed, shall be deemed, and shall be, complete, and thenceforth such annexed territory shall be, to all intents and purposes a part of such municipal corporation, and the property within such annexed territory shall be taxed to pay the bonded indebtedness or liability of such corporation, specified in said notice, equally with the property within such municipal corporation as it existed prior to such annexation.

CHAPTER 432.

An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof and repealing an act entitled, "An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909, statutes of California, of 1909, page 948.

[Approved April 10, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Tenement house act.

SECTION 1. This act shall be known as the tenement house act, and its provisions shall apply to all incorporated towns, incorporated cities, cities and counties in the State of California.

SEC. 2. For the purpose of this act certain words and phrases are defined as follows:

Defini-
tions.

A tenement house is any house or building, or portion thereof, of more than one story, which is designed, built, rented, leased, let or hired out, to be occupied or is occupied as the home or residence of four families or more living independently of each other, and doing their cooking upon the premises, or by three families so living and cooking, and having a common right in the halls, stairways, yards, water-closets, or some or any of them; *provided*, that a building of not more than two stories in height, which is designed, built, rented, leased, let or hired out, to be occupied or is occupied as the home or residence of not more than four families living independently of each other, and so constructed that each section is arranged to be occupied as the home or residence of a separate family and each section having an entirely independent and separate entrance and stairway from the street or from an outside vestibule on the level of the first floor of said building and with no room, hall, bathroom, water-closet, kitchen or other convenience used in common by two or more families occupying said building, shall not come within the definition of a tenement house contained in this act.

"Tenement
house."

An "apartment" in a tenement house is a room or a suite of rooms which is occupied, or is intended or designed to be occupied, as a family domicile.

"Apartment."

A "yard" is an open, unoccupied space on the same lot with a tenement house, between the extreme rear line of the house and the rear line of the lot.

"Yard."

A "court" is an open, unoccupied space, other than a yard, on the same lot with a tenement house. A court not extending to the street or yard is an inner court. A court extending to the street or yard and bounded on three sides by a tenement house on the same lot is an outer court. If it extends to the street it is a street court. If it extends to the yard it is a yard court. If it extends from the street to the yard it is a street-to-yard court. A court bounded on one side and both ends by a tenement house and on the remaining side by a lot-line is a "lot-line" court. A court bounded on one side and one end by a tenement house and on the remaining side by lot line and the remaining end open to the street or yard is a lot line outer court.

"Court."

A "shaft" includes exterior and interior shafts, whether for air, light, elevator, dumbwaiter, or any other purpose. A vent shaft is one used solely to ventilate or light a water-closet compartment or bathroom.

"Shaft."

A "public hall" is a hall, corridor or passageway not within an apartment.

"Public
hall."

A "stair hall" includes the stairs, stair landings and those portions of the public halls through which it is necessary to pass in going between the entrance hall and the roof.

"Stair
hall"

A "basement" is a story partly below the level of the curb, the ceiling of which is not less than four feet six inches above the curb level.

"Base-
ment"

"Cellar." A "cellar" is any story partly or wholly below the level of the curb, the ceiling of which is less than four feet six inches above the curb level.

"Fireproof tenement house." A "fireproof tenement house" is one the walls of which are constructed of brick, stone, iron or other incombustible material, and in which there are no wooden beams or lintels, and in which the floors, roofs, stair halls and public halls are built entirely of brick, stone, iron, or other hard incombustible material, and in which no woodwork or other inflammable material is used in any of the partitions, furrings or ceilings. But this definition shall not be construed as prohibiting elsewhere than in the stair halls or entrance halls, the use of wooden flooring on top of the fireproof floors or the use of wooden sleepers, nor as prohibiting wooden handrails, and hardwood treads.

"Wooden tenement." A "wooden tenement" is a tenement of which the exterior walls or a portion thereof are of wood. Wooden buildings covered with metal, plaster, terra cotta, or veneered with masonry are wooden structures.

Length and width. For the purpose of this act the greatest horizontal linear dimension of any building shall be its length, and the next greatest horizontal linear dimension its width.

Height. The height of buildings shall be measured from the curb level at the center of the main front of the building to the top of the highest point of the roof beams in case of flat roofs, and for high-pitched roofs the average height of the gable shall be taken as the highest point of the building. For a building erected upon a street corner, the measurements shall be taken from the curb level opposite the center of either front. When the ground upon which the walls of a structure are built is above the street level, the average level for the ground adjoining the walls may be taken instead of the curb level for the height of such structure.

Building not erected for tenement. SEC. 3. A building not erected for use as a tenement house, if hereafter altered or converted to such use, shall thereupon become subject to all of the provisions of this act affecting tenement houses hereafter erected.

Tenement not to be altered. SEC. 4. No tenement house shall at any time be altered so as to be in violation of any provision of this act. If any tenement house or any part thereof be erected, altered or occupied contrary to law, such tenement house shall be deemed an unlawful structure, and the board of health, or if there be no board of health, the department charged with the enforcement of this act, may cause such building to be vacated, and such building shall not again be occupied until it or its occupation, as the case may be, has been made to conform with the law.

Per cent of lot house may occupy. SEC. 5. No tenement house hereafter erected shall occupy more than ninety per cent of a corner lot or more than seventy-five per cent of any other lot, except as otherwise provided in this act; *provided*, that the space occupied by open iron fire escapes erected and constructed according to law shall not be deemed a part of the lot occupied, but that the space occupied

by fireproof stairs, and by vent shafts thirty-two square feet or less in area, shall be considered as part of the lot occupied. For the purposes of this section the measurements may be taken at the level of the second tier of beams (the second floor level), except where rooms on the ground floor are to be used for sleeping apartments.

SEC. 6. By corner lot is meant a lot situated at the junction of two streets, or of a street and public alley or other public thoroughfare or public park, not less than sixteen feet in width. Any portion of the width of such lot distant more than fifty feet from such junction shall not be regarded as part of a corner lot, but shall be subject to the provisions of this act respecting other than corner lots. Where, in any corner lot, the two frontages are of unequal length, either street frontage may be taken as the width of the lot. Street frontage alone and not alley frontage shall be considered in determining such lesser frontage. Corner lot.

SEC. 7. The height of no tenement house hereafter erected shall by more than one half exceed the width of the widest street upon which it stands. Limit of height.

SEC. 8. Behind every tenement house hereafter erected there shall be a yard extending across the entire width of the lot and at every point open from the ground to the sky, unobstructed, except that open iron fire escapes may project not over four feet from the rear line of the house. The depth of said yard, measured from the extreme rear wall of the house to the rear line of the lot, shall be as provided in the following sections. Yard.

SEC. 9. Except upon a corner lot, as provided in section 10, or upon a lot running through from street to street or street to public alley, or public park as provided in section 11, the depth of the yard behind every tenement house hereafter erected shall be not less than twelve feet in every part. Said yard shall be increased in depth two feet for every additional twelve feet in height of the building or fraction thereof, and may be decreased in depth one foot for every twelve feet in height of the building less than sixty feet; but it shall never be less than ten feet in depth in every part. House sixty feet high, yard not less than twelve feet wide.

SEC. 10. The depth of the yard behind every tenement house hereafter erected upon a corner lot shall be not less than ten feet in every part and at every point open and unobstructed from the level of the second tier of beams (the second floor level); *provided*, that where any such lot is less than one hundred feet in depth the depth of the yard be not less than ten per centum of the greatest depth of such lot, but shall never be less than five feet in every part, nor less than the minimum width of an outer court on the lot line as prescribed by this act. If rooms on the ground floor are used as sleeping apartments the yard shall be taken from the ground up. When a corner lot is more than fifty feet in width, the yard for that portion in excess of fifty feet shall conform to the provisions of section 9 of this act. Yard of corner lot not less than ten feet wide.

When one half width of alley may be included in yard.

SEC. 11. Whenever a tenement house is hereafter erected upon a lot which runs through from one street to another street or public alley or public park and said lot is not more than one hundred and fifty feet in depth, one half of the width of the narrowest street or alley may be included in the depth of the yard required by sections 9 and 10; *provided*, that on such lot no tenement house hereafter erected shall occupy more than ninety per centum of a corner lot, or more than seventy-five per centum of any other lot. One half of the rear street or public alley or public park may be included in the portion of lot that is left uncovered in computing the percentage; *provided*, said one half does not exceed the depth of yard required in sections 9 and 10. in which case only twelve feet may be included in computing the percentage to be left uncovered. If a lot is surrounded upon its four sides by streets or streets and public alleys twenty feet or more wide or public parks over twenty-four feet wide, the provisions relating to yards in sections 8, 9, 10 and 11 need not be complied with; *provided*, that the tenement house to be constructed on such lot does not occupy more than seventy-five per centum of the lot and contains an outer court at least eighty feet deep and of a width twice as great as the depth prescribed for yards in section 9 and open to one of the surrounding streets, alleys, or parks; *provided*, that said outer court shall not be required to be of a depth which shall have less than fifty feet between the rear line of said court and the line of said lot immediately behind said court.

When lot is surrounded by streets.

Courts.

SEC. 12. No court of a tenement house hereafter erected shall be covered by a roof or skylight, but every such court shall be at every point open from the bottom of the lowest room used for human habitation and lighted by such court to the sky, unobstructed, except that open iron fire escapes, as required by law, or by ordinances or regulations of incorporated towns, incorporated cities or cities and counties, may project into the court, but not more than four feet from the wall of the house. All courts in tenement houses hereafter erected shall conform to the requirements of the following sections. Except that recesses may be built on the street or yard or a court; *provided*, the depth of same is no greater than the width and that their area be not counted in computing the area of the court.

Minimum widths and maximum lengths of outer courts.

SEC. 13. The outer courts of all tenement houses hereafter erected shall have not less than the following minimum widths nor more than the following maximum lengths:

Building	Least width.	Maximum length
2 stories	4 feet	16 feet.
3 stories	4 feet 6 inches	25 feet.
4 stories	5 feet 6 inches	30 feet.
5 stories	6 feet	35 feet.
6 stories	8 feet	35 feet.
7 stories	10 feet	40 feet.
8 stories	12 feet	40 feet.

The length of outer courts shall not be more than the maximum lengths given in the above table, unless six inches be added to the minimum widths for each additional five feet or fraction thereof in length. The lot line outer courts shall have the same minimum width as outer courts but are not governed by the provision in this section regarding maximum lengths.

SEC. 14. The inner courts of all tenement houses hereafter erected shall have areas and minimum widths in all parts, not less than the widths and areas as follows:

Areas and widths of inner courts.

Building.	Square feet.	Least width.
2 stories.....	75.....	6 feet.
3 stories.....	120.....	7 feet.
4 stories.....	160.....	8 feet.
5 stories.....	250.....	12 feet.
6 stories.....	400.....	16 feet.
7 stories.....	625.....	20 feet.
8 stories or more....	840.....	24 feet.

SEC. 15. Lot line courts in tenement houses hereafter erected shall have areas and minimum widths in all parts not less than those specified in the following table:

Areas and widths of lot line courts.

Building.	Square feet.	Least width
2 stories	50.....	4 feet 0 inches.
3 stories	60.....	5 feet 0 inches.
4 stories	105.....	7 feet 0 inches.
5 stories	180.....	9 feet 0 inches.
6 stories	300.....	12 feet 0 inches.
7 stories	490.....	14 feet 0 inches.
8 stories	595.....	17 feet 0 inches.

SEC. 16. Every inner court, including lot line courts, shall be provided with one or more horizontal air intakes at the bottom. Such intakes shall always communicate directly with the street or yard, and shall consist of an unobstructed passageway, not less than three feet wide and six feet six inches high, which shall be left open, or if not open, there shall always be provided in said passageway open grilles or transoms, one at each end of a size not less than ten square feet each, and such open grilles or transoms shall never be covered with glass or in any other way. In case the court does not go down to the ground level, the intake shall consist of unobstructed open ducts having an open interior area of not less than sixteen square feet at any point, and covered at each end with a wire screen of not less than one inch mesh. Such duct shall be so arranged as to be easily cleaned out. These ducts or intakes must in any case be either of fireproof construction or lined with No. 26 galvanized iron on inside.

Air intakes of inner courts.

SEC. 17. No existing tenement house shall (unless the rear of the lot upon which it stands abuts upon a public alley at least ten feet wide) hereafter be enlarged or its lot be diminished so that any building on such lot shall at any point approach nearer than ten feet to the rear of the lot. Where a tenement house, now or hereafter erected, stands upon a lot,

Enlarging existing tenement.

other than a corner lot, no other building shall hereafter be placed upon the front or rear of that lot, unless the minimum distance between such buildings shall be at least ten feet, if neither building exceeds the height of one story; or twelve feet if either building exceeds the height of one story, but not the height of two stories, and so on, two additional feet to be added to such minimum distance of ten feet for every story more than one in the height of the highest building on such lot. Every rear tenement hereafter erected, or every tenement that hereafter becomes a rear tenement by the erection of a building or buildings on the front of the same lot, shall have direct access to a street, or to a public alley or other public thoroughfare or public park at least sixteen feet wide, by a passageway not less than five feet wide by seven feet high.

Rear tenements.

Windows.

SEC. 18. In every tenement house hereafter erected every room, except water-closet compartments and bathrooms shall have at least one window opening directly upon the street, or upon a yard or court of the dimensions specified in sections 8 to 16 of this act, and such windows shall be located as to properly light all portions of such rooms.

Window area of each room.

SEC. 19. In every tenement house hereafter erected the total window area of each room, except water-closet compartments and bathrooms, shall be at least one eighth of the superficial area of the room, except in the cellar or basement, where it shall be one sixth, and the upper half of all windows shall be made so as to open the full width. The total window area of any such room shall never be less than twelve square feet, measured to outside of sash.

Area of each room.

SEC. 20. In every tenement house hereafter erected all rooms, except water-closet compartments and bathrooms, shall be of the following dimensions: In each apartment there shall be at least one room containing not less than one hundred and twenty square feet of floor area, and each other room shall contain at least ninety square feet of floor area. Each room shall be in every part not less than nine feet from the finish floor to the finished ceiling; *provided*, that an attic room need be but nine feet high in but half its area. Except that small closets and water-closet compartments, and bath rooms, may be not less than seven feet six inches in height, and except that buffet kitchens or pantries may be less than ninety square feet of area; *provided*, that same are not occupied or intended or designed to be occupied as bed rooms.

Aleoves to be separately lighted.

SEC. 21. In every tenement house hereafter erected an alcove in any room shall be separately lighted and ventilated and must conform to all the requirements of other rooms, and shall not be less than ninety square feet in area. No part of any room in a tenement house hereafter erected shall be enclosed or subdivided at any time, wholly or in part, by a curtain portière, fixed or movable partition, or other contrivance or device, unless such part of the room so enclosed or subdivided shall contain a separate window as herein required, and shall

have a floor area of not less than ninety square feet; *provided, however,* that closets or alcoves of not more than twenty-five square feet floor area do not come within the provisions of this section.

SEC. 22. In every tenement house which is hereafter erected, which is occupied or arranged to be occupied by more than two families on any floor, or which exceeds four stories and cellar in height, every public hall or stair hall shall have at least one window at each floor opening directly upon the street or upon a yard or court, except as otherwise provided in this section. Any part of a hall, which is shut off from any other part of said hall by a door or doors, shall be deemed a separate hall within the meaning of this section. In every tenement house hereafter erected, where the public hall is not provided with a window opening directly to the outer air as above provided, there shall be a stair well not less than twelve inches wide extending from the entrance floor to the roof, and all doors leading from such public halls shall be provided with translucent glass panels of an area not less than five square feet for each door, and also with fixed transoms of translucent glass over each door.

Windows
in stair
halls.

SEC. 23. In every tenement house hereafter erected, one at least of the windows provided to light each public hall or part thereof shall have an area of at least twelve square feet measured to outside of sash. In every such house there shall be in the roof, directly over each stair well, a ventilating skylight provided with ridge ventilators having a minimum opening of forty square inches, or such skylight shall be provided with fixed or movable louvres; the glazed roof of such skylight shall be not less than twenty square feet in area. In tenement houses hereafter erected, where the stairs and public halls are not provided with windows on each floor opening directly into the outer air, the skylights shall be provided with both such rigid ventilators, and also with fixed or movable louvres, or movable sashes.

Minimum
area of
hall win-
dows and
skylight.

SEC. 24. In every tenement house hereafter erected, the windows required by law on each floor to light or ventilate stair halls shall be at least fifteen square feet of area measured to outside of sash. Sash doors in entrance halls and public halls shall be deemed the equivalent of a window for lighting purposes: *provided,* that such doors contain the amount of glazed surface prescribed for windows.

Minimum
area of
stair hall
window.

SEC. 25. Every vent shaft hereafter constructed in a tenement house shall be at least twenty square feet in area, and the least dimension of such vent shaft shall be at least four feet; and if the building be above sixty feet in height such vent shaft shall, throughout its entire height, be increased in area three square feet for each additional twelve feet or fraction thereof; and for each twelve feet of height less than sixty feet such vent shaft may be decreased in area three feet. Every such vent shaft shall be constructed of fireproof materials or shall be covered on the outside with

Area of
vent
shaft.

Fireproof.

Air Intake. metal and on the inside with metal lath and plaster. Every such vent shaft shall be provided with a horizontal air intake or duct at the bottom communicating with the street or yard or a court; such duct or air intake to be not less than four square feet in total area. Such duct shall be constructed of fireproof material or shall be lined on the inside with metal, and shall enter the shaft at a point not less than six inches above the bottom thereof, and shall be provided with a wire screen of not less than one inch mesh at each end. Such duct shall be so arranged as to be easily cleaned out.

Access to rooms. SEC. 26. In every apartment of four or more rooms, in a tenement house hereafter erected, access to every living room and bedroom and to at least one water-closet compartment shall be had without passing through any bedroom.

No cellar rooms for living purposes. SEC. 27. In no tenement house hereafter erected shall any room in the cellar be constructed, altered, converted or occupied for living purposes; and no room in the basement of a tenement house shall be constructed, altered, converted, or occupied for living purposes, unless all of the following conditions of this act be complied with, and at least one third of the basement shall be above grade for building; *provided*, in each case of each such room the ceiling shall be at least four feet six inches above the adjoining street grades and actual ground levels.

Basement rooms.

(1) Such rooms shall be at least nine feet in every part from the floor to the ceiling.

(2) There shall be appurtenant to such room or apartment a water-closet conforming to the regulations and ordinances relating to water-closets, of the incorporated town, incorporated city or city and county in which the tenement house is or is to be built.

Basement walls damp-proofed.

SEC. 28. If the basement of any tenement house hereafter erected is used or designed to be used for living purposes, it shall have all walls below the ground level and all cellar or lower floors damp-proofed and water-proofed. When necessary to make such floors and walls damp-proof and water-proof, the damp-proofing and water-proofing shall run through the walls as high as the ground level and continue throughout the floor. All cellars and basements in such tenement houses shall be properly lighted and ventilated to the satisfaction of the department charged with the enforcement of this act.

Bottom of shafts to be six inches below floor level.

SEC. 29. In every tenement house hereafter erected, the bottom of all shafts, courts, areas, and yards which extend to the basement for light or ventilation of living rooms, must be six inches below the floor level of the part occupied or intended to be occupied. In every tenement house all shafts, courts, areas and yards shall be properly graded and drained, and connected with the street sewer so that all water may pass freely through into it, and when required by the department charged with the enforcement of this act, shall be properly concreted.

Sinks and running water.

SEC. 30. In every tenement house hereafter erected there shall be in each apartment a proper sink with running water;

provided, there is a water system accessible to said tenement house.

SEC. 31. In every tenement house hereafter erected there shall be a separate water-closet in a separate compartment within each apartment, and one shower bath or bath tub in a separate compartment, shall be provided on each floor for every ten rooms, or fraction thereof, and arranged so that one bath tub or shower is accessible to each apartment; *provided*, that where there are apartments consisting of but one or two rooms there may be one water-closet compartment for every two such apartments accessible from each such apartment through the public hall, and not more than twenty feet distance from an entrance of each such apartment; *provided*, there is a water system accessible to such tenement house. Each compartment shall not be less than two feet four inches wide, and shall be enclosed with plastered partitions which shall extend to the ceiling. Every such water-closet compartment shall have a window or windows of at least six square feet total area opening directly upon a vent shaft, court, street or yard. However, a bath tub or shower may be placed in the separate water-closet compartment where neither bath tub nor shower, nor water-closet are to be used by more than one apartment. Every water-closet compartment shall be provided with proper means for lighting same by night. The floor of every such water-closet compartment shall be made water-proof with asphalt, tile, cement or some other non-absorbent water-proof material.

Water-closets and baths.

SEC. 32. No wooden tenement house shall hereafter be erected which shall contain more than one hundred and fifty rooms, exclusive of bathrooms.

Wooden tenements not to contain more than 150 rooms.

SEC. 33. No wooden tenement house exceeding three stories in height, exclusive of cellar, shall hereafter be erected. However, the building may step up to follow the grade; *provided*, no part of the said building is over three stories in height.

No wooden tenement exceeding three stories.

SEC. 34. A non-fireproof tenement house may be built four stories in height; *provided*, the exterior walls are all of brick or stone or concrete and all other municipal requirements for this class of building are complied with. If, in addition to above requirements, all joists, girders, studding, furring and the soffits of stairs be lathed with metal lath and plastered, such tenement houses may be built not to exceed six stories; *provided*, the height limits imposed by municipal ordinance for all buildings of this particular class be not exceeded. A cellar is not a story within the meaning of this section; *provided*, that no part of such cellar is occupied or arranged to be occupied for living purposes. However, the building may step up to follow the grade; *provided*, that no part of said building exceeds the number of stories provided for in this section.

Four-story tenement not fire-proof.

Six story.

SEC. 35. Every tenement house hereafter erected exceeding six stories or parts of stories in height (above the curb) shall be a fireproof tenement house. A cellar is not a story within the meaning of this section; *provided*, no part of such cellar is occupied or arranged to be occupied for living purposes.

Exceeding six stories to be fire-proof.

Stand-
pipes, fire-
escapes,
etc.

SEC. 36. Every tenement house shall be provided and equipped with standpipes and with metallic fire escapes, combined with suitable metallic balconies, platforms and railings, as provided for, or which shall be provided for by the ordinances of the incorporated town, city or county in which the tenement house is situated. No incumbrance of any kind shall at any time be placed before, upon or against any stairway, steps or landings or fire escapes in or upon any tenement house. All fire escapes upon tenement houses shall be kept in good order and repair, and every exposed part thereof shall at all times be protected against rust by durable paint.

Stairs to
roof.

SEC. 37. Every tenement house hereafter erected shall have stairs with a guide or hand rail, leading to the roof and enclosed between ceiling and roof by fireproof partitions with fireproof door to same opening on to roof, except that in non-fireproof tenement houses hereafter erected such partitions may be of wood covered with metal on both sides. These stairs shall be at least two feet six inches wide and constructed as specified in section 41 of this act. All doors in the above partitions shall be fire doors, metal lined on both sides.

Stairs from
entrance
to roof.

SEC. 38. Every tenement house hereafter erected shall have at least one flight of stairs extending from the entrance floor to the roof, and the stairs and public halls therein shall be at least three feet wide in the clear; and every non-fireproof tenement house containing not more than fifty rooms shall have a secondary flight of stairs running from the top floor down to the second floor and not less than two feet six inches wide. A fire escape may take the place of this second stairway; *provided*, said fire escape connects directly with a public hallway or is accessible to each apartment.

Additional
flight of
stairs for
tenement-
having
more than
50 rooms

SEC. 39. Every non-fireproof tenement house hereafter erected containing over fifty rooms, exclusive of bathrooms, above the entrance story, shall also have an additional flight of stairs for every additional eighty rooms or fraction thereof; if said house contains not more than one hundred rooms above the entrance story, in lieu of an additional stairway, the stairs, stair halls and entrance halls throughout the entire building shall be at least one half wider than is specified in sections 38 and 42 of this act. However, where an additional flight of stairs is added in accordance with the provisions of this section, the secondary stairway required in section 38 may be omitted.

Additional
flight of
stairs for
fireproof
tenement-
having
more than
120 rooms.

SEC. 40. Every fireproof tenement house hereafter erected containing over one hundred and twenty rooms above the entrance story, exclusive of bathrooms, shall have an additional flight of stairs for every additional one hundred and twenty rooms or fraction thereof, but if said house contains not more than one hundred and eighty rooms above the entrance story, exclusive of bathrooms, in lieu of an additional stairway, the stairs, stair halls and entrance halls throughout the entire building may each be at least one half wider than is specified

in sections 38 and 42 of this act; and if such house contains not more than three hundred rooms above entrance story, exclusive of bathrooms, in lieu of four stairways there may be but three stairways; *provided*, that one of such stairways and the stair halls and entrance halls connected therewith are at least one half wider than is specified in sections 38 and 42 of this act.

SEC. 41. Each flight of stairs mentioned in the last two sections shall have an entrance on the entrance floor from the street or street court, or from an inner court which connects directly with the street. All stairs shall be constructed with a rise of not more than eight inches, and with treads not less than nine inches wide, exclusive of nosings. Where winders are used all treads at a point eighteen inches from the strings on the wall side shall be at least ten inches wide.

Stairs to have entrance from street.

SEC. 42. Every entrance hall in a tenement house hereafter erected shall be at least three feet six inches in the clear from the entrance up to and including the stair enclosure, and beyond this point three feet wide in the clear. In every tenement house hereafter erected, access shall be had from the street to the yard, either in a direct line or through a court.

Width of entrance.

SEC. 43. In non-fireproof tenement houses hereafter erected no closet of any kind shall be constructed under any stairway leading from the first story, exclusive of the cellar, to the upper stories, but such space shall be left entirely open and kept clear and free from incumbrance.

No closet under stairs in non-fireproof tenement.

SEC. 44. In every tenement house hereafter erected there shall be an entrance to the cellar or other lowest story from the outside of said building.

Entrance to cellar.

SEC. 45. No tenement house shall be increased in height, its lot decreased so that its yard shall be diminished to less than is required by sections 8 to 11 inclusive of this act, or so that a greater percentage of the lot shall be occupied by buildings or structures than provided for in section 5 of this act. For the purpose of this section, the measurements for computing the percentage of lot to be occupied may be taken at the level of the second tier of beams the second floor level except in tenement houses where rooms on the ground floor are to be occupied as sleeping apartments; *provided*, that the space occupied by open iron fire escapes and by chimneys or flues located in yards and attached to the house, which do not exceed five square feet in area and do not obstruct the light or ventilation, shall not be deemed part of the lot occupied.

Tenement not to be increased in height or lot decreased.

SEC. 46. No tenement house shall be increased in height so that said building shall exceed in height by more than one half the width of the widest street on which it stands.

Limit in height.

SEC. 47. Any shaft or court used or intended to be used to light or ventilate rooms intended to be used for living purposes, and which may hereafter be placed in tenement houses erected prior to the passage of this act, shall not be less in area than twenty-five square feet, or less than four feet in width in any part, and such shaft shall under no circum-

Courts for ventilation and light.

stances be roofed or covered over at the top with a roof or skylight; every such shaft shall be provided at the bottom with a horizontal intake or duct of a size not less than four feet square and communicating directly with the street or yard, and such duct shall be so arranged as to be readily cleaned out. Such vent shaft shall be constructed of fireproof materials or shall be covered with metal on the outside and with metal lath and plaster on the inside, and such duct shall be constructed of fireproof materials, or shall be lined on the inside with metal.

Additional rooms to comply with this act.

SEC. 48. Any additional room or hall that is hereafter constructed or created in a tenement house shall comply in all respects with the provisions of this act applicable to tenement houses to be erected hereafter, except that such rooms may be the same height as the other rooms of the same story of the house.

Alteration diminishing light prohibited.

SEC. 49. No tenement house shall be so altered that any room or public hall or stairs shall have its light or ventilation diminished in any way not approved by the health department or other department designated by municipal ordinance for that purpose.

Subdividing rooms by curtains, etc.

SEC. 50. No part of any room in any tenement house shall hereafter be enclosed or subdivided wholly or in part, by a curtain, portière, fixed or movable partition, or other contrivance or device, unless such part of the room so enclosed or subdivided, shall contain a window, as required by section 18 of this act, and have a floor area of not less than ninety square feet; *provided, however,* that closets or alcoves of not more than twenty-five square feet in area do not come within the provisions of this section.

New water-closets.

SEC. 51. Every new water-closet hereafter placed in a tenement house, except one provided to replace a defective or antiquated fixture in the same location, shall comply with the provisions of section 31 of this act relative to water-closets in tenement houses hereafter erected.

Increasing size of wooden tenements.

SEC. 52. No existing wooden tenement house shall hereafter be increased in size so as to contain more than one hundred and fifty rooms, exclusive of bath rooms.

Increasing height.

SEC. 53. No wooden tenement house shall be increased in height so as to exceed three stories, exclusive of the cellar. However, the building may step up to follow the grade; *provided,* no part of said building is over three stories in height.

Altering non-fireproof tenements to four stories.

SEC. 54. A non-fireproof tenement house may hereafter be altered to be four stories in height; *provided,* the exterior walls are all of brick or stone or concrete and all other municipal requirements for this class of building are complied with. If, in addition to the above requirements, all joists, girders, studing, furring and the soffits of stairs be lathed with metal lath and plastered, such tenement houses may be built not to exceed six stories; *provided,* the height limits imposed by municipal ordinances for all buildings of this particular class be not exceeded. A cellar is not a story within the meaning of this

section; *provided*, that no part of such cellar is occupied or arranged to be occupied for living purposes. However, the building may step up to follow the grade; *provided*, no part of the said building exceeds the number of stories provided for in this section.

SEC. 55. No tenement house shall hereafter be altered to exceed six stories or parts of stories in height unless it is a fireproof tenement house. A cellar is not a story within the meaning of this section; *provided*, no part of such cellar is occupied or arranged to be occupied for living purposes.

Alter tenement to six stories.

SEC. 56. No stairs leading to the roof in any tenement house shall be removed or replaced with a ladder, unless a new stairway is built in conformity with requirements of section 37.

Stairs to roof not to be removed.

SEC. 57. No public hall or stairs in a tenement house shall be reduced in width so as to be less than the minimum width prescribed in sections 38 and 42 of this act.

Public hall not to be reduced.

SEC. 58. In every tenement house containing fifteen rooms or more, where the public halls and stairs are not in the opinion of the health department, or other department designated by municipal ordinance for that purpose, sufficiently lighted, the owner of such house shall keep a proper light burning in the hallway near the stairs upon each floor from sunrise to sunset.

Health department may require light in hall.

SEC. 59. In every tenement house containing fifteen rooms or more, a proper light shall be kept burning by the owner in the public hallways, near the stairs, upon the entrance floor, and upon the second floor above the entrance floor of said house, every night from sunset to sunrise throughout the year, and upon all other floors of the said house from sunset until ten o'clock in the evening.

Lights to be kept burning by owner.

SEC. 60. No water-closets shall be maintained in the cellar of any tenement house without a special permit in writing from the health department, or other department designated by municipal ordinance for that purpose which shall have power to make rules and regulations governing the maintenance of such closets.

No water-closets in cellars.

SEC. 61. In every tenement house existing prior to the passage of this act, at least one water-closet shall be provided for every two families; *provided, however*, that the health department, or other department designated by municipal ordinance for that purpose, may exempt any tenement house existing prior to the passage of this act from the provision in this section above contained, whenever, in the judgment of said department, it would not be detrimental to the health of the occupants of said tenement house, and the written permit be signed by an officer of said department authorized so to do and filed in said department as a part of its records; *provided, further*, that the above exemption shall not apply to extensions of or additions to tenement houses existing prior to the passage of this act.

Water-closets in existing tenements.

SEC. 62. In no now existing tenement house shall any room

Basement
rooms for
living
purposes.

in the cellar be constructed, altered, converted or occupied for living purposes; and no room in the basement of a tenement house shall be constructed, altered, or converted to be occupied for living purposes, unless all of the following conditions of this act be complied with, and at least one third of the basement shall be above grade for building; *provided*, in each case it shall be at least four feet six inches above the street grade and actual ground level. Such rooms shall be at least eight feet six inches high in all now existing tenement houses in every part, from the floor to the ceiling. There shall be appurtenant to such room or apartment a water-closet conforming to the regulations and ordinances relating to water-closets, of the incorporated town, incorporated city, or city and county in which the tenement house is or is to be built. All walls shall be damp-proofed, and there shall be an open area way extending to bottom of basement floor and running clear across outside of at least one room in each apartment.

Floors and
walls
around
water-
closets.

SEC. 63. In all tenement houses the floor and wall surfaces beneath and around all water-closets and sinks shall be maintained in good order and repair, and if of wood shall be kept well painted with light colored paint.

Keeping
tenements
in order.

SEC. 64. The owner of every tenement house shall see that such house and all parts thereof shall be kept in good order and the roof shall be kept so as not to leak, and all rain water shall be so drained and conveyed therefrom as to prevent its dripping on the ground or causing dampness in the walls, ceilings, yards, or areas.

Keeping
tenements
clean.

SEC. 65. The owner of every tenement house shall see that such house and every part thereof shall be kept clean and free from any accumulation of dirt, filth or garbage or other matter in or on the same, or in the yards, courts, passages, areas or alleys connected or belonging to the same.

Walls of
courts to
be white-
washed

SEC. 66. The walls of all yard courts, inner courts and shafts, unless built of light colored brick or stone, shall be thoroughly whitewashed by the owner, or shall be painted a light color by him and so maintained.

Health de-
partment
may re-
quire walls
to be
painted
white.

SEC. 67. In all tenement houses the health department, or other department designated by municipal ordinance for that purpose, may require the walls and ceilings of every room that does not open directly on the street to be kalsomined white or painted with white paint when necessary to improve the lighting of such rooms, and may require this to be renewed as often as may be necessary.

Using wall
paper.

SEC. 68. No wall paper shall be placed upon a wall or ceiling of any tenement house unless all wall paper shall be first removed therefrom and said wall and ceiling thoroughly cleaned.

Garbage
recep-
tacles.

SEC. 69. The owner of every tenement house shall provide for said building proper and suitable conveniences or receptacles for ashes, rubbish, garbage, refuse and other matter.

Keeping
stock in
tenements
prohibited.

SEC. 70. No horse, cow, calf, swine, goat or sheep, chickens or poultry shall be kept in a tenement house, or within twenty feet thereof on the same lot, and no tenement house or the lot,

or premises thereof, shall be used for a lodging house or stable, or for the storage or handling of rags.

SEC. 71. Whenever there shall be more than eight families living in any tenement house, in which the owner does not reside, there shall be a janitor, housekeeper, or some responsible person, who shall reside in said house and have charge of same, as the department charged with the enforcement of this act shall so require.

Janitor for tenements of more than eight families.

SEC. 72. No room in any tenement house shall be so overcrowded that there shall be afforded less than four hundred cubic feet of air to each person occupying such room.

Four hundred feet of air for each person.

SEC. 73. No tenement house or any part thereof, nor of the lot upon which it is situated, shall be used as a place of storage, keeping or handling of any combustible article except under such conditions as may be prescribed by the department of any incorporated town, incorporated city, or city and county to which this act applies, which are now charged with the enforcement of laws, ordinances, or regulations, relating to the erection of buildings, the protection of public health, and police and fire protection. No tenement house nor any part thereof, nor of the lot upon which it is situated, shall be used as a place of storage, keeping or handling of any article dangerous or detrimental to life or health, nor for the storage, keeping or handling of feed, hay, straw, excelsior, cotton, paper stock, feathers or rags.

No tenement to be used to store combustible or dangerous articles.

SEC. 74. No bakery, and no place of business in which fat is boiled, shall be maintained in any tenement house which is not fireproof throughout, unless the ceilings and side walls of said bakery or place where fat boiling is done are made safe by fireproof materials around the same; and there shall be no openings either by door or window, dumb-waiter shafts or otherwise, between said bakery or said place where fat is boiled in any tenement house and the other parts of said building.

No bakery in any except fireproof tenement.

SEC. 75. All transoms and windows opening into halls from any portion of a tenement house where paint, oil, spirituous liquors or drugs are stored, for the purpose of sale or otherwise, shall be glazed with wire glass, or they shall be removed and closed up as solidly as the rest of the wall. And all doors leading into such hall from such portion shall be made fireproof.

Treatment of windows where paint, etc., is stored.

SEC. 76. All scuttles and penthouses and all stairs or ladders leading thereto shall be easily accessible to all tenants of the building, and kept free from incumbrance, and ready for use at all times. No scuttle and no penthouse door shall at any time be locked with a key, but either may be fastened on the inside by movable bolts or hooks.

Scuttles to be accessible to all tenants.

SEC. 77. No room in a tenement house erected prior to the passage of this act shall hereafter be occupied for living purposes, unless it shall have a window opening directly upon the street, or upon a yard not less than ten feet deep, or above the roof of an adjoining building, or upon a court of not less

No room to be lived in unless it has outside window.

than twenty square feet in area, open to the sky without roof or skylight, unless such room is located on the top floor and is adequately lighted and ventilated by a skylight opening directly to the outer air, or is on the top floor and has a window opening upon a court not less than ten square feet in area and not more than three feet below the top of the walls of said court. Every room which does not comply with the above provisions shall be provided with a sash window, opening into an adjoining room in the same apartment, which latter room either opens directly on the street or on a yard of the above dimensions, or itself connected by a similar sash window or series of windows with such an outer room. Said sash window shall be a vertically sliding pulley-hung sash not less than three feet by five feet between stop beads, both halves shall be made so as to readily open, and shall be glazed with translucent glass; and so far as possible it shall be in line with windows in outer rooms opening on the street or yard as to afford a maximum of light and ventilation. In the case of rooms located in apartments that extend through from the street to the yard, thus insuring thorough ventilation, where such rooms are already provided either with windows, window openings, glass sliding doors, or large alcove openings to adjoining rooms, but do not comply with all the provisions of this section, the health department or other department designated by municipal ordinance for that purpose when satisfied that no material improvement in the light and ventilation of such rooms can be had that would warrant the providing of new windows of the size and kind specified, may permit the occupancy of such rooms for living purposes in the following cases; *provided*, such improvements or alterations as may be practicable and as are required by said department are made by the owner:

(1) Where there is an existing window or window opening from such interior room to an adjoining room and such window or opening is not less than ten square feet in area.

(2) Where there is an existing glass sliding door or an alcove opening of sufficient size from such interior room to an adjoining room.

(3) Where rooms located on the top floor open upon a court of less size than twenty square feet but such rooms have sufficient light and ventilation.

(4) Where, owing to the size of partitions, arrangement of rooms, location of fixed closets or stairs, or the interposition of air shafts, it is impracticable to provide a window of the required size, and a window as large as practicable is provided.

SEC. 78. In all now existing tenement houses whenever a public hall on any floor is not light enough in the day time to permit a person to read in every part thereof without the aid of artificial light, the wooden panels in the doors located at the ends of the public halls and opening into rooms shall be removed, and ground glass or other translucent glass or wire glass panels of an aggregate area of not less than four square feet for each door shall be substituted; or said public hall may

Glass to be put in doors of halls not light enough.

be lighted by a window at the end thereof with the plane of the window at right angles to the axis of the said hall, said window opening upon the street or upon a yard or court.

SEC. 79. In all now existing tenement houses, the wood-work enclosing all water-closets shall be removed from the front of said closets and the space underneath the seat shall be left open. The floor and other surface beneath and around the closet shall be maintained in good order and repair and if of wood shall be kept well painted with light colored paint.

Water-closets in existing tenements.

SEC. 80. In all now existing tenement houses the wood-work inclosing sinks located in public halls or stairs shall be removed, and the space underneath sink shall be left open. The floors and wall surfaces beneath and around the sink shall be maintained in good order and repair, and if of wood shall be well painted.

Woodwork inclosing sinks to be removed

SEC. 81. In all now existing tenement houses there shall be at the bottom of every shaft or inner court, a door or window giving sufficient access to each shaft or court to enable it to be properly cleaned out.

Window at bottom of shaft

SEC. 82. In all tenement houses erected prior to the passage of this act, where a connection with a sewer is possible, all school sinks, privy vaults or other similar receptacles used to receive fecal matter, urine or sewage, shall be completely removed and the place where they are located properly disinfected under the direction of the health department or other department designated by municipal ordinance for that purpose. Such appliances shall be replaced by individual water-closets of durable non-absorbent material, properly sewer-connected, and with individual traps, and properly connected flush tanks providing an ample flush of water to thoroughly cleanse the bowl. Each water-closet shall be located in a compartment completely separated from every other water-closet, and such compartment shall contain a window of not less than three square feet in area opening directly to the street, or yard, or on a court of the minimum size prescribed in section twenty-five of this act. The floors of the water-closet compartments shall be water-proof as provided in section 31 of this act. Where water-closets are placed in the yard to replace school sinks or privy vaults, the structure containing the water-closets shall not exceed ten feet in height; such structure shall be provided with a ventilating skylight in the roof, of adequate size, and each water-closet shall be located in a compartment separated completely from every other water-closet. Proper and adequate means for lighting the structure at night shall be provided. There shall be provided at least one water-closet for every two families in every tenement house existing on the day this act takes effect subject to the provisions of section 61 of this act. Except as in this section otherwise provided, such water-closets and all plumbing in connection therewith shall be in accordance with the ordinances and regulations in relation to plumbing and drainage.

School sinks, etc., to be replaced by individual water-closets.

SEC. 83. Every tenement house erected prior to the passage of this act shall have in the roof a penthouse or a scuttle,

Penthouse or scuttle in roof.

which shall be not less than twenty-one by twenty-eight inches, and located in the ceiling of a public hall. All scuttles shall be covered on the outside with metal, and shall be provided with stairs or stationary ladders leading thereto and easily accessible to all tenants of the building. No scuttle and no bulkhead door shall at any time be locked with a key, but either may be fastened on the inside by movable bolts or locks. All key locks on scuttles and on penthouse doors shall be removed.

Plans for tenement and statement to be submitted to building department before construction.

SEC. 84. Before the construction or alteration of a tenement house, or the alteration or conversion of a building for use as a tenement house is commenced, and before the construction or alteration of any building or structure on the same lot with a tenement house, the owner or his agent or architect, shall submit to the building department subject to the inspection and approval of the health department, or if there be no health department or no building department, then to such departments as shall be designated for that purpose by municipal ordinance, of the municipality in which said work is contemplated, a detailed statement in writing, verified by the affidavit of a person making the same, of the specifications for the construction and for the light and ventilation of such tenement house or building upon blanks or forms to be furnished by such departments, and also a full and complete copy of the plans of such work. Such statement shall give in full the name and residence, by street and number, of the owner or owners of such tenement house or building. If such construction, alteration or conversion is proposed to be made by any other person than the owner of the land in fee, such statement shall contain the full name and residence, by street and number, not only of the owner of the land, but of every person interested in such tenement house, either as owner, lessee, or in any representative capacity. Said affidavit shall allege that said specifications and plans are true and contain a correct description of such tenement house, building, structure, lot and proposed work. The statements and affidavits, herein provided for, may be made by the owner, or the person who proposes to make the construction, alteration or conversion, or by his agent or architect. No person, however, shall be recognized as the agent of the owner unless he shall file with the department of health or other department by municipal ordinance designated for that purpose, a written instrument signed by such owner designating him as agent. Any false swearing in a material point in such affidavit shall be deemed perjury. Such specifications, plans and statements shall be filed in said departments and shall be deemed public records, and no such specifications, plans or statements shall be removed from said departments. The said departments shall cause all such plans and specifications to be examined. If such plans and specifications conform to the provisions of this act relative to the light and ventilation and sanitation of tenement houses hereafter erected or altered, as the case may be, the health department

Agents to file written instruments.

Examination of plans and issue of certificates.

or other department designated by municipal ordinance for this purpose shall issue a written certificate to that effect to the person submitting the same, and if they conform to the provisions of this act relative to the fire protection of tenement houses hereafter erected or altered, as the case may be, the building department or other department designated by municipal ordinance for that purpose shall issue a written certificate to that effect to the person submitting the same. Such certificates shall state that state tenement house act has been complied with. Each department may, from time to time, approve changes in any plans and specifications previously approved by it: *provided*, the plans and specifications when so changed, shall be in conformity with the law. The construction, alteration or conversion of such tenement house, building or structure or any part thereof, shall not be commenced until the filing of such specifications, plans and statements, and the approval thereof, as above provided. The construction, alteration or conversion of such house, building or structure, shall be in accordance with such approved specifications and plans. Any permit or approval which may be issued by the health department and the building department or other departments by municipal ordinance designated for that purpose, but under which no work has been done above the foundation walls within one year from the time of the issuance of such permit or approval, shall expire by limitation. Said departments shall have power to revoke or cancel any permit or approval in case of any failure or neglect to comply with any of the provisions of this act, or in case any false statement or representation is made in any specification, plans or statements submitted or filed for such permit or approval.

SEC. 85. No building hereafter constructed as or altered into a tenement house shall be occupied in whole or in part for human habitation until the issuance of a certificate by the health department, or other department by municipal ordinance designated for that purpose, that said building conforms in all respects to the requirements of this act relative to the light and ventilation and sanitation of tenement houses hereafter erected, nor until the issuance by the building department or other department by municipal ordinance designated for that purpose of a certificate that said building conforms in all respects to the requirements of this act relative to fire protection of tenement houses hereafter erected. Such certificates shall be issued within ten days after written application therefor, if said building at the date of such application shall be entitled thereto.

Tenements hereafter built, required to get certificates.

SEC. 86. If any building hereafter constructed as or altered into a tenement house be occupied in whole or in part for human habitation in violation of the last section, during such unlawful occupancy said premises shall be deemed unfit for human habitation, and the department of health, or other department charged with the enforcement of this act, may cause them to be vacated accordingly.

Tenements in violation of this act may be vacated.

Department of city to enforce this act.

SEC. 87. Except as herein otherwise provided, the provisions of this act shall be enforced by the departments of any incorporated town, incorporated city, or city and county to which this act applies, which are now charged with the enforcement of laws, ordinances, and regulations relating to the erection of buildings, the protection of public health or police or fire protection.

Department of health may enter tenement for inspection.

SEC. 88. The department of health or other department charged with the enforcement of this act in any incorporated town, incorporated city or city and county to which this act applies, and the officers and agents of such departments, shall have the right and it shall be its and their duty to enter into tenement houses and buildings within the said municipal corporation for the purpose of inspecting such houses and buildings to secure compliance with the provisions of this act, and to prevent violations thereof.

Department of health, etc., may enforce provisions not inconsistent with this act. This act minimum requirements.

SEC. 89. Nothing in this act shall be construed to abrogate or impair the powers of the department of health, the department of public works or of the courts to enforce any provisions of the charter or building ordinances and regulations of any incorporated town, incorporated city, or city and county, not inconsistent with this act, or to prevent or punish violations thereof. The provisions of this act shall be held to be the minimum requirements adopted for the protection, health and safety of the community. Nothing in this act contained shall be construed as prohibiting the local legislative body of any incorporated town, incorporated city or city and county, from enacting from time to time supplementary ordinances imposing further restrictions. But no ordinance, regulation or ruling of any municipal authority shall repeal, amend, modify or dispense with any provision of this act.

Penalty for violation.

SEC. 90. Every person who shall violate or assist in violation of any provision of this act shall be guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding six months, or by a fine not exceeding five hundred dollars, or by both, and in addition to the penalty therefor, shall be liable for all costs, expense and disbursements paid or incurred by the department, by any of the officers thereof, or by any agent, employee or contractor of the same in the prosecution of such violation.

Procedure for prevention of violations.

SEC. 91. Except as herein otherwise specified the procedure for the prevention of violations of this act, or for the vacation of premises unlawfully occupied, or for other abatement of nuisance in connection with a tenement house, shall be as set forth in charter and ordinances of the municipality in which the procedure is taken. In case any tenement house, building or structure or any part thereof is constructed, altered, converted or maintained in violation of any provision of this act or of any order or notice of the departments charged with its enforcement, or in case a nuisance exists in any such tenement house, building or structure or upon the lot on which it is situated, said departments may institute any appropriate

action or proceeding to prevent such unlawful construction, alteration, conversion or maintenance, to restrain, correct or abate such violation or nuisance, to prevent the occupation of said tenement house, building or structure, or to prevent any illegal act, conduct or business in or about such tenement house or lot. In any such action or proceeding said departments may, by affidavit setting forth the facts, apply to the superior court, or to any judge thereof, for an order granting the relief for which said action or proceeding is brought, or for an order enjoining all persons from doing or permitting to be done any work in or about such tenement house, building, structure or lot, or from occupying or using the same for any purpose, until the entry of final judgment or order. In case any notice or order issued by said departments is not complied with, said departments may apply to the superior court, or to any judge thereof, for an order authorizing said departments to execute and carry out the provisions of said notice or order, to remove any violation specified in said order or notice, or to abate any nuisance in or about such tenement house, building or structure, or the lot upon which it is situated. The court, or any judge thereof, is hereby authorized to make any order specified in this section. In no case shall the said departments or any officer thereof or the municipal corporation be liable for costs in any action or proceeding that may be commenced in pursuance of this act.

SEC. 92. Every fine imposed by judgment under section 90 of this act upon a tenement house owner shall be a lien upon the house in relation to which the fine is imposed from the time of the filing of a certified copy of said judgment in the office of the recorder of the county in which said tenement house is situated, subject only to taxes and assessments and water rates, and to such mortgage and mechanics' liens as may exist thereon prior to such filing; and it shall be the duty of the department of health, or other department by municipal ordinance designated for that purpose, upon the entry of such judgment, to forthwith file the copy as aforesaid, and such copy upon filing shall be forthwith indexed by the recorder in the index of mechanics' liens.

Fine becomes lien on tenement.

SEC. 93. In any action or proceeding instituted by the departments charged with the enforcement of this act, the plaintiff or petitioner may file in the county recorder's office of the county where the property affected by such action or proceeding is situated, a notice of the pendency of such action or proceeding. Said notice may be filed at the time of the commencement of the action or proceeding, or at any time afterwards before final judgment or order, or at any time after the service of any notice or order issued by said department. Such notice shall have the same force and effect as the notice of pendency of action provided for in the Code of Civil Procedure. Each county recorder with whom such notice is filed shall record it, and shall index it in the name of each person specified in a direction subscribed by an officer of the

Filing notice of pendency of action.

department instituting such action or proceeding. Any such notice may be vacated upon the order of a judge of the court in which such action or proceeding was instituted or is pending. The recorder of the county where such notice is filed is hereby directed to mark such notice and any record or docket thereof as canceled of record, upon the presentation and filing a certified copy of such order.

Tenement owner to file statement in department of health.

SEC. 94. Every owner of a tenement house and every lessee of the whole house, or other person having control of a tenement house, shall file in the department of health or other department designated by municipal ordinance for that purpose a notice containing his name and address, and also a description of the property, by street and number, and otherwise, as the case may be, in such manner as will enable the departments charged with the enforcement of this act to easily find the same; and also the number of apartments in each house, the number of rooms in each apartment, and the number of families occupying the apartments. In case of a transfer of any tenement house, it shall be the duty of the grantee of said tenement house to file in the department of health, or other department designated by municipal ordinance for that purpose, a notice of such transfer, stating the name of the new owner, within thirty days after such transfer. In case of the devolution of the said property by will, it shall be the duty of the executor and the devisee, if more than twenty-one years of age, and in the case of devolution of such property by inheritance without a will, it shall be the duties of the heirs, or in case all the heirs are under age, it shall be the duty of the administrator of the deceased owner of said property to file in said department a notice, stating the death of said owner and the names of those who have succeeded to his interests, within thirty days after the death of the decedent, in case he died intestate, and within thirty days after the probate of his will, if he died testate.

Owner to file notice of agent to receive service of process.

SEC. 95. Every owner, agent or lessee of a tenement house shall file in the department of health, or other department designated by municipal ordinance for that purpose, a notice containing the name and address of such agent of such houses, for the purpose of receiving service of process, and also a description of the property, by street and number or otherwise, as the case may be, in such manner as will enable the department charged with the enforcement of this act to easily find the same. The name of the owner or lessee may be filed as agent for this purpose.

Department of health to index names.

SEC. 96. The names and addresses filed in accordance with sections 94 and 95 shall be indexed by the department of health or other department designated by municipal ordinance for that purpose, in such a manner that all of those filed in relation to each tenement house shall be together and readily ascertainable. The board of health or other department designated by municipal ordinance for that purpose shall provide the necessary books and clerical assistance for that

purpose, and the expense thereof shall be paid by the municipality. Said indexes shall be public records, open to public inspection during business hours.

SEC. 97. Every notice or order in relation to a tenement house shall be served five days before the time for doing the thing in relation to which it shall have been issued.

Serving notices.

SEC. 98. In any action brought by any department charged with the enforcement of this act in relation to a tenement house for injunction, vacation of the premises, or other abatement of nuisance, or to establish a lien thereon, it shall be sufficient service of summons to serve the same as notices and orders are served under the provisions of the Code of Civil Procedure.

Sufficient service of summons

SEC. 99. A tenement house shall be subject to a penalty of one thousand dollars, if it or any part of it shall be used for the purposes of a house of prostitution or assignation of any description, with the permission of the owner thereof, or his agent, and said penalty shall be a lien upon the house and the lot upon which the house is situated.

Penalty for using tenement as house of prostitution.

SEC. 100. A tenement house shall be deemed to have been used for the purposes specified in the last section with the permission of the owner or lessee thereof, if summary proceedings for the removal of the tenements of said tenement house, or so much thereof as is unlawfully used, shall not have been commenced within five days after notice of such unlawful use, served by the department charged with the enforcement of this act in the manner prescribed by law for the service of notices and orders in relation to tenement houses.

When tenement is deemed to have been used as house of prostitution with owner's consent.

SEC. 101. In a prosecution against an owner or agent of a tenement house under section 316 of the Penal Code, or in an action to establish a lien under section 99 of this act, the general reputation of the premises in the neighborhood shall be competent evidence, but shall not be sufficient to support a judgment without corroborative evidence, and it shall be presumed that their use was with the permission of the owner or lessee; *provided*, that such presumption may be rebutted by evidence.

Competent evidence.

SEC. 102. Said action shall be brought against the tenement house as defendant. Said house may be designated in the title of the action by its street and number, or in any other method sufficiently precise to secure identification. The property shall be described in the complaint. The plaintiff, except as hereinafter provided, shall be any department charged with the enforcement of this act.

Tenement as defendant.

SEC. 103. Said action shall be brought in the superior court in the county or city and county in which the property is situated. At or before the commencement of the action, the complaint shall be filed in the office of the clerk of the county or city and county, together with a notice of the pendency of the action, containing the names of the parties, the object of the action, and a brief description of the property affected thereby.

Action brought in superior court.

Judgment
establishes
penalty as
lien.

SEC. 104. The judgment in such action, if in favor of the plaintiff, shall establish the penalty sued for as a lien upon said premises, subject only to taxes, assessments, and to such mortgages and mechanics' liens as may exist thereon prior to the filing of the notice of pendency of the action.

Statutes
repealed.

SEC. 105. All statutes of the state and ordinances of incorporated towns, incorporated cities and cities and counties, as far as inconsistent with the provisions of this act, are hereby repealed; *provided*, that nothing in this act contained shall be construed as repealing or abrogating any present law or ordinance in any incorporated town, incorporated city or city and county of the state, further restricting the percentage of the lot to be covered by a tenement house, the number of stories or the height of such house, the number of apartments therein, the occupation thereof, the materials to be used in its construction, or increasing the size of yards or courts, the air space to each individual occupying a room, the requirements as to sanitation, ventilation, light, protection against fire.

Cities may
further
restrict.

SEC. 106. Nothing in this act contained shall be construed as abrogating, diminishing, minimizing or denying the power of any incorporated town, incorporated city or city and county by ordinance to further restrict the percentage of the lot to be covered by a tenement house within said municipality, the number of stories or the height of such house, the number of apartments therein, the occupation thereof, the materials to be used in its construction or increasing the size of yards or courts, the air space to each individual occupying a room, the requirements as to sanitation, ventilation, light, protection against fire.

No city or-
dinance to
repeal this
act.

SEC. 107. Except as herein otherwise provided, every tenement house shall be constructed and maintained in conformity with the existing law, but no ordinance, regulation or ruling of any municipal authority shall repeal, modify or dispense with any provisions of this act.

Improvements to
be made in
one year.

SEC. 108. All improvements specifically required by this act upon tenement houses erected prior to its date of passage, shall be made within one year from said date, or at such earlier period as may be fixed by the boards of health charged with the enforcement of this act.

Permit to
construct.

SEC. 109. Every person desiring to construct a tenement house shall obtain a permit from the department charged with the enforcement of this act. Every owner or lessee of a tenement house shall obtain at the beginning of each year a license from the department charged with the enforcement of this act.

License.

Repeal.

SEC. 110. An act entitled "An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties and to provide penalties for the violation thereof," approved April 16, 1909, Statutes of California of 1909, page 948, is hereby repealed.

In force.

SEC. 111. This act shall be in force and effect from and after ten days from the date of its passage.

CHAPTER 433.

An act to amend section 4271 of the Political Code relating to salaries of officers of counties of the forty-second class.

[Approved April 12, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4271 of the Political Code is hereby amended to read as follows:

4271. In counties of the forty-second class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries. Salaries in counties of forty-second class.

1. The county clerk, eighteen hundred dollars per annum: County clerk. *provided*, that in counties of this class there shall be, and there hereby is allowed to the county clerk, one deputy clerk, who shall be appointed by the county clerk and shall be paid a salary as follows: the sum of seven hundred and eighty dollars per annum, which sum shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk.

2. The sheriff, forty-two hundred dollars per annum, and such mileage as is allowed by law, and the fees, mileage, or commissions for the service of all papers whatever issued by any court outside of his county, and all mileage for the service of papers in civil cases in his own county, and the actual expenses incurred in criminal cases, and fifteen cents for each meal for feeding prisoners confined in the county jail. Sheriff.

3. The recorder, fifteen hundred dollars per annum; Recorder. *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees provided by law to be collected; and *provided*, that when the amount of said fees collected shall amount to more than one hundred and twenty-five dollars in any month, the recorder may receive and retain for his own use in addition to his salary, all fees in excess of one hundred and twenty-five dollars, and not exceeding one hundred and seventy-five dollars in any month so collected, so that the amount of fees thus received by the recorder for his own use plus the salary shall not exceed the sum of one hundred and seventy-five dollars in any one month: and *provided, further*, that in counties of this class there shall be and there hereby is allowed to the recorder one deputy recorder who shall be appointed by the recorder and shall be paid a salary as follows: the sum of seven hundred and eighty dollars per annum, which sum shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the recorder.

Auditor. 4. The auditor, eighteen hundred dollars per annum.
 Treasurer 5. The treasurer, sixteen hundred and twenty dollars per annum.

Tax collector. 6. The tax collector, fifteen hundred dollars per annum.

Assessor. 7. The assessor, twenty-five hundred dollars per annum; *provided*, that in counties of this class there shall be one deputy assessor, who shall be appointed by the assessor of said county and who shall hold office from twelve o'clock meridian of the first Monday of January of each year up to twelve o'clock meridian of the first Monday in July of each year. The salary of said deputy assessor herein provided for is hereby fixed at the sum of one hundred dollars per month during which months he shall hold office as herein provided, which said salary shall be paid by said county at the same time and in the same manner and out of the same fund as is the salary of the assessor.

District attorney. 8. The district attorney, eighteen hundred dollars per annum; *provided*, that in lieu of a temporary deputy heretofore provided for by law the district attorney may appoint a stenographer whose compensation shall be forty-five dollars per month, and such allowance shall be made as other claims are allowed by the board of supervisors, and when so allowed shall be paid out of the salary fund.

Coroner. 9. The coroner, such fees as are now or may be hereafter allowed by law.

Administrator 10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools. 11. The superintendent of schools, twelve hundred dollars per annum; *provided*, that in counties of this class, there shall be and is hereby allowed to the superintendent of schools, a deputy who shall be appointed by the superintendent of schools and paid a salary of five hundred dollars per annum: said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

Surveyor. 12. The surveyor, ten dollars per day when engaged in county work. He shall also receive his actual expenses when at work in the field.

Township officers. 13. In counties of this class the township officers shall receive the following compensation for all services rendered by them in criminal matters of whatever kind, character or description.

14. In townships having a population of four thousand or more, justices of the peace and constables shall each receive a monthly salary of one hundred and twenty-five dollars, to be paid each month in the same manner and out of the same fund as the salaries of county officers are paid.

In townships having a population of less than four thousand, such fees as are now or may hereafter be allowed by law. In addition to the monthly salaries allowed herein, each township officer may receive for his own use such fees as are now or may be hereafter allowed by law in civil actions.

15. Each member of the board of supervisors, twelve hundred dollars per annum, and twenty-five cents per mile while traveling from their respective residence to the county seat, not more than once each month. Super- visors.

16. In counties of this class the official reporter of the superior court shall receive such fees as are now and may hereafter be allowed by law. Reporter.

SEC. 2. This act shall take effect and be in force immediately.

CHAPTER 434.

An act to amend section 629 of the Civil Code of the State of California relating to the furnishing of gas, electricity, steam, or heat.

[Approved April 12, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 629 of the Civil Code of the State of California is hereby amended to read as follows:

629. Upon the application in writing of the owner or occupant of any building or premises distant not more than one hundred feet from any gas or steam main, or direct or primary wire of the corporation, and payment by the applicant of all money due from him, the corporation must supply gas, electricity, steam or heat as required for such building or premises, and can not refuse on the ground of any indebtedness of any former owner or occupant thereof, unless the applicant has undertaken to pay the same. If, for the space of ten days after such application, the corporation refuses or neglects to supply the gas, electricity, steam or heat required, it must pay to the applicant the sum of fifty dollars as liquidated damages and five dollars per day, as liquidated damages for every day such refusal or neglect continues thereafter.

Companies must supply gas, electricity, etc., to buildings within one hundred feet distant from main.

CHAPTER 435.

An act to amend section 3051 of the Civil Code of the State of California.

[Approved April 12, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3051 of the Civil Code, is hereby amended to read as follows:

3051. Every person who, while lawfully in possession of an article of personal property renders any service to the owner thereof, by labor or skill, employed for the protection, improve-

Upon on personal property for services thereon.

ment, safe-keeping, or carriage thereof, has a special lien thereon, dependent on possession, for the compensation, if any, which is due to him from the owner for such service; a person who makes, alters, or repairs any article of personal property, at the request of the owner, or legal possessor of the property, has a lien on the same for his reasonable charges for the balance due for such work done and materials furnished, and may retain possession of the same until the charges are paid; and livery or boarding or feed stable proprietors, and persons pasturing horses or stock, have a lien, dependent on possession, for their compensation in caring for, boarding, feeding, or pasturing such horses or stock; and laundry proprietors and persons conducting a laundry business have a general lien, dependent on possession, upon all personal property in their hands belonging to a customer, for the balance due them from such customer for laundry work; and veterinary proprietors and veterinary surgeons shall have a lien, dependent on possession, for their compensation in caring for, boarding, feeding, and medical treatment of animals; and keepers of garages for automobiles shall have a lien, dependent on possession, for their compensation in caring for and safe-keeping such automobiles.

CHAPTER 436.

An act to amend sections twelve hundred and forty-five, twelve hundred and forty-six and twelve hundred and forty-eight of the Civil Code of the State of California relating to proceedings on execution against homesteads.

[Approved April 12, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1245 of the Civil Code is hereby amended to read as follows:

1245. When an execution for the enforcement of a judgment obtained in a case not within the classes enumerated in section one thousand two hundred and forty-one is levied upon the homestead, the judgment creditor may at any time within sixty days thereafter apply to the superior court of the county in which the homestead is situated for the appointment of persons to appraise the value thereof, and if such application shall not be made within sixty days after the levy of such execution the lien of the execution shall cease at the expiration^e of said period, and no execution based upon the same judgment shall thereafter be levied upon the homestead.

SEC. 2. Section 1246 of the Civil Code is hereby amended to read as follows:

1246. The application must be made upon a verified petition of the judgment creditor showing:

1. The fact that an execution has been levied upon the homestead within sixty days prior to the filing of said petition.

Proceed-
ings on
execution
against
home-
steads.

Applica-
tion.

2. A description of the homestead and the name of the claimant.

3. That the value of the homestead exceeds the amount of the homestead exemption.

4. That no previous execution arising out of the same judgment has been levied upon said homestead.

SEC. 3. Section 1248 of the Civil Code is hereby amended to read as follows:

1248. Within ninety days from the date of filing the petition, a copy thereof, with the notice of the time and place of hearing, must be served upon the claimant or his attorneys at least two days before the hearing; and if such notice shall not be so served, the lien of the execution shall cease at the expiration of said period of ninety days, and no execution based upon the same judgment shall thereafter be levied upon the homestead.

Service of
notice of
hearing

CHAPTER 437.

An act to amend sections ten hundred ninety-five and ten hundred ninety-six of the Political Code of the State of California, relating to registration of electors.

[Approved April 12, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section ten hundred ninety-five of the Political Code of the State of California is hereby amended so as to read as follows:

1095. In the affidavits of registration the clerk must, as hereinafter provided, enter in duplicate the names of the qualified electors of the county, and the provisions of section one thousand and ninety-six of this code are hereby declared to be mandatory. Any officer charged with the registration of voters who neglects or refuses to make all the entries provided for in section one thousand and ninety-six of the Political Code, or neglects or refuses to take the oath of the voter applying to him for registration in respect to the same, shall, upon conviction, be deemed guilty of a misdemeanor for each and every such omission.

Names of
electors
entered in
duplicate.

SEC. 2. Section ten hundred ninety-six of the Political Code of the State of California is hereby amended so as to read as follows:

1096. Such entry must show:

1. The name at length.
2. The age, omitting fraction of years.
3. The occupation.
4. The height.
5. The visible marks or scars, if any, and their location.
6. The country or state of nativity.

Registration to
show.

7. Political affiliation, if any.

8. The place of residence (giving ward and precinct); and in municipal corporations, by specifying the name of the street, avenue, or other location of the dwelling of such elector, with the number of such dwelling, if the same has a number, and if not, then with such description of the place that it can be readily ascertained and identified. If the elector be not the proprietor or head of the house, then it must show that fact, and upon what floor thereof, and what room such elector occupies in such house.

9. If naturalized, the place of naturalization.

10. The date of the entry of each person.

11. The post office address.

12. The fact whether or not the elector desiring to be registered is able to read the constitution in the English language and to write his name, and whether or not the elector has any physical disability, by reason of which he can not mark his ballot; and if he can not mark his ballot by reason of physical disability, then the nature of such disability must be entered.

CHAPTER 438.

An act to amend sections eleven hundred five, eleven hundred eight and eleven hundred nine of the Political Code of the State of California, relating to registration of voters.

[Approved April 12, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section eleven hundred five of the Political Code of the State of California is hereby amended so as to read as follows:

1105. Cancellation is made by writing on the affidavit of registration, the word "Canceled" and the reason therefor.

SEC. 2. Section eleven hundred eight of the Political Code of the State of California is hereby amended so as to read as follows:

1108. If the clerk refuses to register any qualified elector in the county, such elector may proceed by action in the superior court to compel such registration.

SEC. 3. Section eleven hundred nine of the Political Code of the State of California is hereby amended so as to read as follows:

1109. Any person may proceed by action in the superior court to compel the clerk to cancel any registration made illegally, or that ought to be canceled by reason of facts that have occurred subsequent to the time of such registration: but if the person whose name is sought to be canceled be not a party to the action, the court may order him to be made a party defendant.

Cancellation of entry.

Compelling registration.

Compelling cancellation.

CHAPTER 439.

An act to amend sections eleven hundred thirteen, eleven hundred fifteen and eleven hundred seventeen of the Political Code of the State of California, relating to registration of electors.

[Approved April 12, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section eleven hundred thirteen of the Political Code of the State of California is hereby amended so as to read as follows:

1113. Within five days after the last day of registration, the clerk shall arrange the affidavits of registration for each precinct alphabetically by surnames, and number the same, beginning with one in each case, and bind the same, or cause them to be bound, into a book by fastening the left-hand edges together with a staple, wire, thread or other suitable material; he shall at the same time treat the duplicate affidavits of registration in the same manner.

Clerk to arrange affidavits of registration by precincts.

SEC. 2. Section eleven hundred fifteen of the Political Code of the State of California is hereby amended so as to read as follows:

1115. Within five days after the binding of said books the clerk shall prepare an index of each book, said index to contain the numbers, names, ages, occupations, addresses, and political affiliations as they appear in said books, and shall have at least one hundred copies of said index printed. The clerk shall have bound together in one or more volumes, a general index of said books arranged alphabetically by precinct, and shall keep at least one copy of said general index in his office for public reference.

Indexing and binding great register.

SEC. 3. Section eleven hundred seventeen of the Political Code of the State of California is hereby amended so as to read as follows:

1117. A certified copy of an uncanceled affidavit of registration is prima facie evidence that the person named in the entry is an elector of the county.

Evidence that person is an elector.

CHAPTER 440.

An act to amend section eleven hundred forty-two of the Political Code of the State of California, relating to boards of election.

[Approved April 12, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section eleven hundred forty-two of the Political Code of the State of California is hereby amended so as to read as follows:

1142. When an election is ordered, the board of super-

Appoint-
ment of
election
boards.

Names of
board
published.

Canvass
votes.

Persons
not
eligible.

Persons
guilty of
misdemeanor.

visors, or other board having charge and control of elections in each of the counties, and cities and counties, of the state must appoint officers of election board from the registered electors of each precinct whose names appear upon the last assessment roll of the county or city and county to serve as election officers only in the election precinct in which they are registered and actually reside to constitute the election board for such precinct, which shall consist of two inspectors, two judges, two clerks and two ballot clerks; the inspectors, judges, clerks and ballot clerks to be apportioned equally between the two political parties which, respectively, cast the highest and next highest number of votes for governor at the last general election; the inspectors, judges, clerks and ballot clerks so appointed shall constitute a board of election for such precinct. And such board of supervisors or other board having charge of elections must publish the names of such electors who constitute the board of elections for such election precinct, in some newspaper published in the county or city and county where the election is to be held for five successive days at least one week before the day such election is to be held; or in a weekly paper published in the county, for the two successive weeks prior to the election. Such board of election shall canvass the votes for such precinct, and must be present at the closing of the polls. The members of said board shall relieve each other in the duties of canvassing the ballots, which may be conducted by at least half of the whole number; but the final certificate shall be signed by a majority of the whole. No person shall be eligible to act as an officer of election at any precinct who has been employed in any official capacity in the county, or city and county, in the state, within ninety days next preceding any election. No person shall be eligible to act as a member of any election board, or as a clerk upon such board, who can not read and write the English language. Any person acting as a member of any election board, or as a clerk upon such board, who can not read and write the English language, and any person who refuses to act upon such board, or as a clerk thereof, after proper notification of his appointment, who is otherwise eligible, unless good and sufficient cause for such refusal is shown to the election board or to the board of supervisors, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of five hundred dollars, and upon failure to pay said fine shall be imprisoned in the county jail of such county, or city and county, for the period of one day for each dollar of said fine.

CHAPTER 441.

An act to amend section eleven hundred ninety-two of the Political Code of the State of California, relating to the filing of certificates of nomination.

[Approved April 12, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section eleven hundred ninety-two of the Political Code of the State of California is hereby amended so as to read as follows:

1192. Certificates of nomination required to be filed with the secretary of state shall be filed not more than sixty days and not less than thirty-five days before the day of election, when the nomination is made by electors, as provided in section 1188 of this code. Certificates of nomination required to be filed with the county clerk, or with the clerk or secretary of the legislative body of any city or town, shall be filed not more than fifty days nor less than thirty days before the day of election, when the nomination is made by electors as provided in section 1188 of this code.

Filing certificates of nomination.

CHAPTER 442.

An act to amend section twelve hundred and ten of the Political Code of the State of California, relating to sample election ballots.

[Approved April 12, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section twelve hundred and ten of the Political Code of the State of California is hereby amended so as to read as follows:

1210. The county clerk of each county, or, in case of separate city or town elections, the clerk or secretary of the legislative body of such city or town, shall cause to be printed on plain white paper, without watermark, at least as many copies of the form of ballot provided for use in each voting precinct as there shall be registered voters in such precinct. Such copy shall be designated "sample ballot" upon the face thereof, and shall commence to be sent by mail, postage prepaid, to registered voters by such clerk or secretary, ten days before the day fixed by law for such election, and shall have all been [them] mailed at least five whole days before the day of election: *provided*, that not more than one sample ballot shall be furnished to any one voter. Such clerk or secretary shall cause to be printed, in large, clear type, on cards, instructions for the guidance of electors in obtaining and marking their ballots. He shall furnish one such card to every registered

Sample ballots.

Instructions for electors

voter, at the same time and in the same manner that he mails the sample ballot, as hereinbefore set forth; and twelve such cards to the board of election in each election precinct in his county, at the same time and in the same manner as the printed ballots and sample ballots. The board of election shall post at least one of such cards in each booth or compartment provided for the preparation of ballots, and not less than three of such cards at other places in and about the polling place, on the day of election. Sections twelve hundred and fourteen and twelve hundred and fifteen of this code, and section sixty-one of the Penal Code, shall also be printed on each of said cards.

CHAPTER 443.

An act to amend section twelve hundred eighty-five of the Political Code of the State of California, relating to returns of election of district officers.

[Approved April 12, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section twelve hundred eighty-five of the Political Code of the State of California is hereby amended so as to read as follows:

District
returns.

1285. When there are officers, other than representatives in congress, members of the state board of equalization, railroad commissioners and justices of district courts of appeal voted for, who are chosen by the electors of a district composed of two or more counties, each of the county clerks of the counties composing such district, immediately after making out the statement specified in section twelve hundred and eighty-two, must make a certified abstract of so much thereof as relates to the election of such officers.

CHAPTER 444.

An act to amend section fourteen of an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 21st, 1903.

[Approved April 12, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section fourteen of an act entitled "An act to provide for the laying out, opening, extending, widening, or

straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24th, 1903, is hereby amended to read as follows:

Section 14. The city council may, at any time prior to the payment of the compensation awarded the defendants, abandon the proceedings, by ordinance, and cause the said action to be dismissed, without prejudice; and if any of the assessments levied to pay the expense of the improvements, as hereinafter provided, shall have been actually paid in money at the time of such abandonment, the same shall be refunded to the persons by whom they were paid. If the proceedings be abandoned or the action dismissed no attorneys' fees shall be awarded the defendants or either or any of them.

Abandonment of proceedings.

SEC. 2. The provisions of this act shall not apply to or affect any proceeding taken under the act to which this act is amendatory, and pending at the time this act takes effect, and in which the interlocutory judgment has been entered.

CHAPTER 445.

An act authorizing any city and county or municipality within this state, power to grant franchises, to lay steam heating pipes in the streets, roads, avenues, alleys and public highways, for the purpose of carrying steam to be used for heating purposes.

[Approved April 12, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION. 1. Power is hereby given to all cities and counties and municipalities within this state to grant franchises for the purpose of laying pipes in the streets, roads, avenues, alleys and public highways therein, for the purpose of carrying steam heat under high pressure; to be used, distributed and sold to the inhabitants thereof, for heating purposes. The granting of such franchises shall be subject to the provisions of the act entitled "An act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting acts," and any act or acts amendatory thereof.

Franchise to lay steam heating pipes.

CHAPTER 446.

An act to amend section ten hundred forty-four of the Political Code of the State of California, relating to conduct of municipal elections.

[Approved April 12, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section ten hundred forty-four of the Political Code of the State of California is hereby amended so as to read as follows:

Conduct of
municipal
elections.

1044. Except in the particulars or cases otherwise provided for in the constitution or laws of the state or by the provisions of a freeholder charter duly adopted or amended pursuant to the constitution of this state, all municipal elections, where the same are held separate from state elections, and all elections held under the authority of section eight of article eleven of the constitution, to elect boards of freeholders, or to vote upon proposed charters, or upon amendments to existing charters, and all other special elections, including all special elections to vote upon or for or against any proposition or question authorized to be submitted to a vote, shall be conducted under the provisions of sections ten hundred forty-four, eleven hundred twenty, eleven hundred twenty-one, eleven hundred thirty-three and eleven hundred fifty-one of this code.

CHAPTER 447.

An act to amend section ten hundred seventy-nine of the Political Code of the State of California, relating to expenditures in respect to elections.

[Approved April 12, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section ten hundred seventy-nine of the Political Code of the State of California is hereby amended so as to read as follows:

Expenditures for
election
purposes.

1079. Whenever the clerk, secretary or any other officer of a county, city, or city and county, is charged with the performance of any official duty, in respect to elections, which involves the expenditure of public moneys, such expenditures shall be subject to the control and supervision of the board of election commissioners; and when any printing or other service is to be performed, or materials are to be furnished,

the amount of which in the aggregate shall exceed the value of five hundred dollars, it shall be the duty of the board of election commissioners to invite proposals for the work, or the furnishing of the materials, and to let the contract for the same to the lowest responsible bidder therefor, in the same manner and upon the same conditions as is required in the letting of contracts for doing other and similar work or furnishing other and similar materials, for county, city, or city and county purposes; *provided*, that no such proposal or bid shall be required for the contract to print ballots or the printed index of the precinct registers, or the tally lists, if, in the judgment of the county clerk or registrar of voters, the time within which such ballots or index must be had does not reasonably admit of such proposal and bid, or where an emergency requires the immediate performance of a duty relating to the management or conduct of an election, and delay in the performance of such duty might imperil the holding of the election at the time and in the manner provided by law.

CHAPTER 448.

An act to amend section eleven hundred eighty-eight of the Political Code of the State of California, relating to nomination of candidates otherwise than by primary elections.

[Approved April 12, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section eleven hundred eighty-eight of the Political Code of the State of California is hereby amended so as to read as follows:

1188. A candidate for public office may be nominated otherwise than at a primary election, in the manner following: A certificate of nomination containing the name of the candidate to be nominated, with the other information required to be given in the certificates provided for in section 5 of the primary law, shall be signed by electors residing within the district or political division for which the candidate is to be presented equal in number to at least three per cent of the entire vote cast at the last preceding general election in the state, district or political division for which the nomination is to be made. Each such certificate must be a separate paper and contain the name of one signer thereto and no more. In addition to the other matter required to be set forth in such certificate it must also set forth that the signer has not been elected as a delegate to any political party convention; that he has not voted at any primary election at which a candidate was nominated for the public office mentioned in the said certificate; that he has not joined in any manner in nominating any other candidate or candidates for the same office, or in nominating the same candi-

How candidates may be nominated otherwise than at a primary election.

Each signature on separate paper.

Signers
make
oath.

Certifi-
cates
fastened
together.

Clerk may
strike out
names.

date or candidates for the same office under another or different political party name or designation. The signature must be made by the party signing at the end of the certificate, and must add thereto the date of signing and his place of residence and occupation, giving street and number, where such street and number or either exist, and if no street or number exist then such a description of the place of residence as will enable the location to be readily ascertained. Each such signer must verify such certificate by making oath that the same is true, before an officer authorized to take an oath in this state, or before a special verification deputy appointed by him under the provisions of section 5 of the primary election law, which oath must be certified as required for an affidavit. Any person who signs any name other than his own to such certificate, or makes a false oath to such certificate, shall be punishable by a fine not exceeding five hundred dollars, or imprisonment in a state's prison for a term not exceeding five years. The said certificates must be fastened together and bound by precincts and arranged in all respects in the manner and form required for the arrangement, binding and fastening of original affidavits of registration by the provisions of section 1113 of the Political Code; and each such book or package must have endorsed upon the outside the number of the precinct, and for which assembly district, as the same are numbered in the county, city, or city and county, and the name of the political party or organization, which is designated in the certificates, and no such certificates shall be received or filed by any officer to whom the same are required by law to be presented, unless the same comply with the provisions of this section. The clerk or officer to whom any such certificate is presented for filing is authorized and directed to strike out or disregard the name or names of any electors who, upon examination of the affidavits of registration, or otherwise, may be found to have signed such certificates or any thereof, in violation of the provisions of this section.

CHAPTER 449.

An act to add a new section to the Code of Civil Procedure of the State of California, to be known as section one thousand seven hundred and twenty-six a, relating to the payment of the burial expenses of deceased persons.

[Approved April 12, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure of the State of California, to be known as section one thousand seven hundred and twenty-six a to read as follows:

1726a. Whenever a public administrator takes possession

of the estate of a deceased person, as provided in section seventeen hundred and twenty-six of this code, and the method of the defrayal of the expense of the burial of said deceased is not otherwise provided for by law, or by the rules, agreement or death benefits of any order or lodge to which the deceased may at the time of his death belong, or with which he may have been affiliated. the public administrator may, in order to defray the proper expenses of the burial of the body of the deceased, apply to a judge of the superior court of the county in which said public administrator is acting, for an order permitting the public administrator to summarily sell any personal property belonging to the deceased, and to withdraw any money that the deceased may have on deposit with any bank, and to collect any indebtedness or claim that may be owing to or due the deceased. If upon such application it appears to the court by competent evidence, that the total value of the estate of the deceased is less than seventy-five dollars, the judge shall make an order granting the application and there shall be no administration upon the estate of the deceased unless additional estate be found or discovered. No notice of the application need be given and no fee shall be charged by the clerk of the court or the public administrator or his attorney for the filing of said application, or for any duty or service of the clerk or public administrator or his attorney connected therewith. Upon the sale of the personal property of the deceased, or the collection of any money, claim or indebtedness by the public administrator under said order the public administrator shall use the same for the expenses of the burial of the deceased. The public administrator shall file with the clerk of the court a statement showing the property of the deceased that came into his hands, the amount received from the sale of any personal property, and the disposition of the property of the deceased, and shall file with the clerk vouchers showing what disposition was made of the said property or the proceeds thereof.

Burial expenses of deceased persons.

CHAPTER 450.

An act to amend section two hundred and twenty-four of the Civil Code of the State of California, relating to the adoption of children and the consent necessary thereto.

[Approved April 12, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section two hundred and twenty-four of the Civil Code of the State of California is hereby amended to read as follows:

224. A legitimate child can not be adopted without the consent of its parents, if living; nor an illegitimate child without the consent of its mother, if living; except, that consent is not necessary from a father or mother deprived of civil rights, or

Consent necessary to adopt legitimate child.

Consent
not neces-
sary to
adopt
abandoned
child.

adjudged guilty of adultery or cruelty, and for either cause divorced, or adjudged to be habitually intemperate in the use of intoxicants, or who has been judicially deprived of the custody of the child on account of cruelty or neglect. Neither is consent of any parent necessary in case of any abandoned child. Any child deserted by its parents without provision for their identification, or relinquished by its parent or parents for the purpose of adoption expressed in writing signed and acknowledged by such parent or parents before an officer authorized to take acknowledgments, shall from the date of such act of desertion or of such relinquishment be deemed to be an abandoned child within the meaning of this section. Any child left in the care and custody of another by its parent or parents without any provision for its support, for the period of one year, may after such notice to the parent or parents residing within the state and to such other relatives of said child residing within the county as the court shall require, be determined by order of the juvenile court of the county in which said child was so left to be an abandoned child within the terms of this section. Any abandoned child within the meaning of this section or any child whose parent or parents have been judicially deprived of its custody on account of cruelty or neglect, maintained by or in the custody of any orphan asylum within this state, any charitable organization or society receiving state aid or receiving commitments from the juvenile court, may be adopted with the consent of the managers of such orphan asylum, charitable organization or society. Any orphan child for whose support no provision has been made by any person for a period of one year, but who has been maintained during said year by or in the custody of any orphan asylum within this state, any charitable organization or society receiving state aid or receiving commitments from the juvenile court, may be adopted with the consent of the managers of such orphan asylum, charitable organization or society.

Adoption
of orphan
child.

SEC. 2. This act shall take effect immediately.

CHAPTER 451.

An act to regulate the vocation of dealing in fish and in wild game and animals by wholesale for profit and to provide therefrom revenue for the propagation and restoration of fish and game in the State of California.

[Approved April 14, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

License
for fish
dealers.

SECTION 1. Every person engaged in the vocation of dealing in, buying and selling fish or shellfish or wild game or animals by wholesale in this state, must first obtain a license before engaging in such vocation.

SEC. 2. The controller of state shall prepare suitable licenses,

of the classes designated by the fish and game commissioners which shall purport to license the holder of such license to buy, sell and deal in fish and shellfish and wild game and animals in this state by wholesale for the term of one year from the first day of July of one year to the first day of July of the year following. All licenses shall be numbered consecutively beginning with number one and contain blanks for the insertion of the name of the holder, his residence, and place of business, which information shall be furnished by the applicant to the board of fish and game commissioners. The controller shall sign all licenses and deliver the same to the fish and game commissioners, on demand, who shall be charged for the same by the controller. Each license, before delivery to the applicant for a license, must be countersigned by the president of the board of fish and game commissioners and the president of the board of fish and game commissioners shall execute a bond to the people of the State of California in the sum of two thousand dollars for the faithful performance of the duties imposed upon him by this act.

Controller
to prepare
license.

Counter-
signed.

SEC. 3. Licenses shall be issued and delivered upon application to the state board of fish and game commissioners or their deputies. The licenses herein provided for shall be issued as follows: To any citizen of the United States and to any person who has duly made his declaration of intention to become a citizen of the United States as provided by law, upon the payment of five dollars; to any person not a citizen of the United States upon the payment of twenty dollars. Not more than one license shall be issued to any one person for the same year, except upon an affidavit by the applicant that the one issued has been lost or destroyed, and no license issued as herein provided shall be transferable or used by any other person than the one to whom it was issued. Every person having a license as provided herein, who refuses to exhibit such license upon demand of any officer authorized to enforce the fish and game laws of this state, or any peace officer of this state, or who transfers or disposes of the same to another person to be used as a license, shall forfeit this license.

To whom
issued.

SEC. 4. The said license fees must be paid to the fish and game commissioners or to some one designated by them for that purpose.

To whom
fee is paid.

SEC. 5. The money collected from the sale of such licenses shall be paid by the board of fish and game commissioners into the state treasury to the credit of the fish and game preservation fund.

SEC. 6. The violation of any provision of this act is hereby declared a misdemeanor, and every person violating any of its provisions, shall, upon conviction thereof, be fined in a sum not less than twenty nor more than five hundred dollars, or by imprisonment in the county jail for a term of not less than ten nor more than one hundred days, or by both such fine and imprisonment; and all fines collected for any violation of any of the provisions of this section shall be paid

Penalty
for
violation.

into the state treasury to the credit of the fish and game preservation fund.

SEC. 7. All acts and parts of acts in conflict with this act, are hereby repealed.

SEC. 8. This act shall take effect immediately.

CHAPTER 452.

An act to add three new sections to the Penal Code of the State of California, to be numbered sections 630, 630a and 630b, regulating the business of wholesale dealers in fish and in wild game and animals and providing for a record of transactions therein.

[Approved April 14, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code of the State of California; to be numbered section 630, and to read as follows:

Fish
business
without
license mis-
demeanor.

630. Every person who carries on the business of purchasing, selling, and dealing in fish or in wild game or wild animals by wholesale in this state, except by authority of a license, is guilty of a misdemeanor.

SEC. 2. A new section is hereby added to the Penal Code of the State of California, to be numbered section 630a, and to read as follows:

Register of
fish and
game
bought.

630a. Every wholesale dealer in fish or in wild game or wild animals who buys or deals in the fish or in the wild game or animals of this state for profit, shall upon receipt or purchase of any fish or of any wild game or wild animals in this state, enter at the time of the transaction, in a register kept by him for that purpose, in the English language, the date, the kind and weight of fish so received or bought, and the date, the kind and number of wild game or animals so received, or bought, and the name and the residence of the person or persons from whom the same was received, or purchased. Every person who violates any of the provisions of this section is guilty of a misdemeanor.

SEC. 3. A new section is hereby added to the Penal Code of the State of California, to be numbered section 630b, and to read as follows:

Failure
to produce
register
misde-
meanor.

630b. Every wholesale dealer for profit in any of the fish or wild game or animals of this state who fails, refuses, or neglects to produce for inspection his register to any fish and game commissioner of this state, or any duly appointed, qualified, and acting assistant thereof, is guilty of a misdemeanor.

SEC. 4. This act shall take effect immediately.

CHAPTER 453.

An act to amend section 3493m of the Political Code relating to land uncovered by the recession or drainage of the waters of inland lakes.

[Approved April 14, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3493m of the Political Code is hereby amended to read as follows:

3493m. Any person desiring to purchase any of the lands now uncovered or which may hereafter be uncovered by the recession or drainage of the waters of inland lakes, and inuring to the state by virtue of her sovereignty, or the swamp and overflowed lands not segregated by the United States, must make an application therefor to the surveyor general of the state, which application must be accompanied by the applicant's affidavit that he is a citizen of the United States, or has declared his intention to become such, a resident of this state, of lawful age, that he desires to purchase such lands (describing them by legal subdivisions, or by metes and bounds, if the legal subdivisions are unknown), under the provisions of this article, for his own use and benefit, and for the use and benefit of no other person whomsoever, and that he has made no contract or agreement to sell the same, and that he does not own any state lands which, together with that now sought to be purchased, exceeds six hundred and forty acres. The provisions of this section shall not affect or apply to any land uncovered by the recession or drainage of the waters of any lake or other body of water, the waters of which are so impregnated with minerals as to be valuable for the purpose of extracting therefrom such minerals; but the land uncovered by the recession or drainage of such waters shall be subject to lease for periods of not longer than twenty-five years upon such charges, terms and conditions as may be prescribed by law.

SEC. 2. All acts or parts of acts in conflict herewith are hereby repealed.

SEC. 3. This act shall take effect immediately.

Application to purchase lands uncovered by recession of waters.

Mineral lands.

CHAPTER 454.

An act regulating the extraction of minerals from the waters of any stream or lake and prohibiting the extraction of minerals from said waters except under lease from or express permission of the state for a period not exceeding twenty-five years.

[Approved April 14, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Extracting
minerals
from
waters.

SECTION 1. Minerals contained in the waters of any stream or lake in this state shall not be extracted from said waters except upon charges, terms and conditions prescribed by law. No person, firm, corporation or association shall hereafter gain the right to extract or cause to be extracted said minerals from said waters by user, custom, prescription, appropriation, littoral rights, riparian rights, or in any manner other than by lease from or express permission of the state as prescribed by law; and no such lease or permission shall be granted for a longer period than twenty-five years.

SEC. 2. All acts or parts of acts in conflict herewith are hereby repealed.

SEC. 3. This act shall take effect immediately.

CHAPTER 455.

An act to provide for the division of municipalities into sewer districts, and for the construction of, or acquisition and maintenance of sewers therein, providing a system of district sewer bonds to pay the cost of such construction of, or acquisition and also for the payment of such bonds.

[Approved April 14, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Municipal-
ities may
create
sewer
districts.

SECTION 1. The legislative body of any city, town or municipal corporation, incorporated under the laws of this state may create from time to time, as hereinafter provided, within such city, town or municipal corporation separate sewer districts whenever in the judgment of such legislative body it may be necessary or convenient for the proper sanitation and drainage of such districts to construct or acquire any sewer or sewers therein, and may designate such districts by distinctive names and numbers and may as hereinafter provided, provide for the incurring of indebtedness to pay for the cost of the construction or acquisition of sewers in such districts.

SEC. 2. Whenever the legislative body of any such city, town or municipal corporation shall, by resolution passed by

a vote of two thirds of all its members and approved by the executive of such municipality, determine that the public interest or convenience requires the construction of, or acquisition by purchase or otherwise of a sewer or any sewers in any part of the territory of such municipality, said legislative body shall describe in said resolution a district, naming and numbering the same as hereinabove provided, and declare said district to be the district benefited by said work or improvement, or acquisition of such sewer, and may, at any subsequent meeting, by ordinance passed by a vote of two thirds of all of its members, and also approved by the said executive, adopt plans and specifications for the proposed sewer work (if to be constructed), and also describe the territorial district upon which the expense of such proposed sewer work or improvement, or acquisition, shall be chargeable, as hereinafter provided, and shall provide therein for a special election to be held in such city, town or municipal corporation. At such election there shall be submitted to the qualified electors of such city, town or municipal corporation, the proposition of incurring indebtedness for the purposes set forth in said resolution, and no question other than the incurring of the indebtedness for such purposes shall be submitted at such special election. The ordinance calling such special election shall also recite the objects and purposes for which the proposed indebtedness is to be incurred, the estimated cost of the proposed sewer work, improvement, or sewer system to be acquired, the amount of the principal of the indebtedness to be incurred therefor, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, the manner of holding such election, and the manner of voting for or against the incurring of such indebtedness. In all particulars not recited in such ordinance, such election shall be held as is provided by law for holding general municipal elections in such city, town or municipal corporation. The maximum rate of interest to be paid on such indebtedness shall be six (6%) per centum per annum, payable semi-annually.

Dist. let
described
in resolu-
tion

Special
election.

Cost.

Interest.

Sec. 3. Said ordinance shall be published once a day for five days, prior to the date set for such election, in some newspaper of general circulation designated by the legislative body of said city, town or municipal corporation, which newspaper is published once a day for at least six days a week in such municipality, or such ordinance shall be published once a week for two weeks prior to the date set for such election, in some newspaper of general circulation designated by said legislative body, and published less than six days a week in such municipality, and one insertion thereof in such last described newspaper each week for two succeeding weeks prior to the date set for such election by the legislative body of said city, town or municipal corporation, shall be a sufficient publication in such newspaper published less than six days a week. In municipalities where no newspaper is published, such ordinance shall be posted in three public places in the said sewer district for

Ordinance
published.

Posted in
municipal-
ities hav-
ing no
newspaper.

two succeeding weeks prior to the date set for such election by the legislative body of said city, town or municipal corporation. No other notice of such election need be given. It shall require the affirmative votes of two thirds of all the aforesaid qualified electors of said city, town or municipal corporation voting at such special election, to authorize the incurring of said indebtedness and the issuance of bonds therefor as provided herein; *provided, however*, if the proposition so submitted at such election fail to receive the requisite number of votes of the aforesaid qualified electors of such city, town or municipal corporation, voting at such election to incur the indebtedness for the purpose specified, the legislative branch of such municipality shall have no power or authority within six months after such election, to pass any ordinance calling another election for incurring any indebtedness for sewer work within any sewer district which has within its boundaries any of the territory of the district in which, at said election, the requisite number of votes for the issuance of said bonds has not been cast therefor.

Bonds issued in name of city.

How payable.

Denominations.

Coupons.

Officers' signatures.

Sec. 4. All bonds issued under the provisions of this act shall be issued in the name of the city, town or municipal corporation in which such sewer district has been formed, and shall be payable in the following manner: A part to be determined by the legislative body of the municipality, which part shall not be less than the one fortieth part of the whole amount of such indebtedness, shall be payable each and every year on a day and date, and at a place within the United States, to be fixed by the legislative body of the city, town or municipal corporation issuing the said bonds, and designated in such bonds, together with the interest on all sums unpaid at such date, until the whole of said indebtedness shall have been paid. The bonds shall be issued in such denominations as the legislative body of the municipality may determine, except that no bonds shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars, and shall be payable on the day, and at the place fixed in such bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of six per cent per annum, and shall be payable semi-annually, and said bonds shall be signed by any officer of said city, town or municipal corporation designated for that purpose by the city council, board of trustees or other legislative body of such city, town or municipal corporation, by resolution adopted by a two-thirds vote of all of its members, and shall also be signed by the treasurer thereof, and shall be countersigned by the clerk of such city, town or municipal corporation. The coupons of said bonds shall be numbered consecutively and signed by the treasurer. In case any of such officers whose signatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures or counter-signatures shall nevertheless be valid and sufficient for all purposes, the same as if such officers had remained in office until the delivery of the bonds.

SEC. 5. The legislative body of the city, town or municipal corporation within whose territory such sewer district has been created as herein provided, may issue and sell said bonds at not less than their par value, and the proceeds of the sale of such bonds shall be placed in the municipal treasury to the credit of the proper sewer district fund and shall be applied exclusively to the purposes and objects mentioned in the said ordinance.

Sale of
bonds.

SEC. 6. Before the legislative body of such city, town or municipal corporation shall award the contract for doing any sewer work or improvement, the expense of which is to be paid out of the proceeds of sales of the bonds issued in accordance with the provisions of this act, said legislative body of said city, town or municipal corporation, shall cause notice with specifications to be posted conspicuously for five days on or near the chamber door of said legislative body, inviting sealed proposals or bids for doing said sewer work or improvement, and shall also cause notice of said work inviting said proposals and referring to the specifications posted or on file, to be published for two consecutive insertions in a daily, semi-weekly or weekly newspaper, published and circulated in said city, town or municipal corporation, designated by said legislative body for that purpose, and in case there is no newspaper published in said city, town or municipal corporation, then it shall only be posted as hereinbefore provided. All proposals or bids offered shall be accompanied by a check, payable to the order of the executive officer of said city, town or municipal corporation, certified by a responsible bank for an amount which shall be not less than ten (10%) per cent of the aggregate of the proposal, or by a bond for the said amount, and so payable, signed by the bidder and by two sureties who shall justify before an officer competent to administer an oath, in double such amount, and over and above all statutory exemptions. Said proposals or bids shall be delivered to the clerk of said legislative body, and said legislative body shall in open session examine and publicly declare the same. Said legislative body may reject any or all proposals or bids should it deem this for the public good, and shall reject all proposals or bids other than the lowest proposal or bid of any responsible bidder, and may award the contract for said work or improvement to the lowest responsible bidder at the price named in his bid, which award shall be approved by the executive officer of said city, town, or municipal corporation, or a three-fourths vote of the legislative body of said city, town or municipal corporation. If not approved by said executive officer or a three-fourths vote of said legislative body, without further proceedings the said legislative body may readvertise for proposals or bids for the performance of the work as in the first instance, and thereafter proceed in the manner in this section provided, and shall thereupon return to the proper parties the respective checks and bonds corresponding to the bid so rejected. But the checks accompanying such accepted proposals or bids shall be held by the clerk of said city, town or municipal corporation, until the

Notice
before
awarding
contract.

Publica-
tion.

Checks
with bids.

Sureties.

Award of
contract.

contract for doing said work has been entered into by said lowest bidder. But if said bidder fails, neglects or refuses to enter into the contract to perform said work within ten days after said contract shall have been awarded, then the certified check accompanying his bid and the amount therein mentioned, shall be declared to be forfeited to said city, town or municipal corporation. The said legislative body shall have the right to require such bonds as they may deem adequate from the bidder to whom the contract for said work or improvement is awarded, to insure the faithful performance of said contract. Such officer of said city, town or municipal corporation as the legislative body thereof shall designate, is authorized, in his official capacity, to make all written contracts and to receive all bonds authorized by this act, and is authorized to fix the time for the commencement, which shall not be more than fifteen days from the date of the contract, and for the completion of the work under all contracts entered into by him, which work shall be prosecuted with diligence from day to day until completion, and he may extend the time so fixed from time to time under the direction of said legislative body of said city, town or municipal corporation; *provided, however*, that nothing herein contained shall be construed as prohibiting such city, town or municipal corporation itself from constructing or completing such sewer or improvement, and buying the material, and employing the labor necessary therefor; *provided, however*, that this section shall not apply where sewer systems, or any part of a sewer system, already constructed has been, or is to be acquired under this act; *and provided, further*, that in cities, towns and municipal corporations operating under a charter heretofore or hereafter framed under section 8, article XI of the constitution of the State of California, and providing for a board or department of public works, all the things required in this section to be done and performed by the legislative body of the municipality shall be done and performed by the board or department of public works of such city, town or municipal corporation, and in case such charter also prescribes the manner of letting and entering into contracts for the furnishing of labor, materials or supplies for the construction or completion of public work or improvements, all contracts for the construction or completion of sewer work or improvement shall be let and entered into in conformity with the provisions of such charter.

SEC. 7. The legislative body of said city, town or municipal corporation shall, at the time of fixing the general tax levy, and in the manner for such general tax levy provided, levy and collect each year upon the property situated within such sewer district formed as hereinbefore set forth, and upon such property only, and until such bonds are paid or until there shall be a sum in the treasury of such city, town or municipal corporation set apart for that purpose, sufficient to meet all sums coming due for the principal and interest on such bonds, a tax sufficient to pay the annual interest on such bonds, and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy; *provided*,

Checks may be forfeited on failure of bidder to enter into contract.

Bonds of contractor.

Beginning and completion of contract.

City may construct.

Charter cities.

Tax levy.

however, that if the maturity of the indebtedness created by the issue of said bonds or any part thereof, be made to begin more than one year after the date of the issuance of such bonds, such tax shall be levied and collected at the time and in the manner aforesaid, annually, each year, sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, on or before the payments herein provided for, shall become due. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for the municipal purposes, and shall be collected at the time, and in the manner, as other municipal taxes are collected, and shall be used for no other purpose than the payment of the sum or sums of money due on said bonds and the accruing interest thereon.

SEC. 8. It shall be the duty of the legislative body of every city, town or municipal corporation, wherein sewer work or improvement is being made or acquired under the provisions of this act, to make all needful rules and regulations for carrying out and maintaining such sewer work or improvement, to appoint all needful agents, superintendents and engineers to properly look after the construction and operation of such sewers; *provided*, that in cities, town and municipal corporations operating under a charter heretofore or hereafter framed under section 8, of article XI of the constitution of the State of California, and having a board or department of public works, all the matters and things required in this section to be done and performed by the legislative body of the municipality shall be done and performed by the board or department of public works of such city, town or municipal corporation.

Duty of city legislative bodies to make regulations, etc.

SEC. 9. This act shall in nowise affect any other act by the provisions of which sewer work or improvement may be done within or by any city, town or municipal corporation, but it is intended to and does provide an alternate system of proceedings for sewer work and improvements, and it shall be within the discretionary powers of the legislative body of any city, town or municipal corporation to proceed in making such improvements either under the provisions of this act, or under the provisions of any other act. But when any proceedings are commenced under this act the provisions of this act and such amendments thereto as may hereafter be adopted, shall thereafter apply to all work done under such proceedings until the completion thereof. If, after certain sewer work or improvement has been done or sewers acquired under provisions of this act, the legislative body of any city, town or municipal corporation shall deem it necessary or convenient to construct or acquire any additional sewer or sewers, it shall be within the discretionary powers of the legislative body of any city, town or municipal corporation to proceed in making such improvement either under the provisions of this act or under the provisions of any other act relative thereto. But any provisions contained in any other acts in conflict with the provi-

This act provides alternate system.

"Sewer"
defined.

sions hereof shall be void as to, and of no effect upon, proceedings commenced under the provisions of this act, except as herein provided. The word "sewer," as used in this act, shall be deemed to, and is hereby declared to, include sewers for sanitary or drainage purposes, drains or conduits for surface or storm waters, and the outlets therefor.

SEC. 10. This act shall take effect immediately.

CHAPTER 456.

An act to amend "An act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the commissioner of the bureau of labor statistics, and providing penalties for the violation hereof," approved February 20, 1905.

[Approved April 14, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

"An act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the commissioner of the bureau of labor statistics, and providing penalties for the violation hereof," approved February 20, 1905, is hereby amended to read as follows:

Minors not
to work
more than
nine hours
a day.

SECTION 1. No minor under the age of eighteen shall be employed in laboring in any manufacturing, mechanical, or mercantile establishment, or other place of labor, more than nine hours in one day, except when it is necessary to make repairs to prevent the interruption of the ordinary running of the machinery, or when a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week, and in no case shall the hours of labor exceed fifty-four hours in a week.

Not to
work
in p. m.
to 5 a. m.
children
under fif-
teen.

SEC. 2. No minor under the age of eighteen years shall be employed or permitted to work between the hours of ten o'clock in the evening and five o'clock in the morning. No child under fifteen years of age shall be employed in any mercantile institution, office, laundry, manufacturing establishment, workshop, place of amusement, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages; *provided*, that the judge of the juvenile court of the county, or city and county, or in any county or city and county in which there is no juvenile court, then any judge of the superior court of the county or city and county in which such child resides shall have authority to issue a permit to work to any such child over the age of twelve years, upon

Juvenile
court may
permit
child over
twelve to
work.

a sworn statement being made to him by the parent of such child that such child is past the age of twelve years, that the parents or parent of such child are incapacitated for labor, through illness, and after investigation by a probation officer or attendance officer of the city, or city and county, in which such child resides, or in cities and counties where there are no probation or attendance officers, then by such other competent person as the judge may designate for this purpose. The permit so issued shall specify the kind of labor and the time for which it is issued, and shall in no case be issued for a longer period than shall seem necessary to the judge issuing such permit. Such permit shall be kept on file by the person, firm or corporation employing the child therein designated, during the term of said employment, and shall be given up to such child upon his quitting such employment. Such certificate shall be always open to the inspection of the attendance and probation officers of the city and county, city or county, in which the place of employment is situated, or the officers of the state bureau of labor statistics; and *provided*, that the attendance officer of any county, city and county, or school district in which any place of employment, in this section named, is situated, shall have the right and authority, at all times to enter into any such place of employment for the purpose of investigating violations of the provisions of this act, or violations of the provisions of an act entitled "An act to enforce the educational rights of children and providing penalties for the violation of the act," approved March 24, 1903, and amended March 20, 1905; *provided, however*, that if such attendance or probation officer is denied entrance to such place of employment, any magistrate may, upon the filing of an affidavit by such attendance or probation officer setting forth the fact that he had a good cause to believe that the provisions of this act, or the act hereinbefore referred to, are being violated in such place of employment, issue an order directing such attendance or probation officer to enter said place of employment for the purpose of making such investigations; and *provided*, that any such child over the age of twelve years may be employed at any of the occupations mentioned in this act during the regular vacation of the public schools of the city, county, or city and county, in which the place of employment is situated, upon the production of a permit signed by the principal, vice-principal of the school, or secretary of the board of school trustees or board of education of the school which such child has attended during the term next preceding any such vacation. Such permit shall contain the name and age of the child to whom it is issued, and the date of the termination of the vacation for which it is issued, and shall be kept on file by the employer during the period of employment, and at the termination of such employment shall be returned to the child to whom it was issued. No minor who is under sixteen years of age shall be employed or permitted to work at any gainful occupation during the hours that the public schools of the city, town or school district in which his place of employment is situated are in session,

Attendance officer may enter places of employment.

Employment of children during vacation.

Minors under sixteen not to work during school hours.

unless he or she can read English at sight and can write legibly and correctly simple English sentences, or unless he or she is a regular attendant for the then current term at a regularly conducted night school. A certificate of the principal of such school shall be held to be sufficient evidence of such attendance.

Posting
notes of
work
hours.

Sec. 3. Every person, firm or corporation employing minors under eighteen years of age, in any manufacturing establishment, shall post, and keep posted, in a conspicuous place in every room where such help is employed, a written or printed notice stating the number of hours per day for each day of the week required of such persons. Every person, firm, or corporation, agent or officer of a firm or corporation, employing or permitting minors under sixteen and over fifteen years of age to work in any mercantile institution, office, laundry, manufacturing establishment, workshop, place of amusement, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages, shall keep a record of the names, ages, and places of residence of such minors, and shall have on file a certificate of age and schooling, as provided in this act, for every such minor so employed, said record and certificate to be open at all times to the inspection of the school attendance and probation officers of the city and county, city, or county, in which the place of employment is situated, or of the officers of the state bureau of labor statistics.

Record of
minors
employed.

Age and
schooling
certifi-
cates.

An age and schooling certificate shall be approved only by the superintendent of schools of the city or county, or by a person authorized by him in writing, or where there is no city or city and county superintendent of schools, by a person authorized by the local school trustees; *provided*, that the superintendent or principal of any school of recognized standing shall have the right to approve an age and schooling certificate, and shall have the same rights and powers as the superintendent of public schools to issue the certificate herein provided, for children attending such schools. The persons authorized to issue age and schooling certificates shall have the authority to administer the oaths necessary for carrying out the provisions of this act, but no fees shall be charged for issuing such certificates. An age and schooling certificate shall not be approved unless satisfactory evidence is furnished by the last school census, the certificate of birth or baptism of such child, the public register of birth of such child, or in some other manner, that such child is of the age stated in such certificate. A duplicate copy of each age and schooling certificate granted under the provisions of this act shall be kept by the person issuing such certificate, such copy to be filed with the county superintendent of schools in the county where the certificate is issued; *provided*, that all such copies of certificates issued between June 25th and December 25th of any year shall be filed not later than December 31st of such year; and those issued between December 25th and June 25th of the ensuing year shall be filed not later than June 30th of each

Duplicate
copy filed.

year. Such certificates shall be substantially in the following form, to wit:

Age and Schooling Certificate.—This certifies that I am the (father, mother, or guardian) of (name of the child), and that (he or she) was born at (name of town or city), in the county of (name of county, if known), and state (or country) of (name), on the day (day and year of birth), and is now (number of years and of months) old. Form of certificate

Signature, as provided in this act.

Town or city, and date.

There personally appeared before me the above named (name of person signing) and made oath that the following certificate by (him or her) signed is true to the best of (his or her) knowledge and belief.

I hereby approve the foregoing certificate of (name of child), height (feet and inches), complexion (fair or dark), hair (color), having no sufficient reason to doubt that (he or she) is of the age therein certified, and I hereby certify that (he or she) (can or can not) read English at sight, and (can or can not) write legibly simple sentences in the English language. There is hereto attached a written request from the prospective employer of such child, that an age and schooling certificate be granted to such child.

Signature of the person authorized to sign, with his official character and authority.

Town or city and date.

This certificate belongs to the person in whose behalf it is drawn, and it shall be presented to (him or her) whenever (he or she) leaves the services of the person, firm, or corporation holding the same. The certificate as to the birthplace and age of the minor under sixteen and over fifteen years of age shall be signed by his father, his mother, or his guardian; if a child has no father, mother, or guardian living in the same city or town, his own signature to the certificate may be accepted by the person authorized to approve the same. Every person authorized to sign the certificate prescribed by this act, who knowingly certifies to any false statement therein, is guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than fifty dollars, or imprisonment not more than thirty days, or by both such fine and imprisonment. The county superintendent of schools of each county shall file with the commissioner of the bureau of labor statistics a report showing the number of age and schooling certificates issued to male and female minors, fifteen years of age, and such other detailed information as the commissioner may require. Said report to be filed during the months of January and July of each year for the preceding six months, ending June 25th and December 25th of each year, and cover certificates issued during said periods and on file in the office of the county superintendent of schools as described in paragraph five of this section.

Information filed with bureau of labor statistics.

Sec. 3a. *Provided, however,* that no child having a permit

Remaining
idle longer
than two
weeks.

to work, as prescribed in section two of this act, and no child having an age and schooling certificate, as described in section three of this act, and no other child, between the ages of fifteen and sixteen years, who, if between the ages of eight and fifteen years, would by law be required to attend school, shall, while the public schools are in session, be and remain idle and unemployed for a period longer than two weeks, but must enroll and attend school; *provided*, that within one week after any child having such a permit to work or such age and schooling certificate shall have ceased to be employed by any employer, such employer shall, in writing, giving the latest correct address of such child known to such employer, notify, in the case of a child having a permit to work, the judge of the juvenile court in the county of said child's residence, or the probation officer of such juvenile court, or in the case of a child having an age and schooling certificate, the county superintendent of schools of such county, that such child is no longer employed by such employer; and such judge of the juvenile court, or such probation officer, or such county superintendent of schools, shall thereupon immediately notify the attendance officer having jurisdiction in the place of such child's residence, giving the said latest correct address of such child, that such child is neither at work nor in school; and *provided, further*, that no such child shall be permitted to cease school attendance, without securing a permit to work, or an age and schooling certificate as provided in this act.

Failure to
comply
with act
misde-
meanor.

SEC. 4. Any person, firm, corporation, agent, or officer of a firm or corporation that violates or omits to comply with any of the foregoing provisions of this act, or that employs or suffers or permits any minor to be employed in violation thereof, is guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than fifty dollars or more than two hundred dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment, for each and every offense. A failure to produce any age and schooling certificate or permit or to post any notice required by this act, shall be prima facie evidence of the illegal employment of any person whose age and schooling certificate or permit is not produced, or whose name is not so posted. Any fine collected under the provisions of this act shall be paid into the school funds of the county, or city, or city and county in which the offense occurred; except such fines imposed and collected as the result of prosecutions by the officers of the bureau of labor statistics. In such cases one half of the resultant fine or fines shall be paid into the state treasury and credited to the contingent fund of the bureau of labor statistics, and one half paid into the school funds of the county, or city, or city and county in which the offense occurred.

Fines paid
into school
funds.

Employ-
ment dur-
ing hours
school is
not in ses-
sion not
prohibited.

SEC. 5. Nothing in this act shall be construed to prohibit the employment of minors at agricultural, horticultural, or viticultural or domestic labor during the time the public schools are not in session, or during other than school hours. Nor shall anything in this act be construed to prohibit any child between

the ages of fifteen and eighteen years, who is by any statute or statutes of the State of California, now or hereafter in force, permitted to be employed as an actor, or actress, or performer, in a theatre, or other place of amusement, previous to the hour of ten o'clock P. M., in the presentation of a performance, play or drama, continuing from an earlier hour till after the hour of ten o'clock P. M., from performing his or her part in such presentation as such employec between the hours of ten and twelve o'clock P. M.

Employment as actor in theatre not prohibited.

SEC. 6. It shall be the duty of the bureau of labor statistics to enforce the provisions of this act. The commissioner, his deputies, and agents, shall have all powers and authority of sheriffs to make arrests for violations of the provisions of this act.

Enforcement of act.

CHAPTER 457.

An act to add a new section to the Penal Code of the State of California to be known and numbered as section 628f, relating to gathering clams, and prescribing a penalty for gathering clams under a certain size, or having more than a certain number in one's possession.

[Approved April 14, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code of the State of California to be known and numbered as section 628f, which shall read as follows:

628f. Every person who takes, gathers, catches or has in his possession any clam, known as the Pismo clam (*Tivela stultorum*) which shall measure less than thirteen inches around the outer edge of the shell, or who during any one calendar day takes, gathers, catches or has in his possession more than two hundred of said clams shall be guilty of a misdemeanor.

Gathering clams.

CHAPTER 458.

An act to amend an act entitled "An act to prevent the taking of fish by means of weirs, dams, nets, traps or seines in certain tide water on the coast of Mendocino county," approved March 25, 1909.

[Approved April 14, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. An act entitled "An act to prevent the taking of fish by means of weirs, dams, nets, traps or seines in certain tide water on the coast of Mendocino county," approved March

25, 1909, is hereby amended by adding thereto a new section to be known as section 4 and to read as follows:

Act subject to Penal Code, section 634.

Section 4. The provisions of this act are subject to section 634 of the Penal Code, and the use of such weir, dam, net, trap or seine for the purpose of catching fish, and the taking of fish from any weir, dam, net, trap or seine in the waters described in this act shall be permitted at the times and in the manner set out in said section 634 of the Penal Code.

CHAPTER 459.

An act to amend section 1817 of the Political Code of the State of California, relating to county school tax.

[Approved April 14, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1817 of the Political Code of the State of California is hereby amended so as to read as follows:

County superintendent to estimate school fund needed.

1817. The county superintendent of every county, and of every city and county, must, at least fifteen days before the first day of the month in which the board of supervisors of such county, or city and county, is required by law to levy the amount of taxes required for county, or city and county purposes, to furnish to the board of supervisors and to the auditor, respectively, an estimate in writing of the minimum amount of county or city and county school fund needed for the next ensuing school year. This amount he must compute as follows:

Number of teachers.

First—The county superintendent of every county and of every city and county must ascertain in the manner provided for in subdivisions one and two of section eighteen hundred and fifty-eight of the Political Code, the total number of teachers for the county, or the city and county.

\$550 per teacher.

Second—The county superintendent of every county and of every city and county must calculate the amount required to be raised at five hundred and fifty dollars per teacher. From this amount he must deduct the total amount received from state apportionments for the next preceding school year and the remainder shall be the minimum amount of county, or city and county school fund needed for the ensuing school year; provided, that if this amount is less than sufficient to raise a sum equal to thirteen dollars for each pupil in average daily attendance in the county, or city and county, for the school year closing June thirtieth preceding, then the minimum amount shall be such a sum as will be equal to thirteen dollars for each pupil in average daily attendance in the county, or city and county, for the school year ending June thirtieth preceding; but in no case shall the rate of tax levied for county or

Minimum per pupil

city and county school purposes in any one year exceed fifty cents on each one hundred dollars of taxable property in the county or city and county. Maximum rate.

SEC. 2. This act shall take effect and be in force on and after July 1, 1911.

CHAPTER 460.

An act to amend section 1728 of the Political Code of the State of California, relating to the formation of joint union high school districts.

[Approved April 14, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1728 of the Political Code of the State of California is hereby amended to read as follows:

1728. Whenever a majority of the heads of families or a majority of the electors residing in two or more contiguous school districts, having in the aggregate one hundred or more pupils in average daily attendance as shown by the last reports of the teachers in said school districts, shall present a petition to the superintendent of schools of the county in which the greater number of families of said proposed joint union high school district reside, or if two or more counties are tied in that respect, to the superintendent of schools of one of said counties to be determined by lot by all the superintendents of schools interested. Thereupon the same proceedings shall be had on such petition as are directed in section seventeen hundred twenty-seven, except that the county superintendent of schools shall file his certificate of the result of the election with the county clerk of each county in which any part of the joint union high school district is situated. If it appears from such certificate that a majority of the votes cast at such election were cast in favor of the formation of such district, such joint high school district shall be deemed to be formed from the time of the filing thereof. The county clerk shall record the certificate in full in his record of high school districts. Formation of joint union high school districts.

SEC. 2. This act shall take effect and be in force on and after its passage.

CHAPTER 461.

An act to amend section 1725 of the Political Code of the State of California, relating to the formation of high school districts.

[Approved April 14, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1725 of the Political Code of the State of California is hereby amended to read as follows:

Formation of high school districts in cities, etc.

1725. Whenever a majority of the heads of families or a majority of the electors residing in an incorporated city or town or a school district in which the average daily attendance in the elementary schools of the district shall be one hundred or more as shown by the last reports of the teachers in said district, shall write in a petition for the formation of a high school district therein under a name to be specified in the petition, they shall present the same to the superintendent of schools of the county, or in case of a joint school district to the superintendent of schools of the county in which the greater number of heads of families of such district reside. The superintendent to whom such petition is presented may require an affidavit from one or more of the petitioners as to the correctness of the facts as given in the petition. Within twenty days after receiving said petition the superintendent of schools shall verify the signatures to such petition, and if he finds them sufficient shall call an election in such incorporated city or town, including any territory annexed thereto under the provisions of section fifteen hundred seventy-six, or in such school district, for the determination of the question, and shall appoint three qualified electors thereof to conduct said election. Said election shall be called by posting notices thereof in three public places in said incorporated city or town, or school district, at least two weeks before the election, and by publishing such notice at least once a week for two successive weeks in a newspaper of general circulation published therein at least as often as once a week, if there be such a newspaper, the first publication to be not less than two weeks before the election. Said election shall be conducted in the manner prescribed for conducting elections of school trustees. The ballots used at such election shall contain the words "High School District—Yes" and "High School District—No," and electors voting at such election shall make a cross with pencil, ink, or rubber stamp, after the answer they desire to give. It shall be the duty of said election officers to canvass the vote at such election as soon as the polls are closed, and to report the result of said election to the superintendent of schools within five days subsequent to the holding thereof. Within ten days after receiving the returns of said election the superintendent of schools shall record the result thereof in a book kept by him for that purpose, and

Verification of signatures.

Notices of election.

if the majority of the votes cast at the election are in favor of the high school district, he shall also make and file with the county clerk of every county in which any part of such proposed high school district lies, a certificate showing the number of votes cast at such election for and against the high school district, and declaring the result thereof. Such county clerk shall record said certificate in full in a book to be kept by him for that purpose and designated the record of high school districts. If it shall appear from such certificate that a majority of the votes cast at such election were cast in favor of the formation of such district, such high school district shall be deemed to be formed from the time of the filing thereof.

SEC. 2. This act shall take effect and be in force on and after its passage.

CHAPTER 462.

An act to amend section 1727 of the Political Code of the State of California, relating to the formation of union high school districts.

[Approved April 14, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1727 of the Political Code of the State of California is hereby amended to read as follows:

1727. Whenever a majority of the heads of families or a majority of the electors residing in each of two or more contiguous school districts in the same county, having an average daily attendance in the aggregate in the elementary schools of one hundred pupils or more shall unite in a petition to the superintendent of schools of such county, for the formation of a union high school district under a name to be specified in the petition, he shall, within twenty days after receiving said petition verify the signatures thereto, and if he finds them sufficient, call an election for the determination of the question, and shall appoint three qualified electors in each of the districts petitioning, to conduct the election therein. Said election shall be held separately and simultaneously at a public schoolhouse in each of the districts petitioning, and shall be called by posting notices thereof in three public places in each district, one of which places shall be a public schoolhouse thereof, at least two weeks before the election, and by publishing such notice at least once a week for two successive weeks in a newspaper of general circulation published at least as often as once a week in said proposed union high school district, if there be such a newspaper, the first publication to be not less than two weeks before the election. Said election shall be conducted by the officers appointed for that purpose, in the manner provided by law for conducting elections of school trustees. The ballots used at such election in each district shall contain the words

Formation
of union
high school
districts.

Election.

“Union High School District—Yes” and “Union High School District—No,” and electors voting at such election shall make a cross with pencil, ink or rubber stamp, after the answer they desire to give. It shall be the duty of the said election officers in each district to canvass the vote at said election as soon as the polls are closed, and report the result to the superintendent of schools within five days subsequent to the holding of said election. Within ten days after receiving the returns of said election, the superintendent of schools shall combine the votes “for” and “against” the formation of the union high school district and declare such result and record the result, with the details of the vote in each district, in a book kept by him for that purpose. If a majority of the votes cast at the election are in favor of the formation of the union high school district, he shall also file with the county clerk of the county, a certificate showing the total number of votes cast in each district in favor of the union high school district, the total number of votes in each district against the union high school district, the aggregate result of said election and the boundaries of said proposed district. If it shall appear from such certificate that a majority of the votes cast at such election were cast in favor of the formation of such district, such union high school district shall be deemed to be formed from the time of the filing thereof, and the county clerk shall record said certificate in full in his record of high school districts.

SEC. 2. This act shall take effect and be in force on and after its passage.

CHAPTER 463.

An act to amend section 1722 of the Political Code of the State of California, relating to petitions for the formation of high school districts.

[Approved April 14, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1 Section 1722 of the Political Code of the State of California is hereby amended to read as follows:

Heads of families may sign petitions.

1722. Whenever by the provisions of this article the signatures of heads of families or of electors are required to any petition, any person who at the time of signing such petition is the head of a family, shall be competent to sign a petition, or any elector shall be competent to sign a petition. The superintendent of schools may require an affidavit from one or more of the petitioners as to the correctness of the facts given in the petition.

SEC. 2. This act shall take effect and be in force on and after its passage.

CHAPTER 464.

An act to amend section 1736 of the Political Code of the State of California, relating to the disincorporation of a high school district.

[Approved April 14, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1736 of the Political Code of the State of California is hereby amended to read as follows:

1736. Any high school district may, after the expiration of three years from its formation, or after it has been acting as such for three years, disincorporate and be dissolved in the following manner: A petition signed by two thirds of the heads of families or two thirds of the electors of each school district composing such high school district as shown by affidavit of one or more of the petitioners shall be presented to the superintendent of schools having jurisdiction over such high school district, which petition shall set forth briefly the reasons for disincorporation, and shall pray that the question may be submitted to the voters in said district. Upon receiving such petition the said superintendent of schools shall verify the signatures to said petition and shall, if he finds them sufficient, call an election in each school district of such high school district, and shall submit to the voters therein the question of disincorporation of such high school district. At the time of calling such election, which must be held in all the school districts of the high school district upon the same day, the superintendent of schools must appoint three electors in each school district contained within such high school district to conduct the election. Notice of election shall be given by posting and publication as provided by section seventeen hundred twenty-seven in case of an election for the formation of a union high school district. Said election shall be conducted in the manner provided by law for conducting elections of school trustees. The ballots shall have printed on them the words "Disincorporation—Yes" and "Disincorporation—No." and electors voting at such election shall make a cross with pencil, ink, or rubber stamp, opposite the answer they desire to give. The election officers shall report the result of such election within five days thereafter to such superintendent of schools. If a majority of all the votes cast at such election are opposed to disincorporation no further petition shall be entertained or election ordered for a similar purpose within three years next following such election. If two thirds of all votes cast at such election are in favor of disincorporation the superintendent of schools shall, at the end of the existing school year, suspend said high school district, and report the result of the election and the fact of such suspension to the board of supervisors of his county. Upon receiving such report, said board shall, at the

Disincorporation of high school district.

Section.

Result of election.

first meeting thereafter, make an order declaring said high school district duly disincorporated and dissolved, to take effect at the end of the existing school year. When a high school district has disincorporated under the provisions of this section, the property thereof shall be sold by said board of supervisors and the proceeds of such sale, together with any moneys in the treasury to the credit of such disincorporated high school district, shall be disposed of as provided in section seventeen hundred thirty-five. If a high school district so disincorporated has an outstanding bonded indebtedness, taxes shall be levied and collected on all property in the territory constituting such high school district at the time of its disincorporation, for the purpose of paying principal and interest of such bonds, in the same manner, and at the same time as if said district had not been disincorporated.

Property.

SEC. 2. This act shall take effect and be in force on and after its passage.

CHAPTER 465.

An act to amend Section 1734 of the Political Code of the State of California, relating to the admission of a school district to a high school district or the exclusion of a school district from a high school district.

[Approved April 14, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1734 of the Political Code of the State of California is hereby amended to read as follows:

Admission
of school
district to
high school
district.

1734. Whenever a majority of the heads of families or a majority of the electors residing in any school district contiguous to a high school district, in the same or in adjoining counties, as shown by the affidavit of one or more of the petitioners, shall present to the superintendent of schools who has jurisdiction over said high school district, a petition for the annexation of such school district to such high school district, accompanied by an agreement signed by a majority of the members of the high school board of the high school district to which annexation is desired, and by a majority of the trustees of such school district, consenting to such annexation and setting forth the terms thereof, such superintendent of schools shall, after verifying the signatures thereon and finding them sufficient, transmit such petition and agreement to the board of supervisors of his county with his recommendations thereon. Such board may thereupon, in their discretion, make an order annexing such school district to such high school district upon the terms agreed on. Whenever it appears that the terms agreed upon by the trustees of the district seeking to be an-

nexed and the high school board include the assumption by the district to be annexed of its pro rata portion of any bonded indebtedness existing against the high school district, the board of supervisors shall call an election in the district so proposing to assume such indebtedness for the purpose of determining whether such indebtedness shall be authorized and assumed. Such election shall be held as provided in section seventeen hundred forty-five, except that the returns shall be made to the board of supervisors. If it shall appear from the returns of such election that two thirds of the votes cast at such election were cast in favor of the assumption by the district seeking to be annexed of its pro rata portion of such bonds, then and not until then shall such district be annexed to such high school district. If such bonded indebtedness is assumed by the annexed district then all levies of taxes made for the payment of the same and interest thereon, shall be upon the property of such annexed district at the same rate as levied upon the property of the original high school district. Whenever a majority of the heads of families or a majority of the electors residing in any union or joint union high school district, and two thirds of the heads of families or of the electors residing in any school district which is a part thereof, as shown by the affidavit of one or more of the petitioners, shall present to the superintendent of schools who has jurisdiction over said high school district petitions asking for the exclusion of such school district from such high school district, accompanied by an agreement signed by a majority of the high school board of such high school district and a majority of the trustees of such school district, consenting to such exclusion and setting forth the terms thereof, such superintendent of schools shall, after verifying the signatures thereto and finding them sufficient, transmit such petitions and agreement to the board of supervisors of his county, with his recommendations thereon. Such board may thereupon, in their discretion, make an order excluding such school district from the high school district upon the terms agreed on; *provided*, however, that no school district shall be excluded from a high school district having an outstanding bonded indebtedness, where such exclusion would so reduce the amount of taxable property in such high school district that said outstanding bonded indebtedness would exceed five per cent of the taxable property of such high school district after the exclusion, as shown by the last equalized assessment of the county or counties in which such high school district is located. The order of the board of supervisors annexing a school district to, or excluding it from, a high school district shall be entered by their clerk in his record of high school districts and he shall also send a copy thereof to the county clerk of each county in which any part of such high school district is situated, who shall enter it in his record of high school districts.

Assump-
tion of
indebt-
ness.

Exclusion
of school
district
from high
school
district.

SEC. 2. This act shall take effect and be in force on and after its passage.

CHAPTER 466.

An act to add a new section to title II, part III of the Penal Code of California, to be numbered section 1616 and relating to the care of female prisoners in county jails.

[Approved April 15, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to title II, part III of the Penal Code of California, to be numbered section 1616, relating to the care of female prisoners in county jails, and to read as follows:

Care of female prisoners in county jails.

1616. Whenever any female prisoner or prisoners are confined in any county jail in the state, and no regular jail matron has been appointed, there shall be designated by the sheriff some suitable woman who shall have immediate care of such female prisoner or prisoners. Such female prisoners shall be so kept that they cannot see or be seen by, or converse with, any male prisoners confined in said jail, and it shall be unlawful for any male officer or jailer to search the person of any female prisoner, or to enter into the room or cell occupied by any female prisoner, except in the company of such matron or woman having the care of such female prisoner.

CHAPTER 467.

An act to amend section 4235 of the Political Code of the State of California, relating to the compensation of officers of counties of the sixth class and their assistants and deputies.

[Approved April 15, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4235 of the Political Code of the State of California is hereby amended to read as follows:

Salaries of officers in counties of sixth class.

4235. In counties of the sixth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

County clerk.

1. The county clerk, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk, to be appointed by him, one chief deputy, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; two additional deputies at a salary of fifteen hundred dollars each per annum; two deputies, to act as index clerks, at a salary of twelve hundred

dollars each per annum: one deputy, to act as stenographer, at a salary of twelve hundred dollars per annum; three deputies, to act as copyists, at a salary of twelve hundred dollars each per annum, and three court room clerks at a salary of one thousand five hundred dollars each per annum; one deputy, who shall be the registrar of voters, which office is hereby created, who shall receive a salary of two thousand four hundred dollars per annum, and a deputy or deputies, not to exceed five, for the purpose of registering electors, to be paid not to exceed four dollars per diem each; *provided*, that said deputies so employed for registering electors shall not be employed except during a year when a general election is to be held throughout the state, and then only between the first day of June and the fifteenth day of November of said year; and such deputies as may be needed for the purpose of registering electors in precincts outside of the corporate limits of municipalities containing twenty-five thousand or more inhabitants, who shall be paid fifteen cents per name for each person legally registered by them. The salaries and compensations of each of said deputies and clerks to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid.

2. The sheriff, thirty-six hundred dollars per annum salary, Sheriff.
The sheriff shall also receive for his own use the fees for mileage which are now, or which may hereafter, be allowed by law, and the fees and commissions for the service of all papers whatsoever issued by any court of the state outside of his county, and shall also receive his necessary expenses in all criminal cases: The sheriff shall also be paid twelve and one half cents per meal each for all meals furnished prisoners confined in the county jail. In counties of this class there shall be, and there is hereby created and allowed to the sheriff, the following assistant deputies and employees, to wit: One under-sheriff, at a salary of eighteen hundred dollars per annum; three jailors, at a salary of twelve hundred dollars per annum each; two criminal deputies, at a salary of twelve hundred dollars per annum each; three court room bailiffs or deputies, at a salary of twelve hundred dollars each per annum. All deputies, under-sheriff, employees and assistants herein named shall be appointed by the sheriff and paid at the same time and manner that their principal is paid.

3. The recorder, three thousand dollars per annum: *pro-* Recorder.
vided, that in counties of this class there shall be and there is hereby allowed to the recorder, which said positions are hereby created, the following deputies, clerks and copyists, who shall be appointed by such recorder and shall be paid salaries and compensations as follows: One assistant recorder, at a salary of eighteen hundred dollars per annum; one comparing clerk, at a salary of fifteen hundred dollars per annum; one mortgage clerk, at a salary of twelve hundred dollars per annum; one index clerk, at a salary of twelve hundred dollars per annum. Said recorder may also appoint such copyists, not to exceed

four, as may be required for the recording of all papers, notices or documents in his office, who shall receive as compensation for their services, the sum of twelve hundred dollars each per annum; said recorder may also appoint two filing clerks, at a salary of twelve hundred dollars each per annum. The salaries and compensation of all deputies, clerks and copyists herein provided for, each of whom shall be a deputy county recorder, shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid.

Auditor.

4. The auditor, three thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed, to the auditor, which said positions are hereby created, the following assistant and clerks who shall be appointed by the auditor of such county, and shall be paid salaries and compensation as follows: One assistant county auditor at a salary of eighteen hundred dollars per annum; one redemption clerk at a salary of fifteen hundred dollars per annum; one index clerk at a salary of fifteen hundred dollars per annum, and such additional assistants as the auditor may require and whose compensation shall not exceed fifteen hundred dollars per annum in the aggregate for all assistance so rendered; *provided*, that a verified statement showing in detail the amounts paid and the persons to whom and the purpose for which such compensation has been paid for such additional assistants, as aforesaid, shall be filed with the county clerk, and the auditor shall certify thereon to the correctness of said claim. The salaries herein provided for shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the auditor is paid.

Treasurer.

5. The treasurer, thirty-four hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the treasurer the following deputy to be appointed by said treasurer, which position is hereby created: A deputy treasurer at a salary of eighteen hundred dollars per annum. The salary of the deputy treasurer shall be paid at the same time and in the same manner and out of the same fund as the salary of the county treasurer is paid.

Tax collector.

6. The tax collector, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the tax collector, the following deputies, bookkeepers and assistants to be appointed by said tax collector, which positions are hereby created: One chief deputy at a salary of eighteen hundred dollars per annum; one office deputy at a salary of fifteen hundred dollars per annum, and one bookkeeper at a salary of fifteen hundred dollars per annum; *provided, further*, that the tax collector shall have such assistants as he may require whose compensation, which shall be paid by the county, shall not exceed the sum of twelve hundred dollars per annum in the aggregate; *provided*, that the tax collector shall file with the county auditor a verified state-

ment showing in detail the amount paid, the persons to whom and the purpose for which such payments were made. The salaries of all deputies, assistants, and bookkeepers herein provided for shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as the tax collector is paid.

7. The license collector, one thousand eight hundred dollars per annum. Said license collector shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties and he shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived. License collector.

8. The assessor, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the assessor the following deputies, clerks and assistants, to be appointed by said assessor, which positions are hereby created, and the salaries of which are hereby fixed as follows: One chief deputy assessor, eighteen hundred dollars per annum; one office deputy assessor, fifteen hundred dollars per annum; one city real estate valuation deputy, fifteen hundred dollars per annum; one country real estate valuation deputy, for not exceeding eight months in any one year, at a salary of one hundred and twenty-five dollars per month; one mortgage and transfer assistant assessor, twelve hundred dollars per annum; one field deputy assessor, for not exceeding six months in any one year, at a salary of one hundred and twenty-five dollars per month; one head country field deputy, for not exceeding four months in any one year, at a salary of one hundred and fifty dollars per month; one head city field deputy, for not exceeding four months in any one year, at a salary of one hundred and twenty-five dollars per month; five field deputy assessors, for not exceeding four months in any one year, at a salary of one hundred and twenty-five dollars each per month; nine field deputy assessors, for not exceeding four months in any one year, at a salary of one hundred dollars per month each; two clerks, for not exceeding two months in any one year, at a salary of one hundred dollars each per month; and such additional assistants as the assessor may require, and whose compensation shall not in the aggregate exceed the sum of six hundred dollars per annum; *and provided, further*, that the assessor shall file with the county auditor a verified statement showing in detail the amount paid and the persons to whom such compensation is paid for such extra assistance as aforesaid. The salaries of the chief deputy assessor, office deputy assessor, city real estate valuation deputy, country real estate valuation deputy, head country field deputy, head city field deputy, clerks, mortgage and transfer assistant assessor, and field deputy assessors herein provided for shall be paid by the said county in monthly installments at the same time, manner and out of the same fund as the county assessor is paid. It is hereby further provided that in counties of this class the assessor shall receive no com- Assessor.

mission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes.

District
attorney.

9. The district attorney, thirty-six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby created and allowed to the district attorney the following assistant, deputy and employces, who shall be appointed by the district attorney of said county, and who shall be paid salaries as follows: One assistant district attorney, whose salary is hereby fixed at the sum of twenty-eight hundred dollars per annum; one deputy district attorney, whose salary is hereby fixed at the sum of twenty-one hundred dollars per annum; one clerk, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; one county detective, who shall perform such duties as may be required of him by the district attorney or by the ordinances of the board of supervisors of the county, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; *provided, further*, that in addition to the salary herein fixed for said county detective he shall be allowed and paid the actual and necessary expenses incurred by him in the performance of his official duties; *provided, further*, that the county detective shall file with the county auditor a verified statement showing in detail the amount paid, and the persons to whom and the purpose for which such payments were made; *and provided, further*, that in counties of this class the district attorney, in addition to the salary herein fixed, shall be allowed his traveling and other personal expenses incurred in criminal cases arising in the county, and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the investigation and detection of crime and prosecution of criminal cases and in civil actions and proceedings and all other matters in which the county is interested; *provided, further*, that the district attorney shall file with the county auditor a verified statement showing in detail the amount paid and the persons to whom and the purpose for which such payments were made.

Coroner.

10. The coroner, such fees as are now or may be hereafter allowed by law; *provided*, the coroner, or other officer holding an inquest upon the body of a deceased person may subpoena a chemist to make an analysis of the contents of the stomach or tissues of the body, or a physician or surgeon to inspect the body, or hold a post-mortem examination of the deceased, and give a professional opinion as to the cause of death; and shall cause the testimony of all the witnesses at such inquest to be reduced to writing under his directions. The coroner in counties of this class shall be and he is hereby allowed the following assistants, namely, one deputy and one stenographer, which offices are hereby created; said deputy shall have the power and it shall be his duty when directed by the coroner to hold inquests, and all such power conferred by law upon the coroner may be exercised by said deputy; the salary of said

stenographer shall be one hundred and twenty-five dollars per month, which salary shall be in full for all services rendered by him as such stenographer. Said stenographer shall take down in shorthand the testimony of witnesses at inquests and shall transcribe the same into longhand and file a verified copy thereof with the county clerk. The salary of said stenographer shall be paid by the county in the same manner, at the same time and out of the same fund as other county officers are paid. The said deputy coroner and the said stenographer shall each be appointed by the coroner.

11. The public administrator, such fees as are now or may be hereafter allowed by law. Admini-
strator.

12. The superintendent of schools, two thousand seven hundred dollars per annum, and actual traveling expenses when visiting schools of the county, not exceeding five hundred dollars per annum; and the said superintendent of schools may appoint one deputy superintendent of schools, which office of deputy superintendent of schools is hereby created, who shall receive as compensation the sum of one thousand eight hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers are paid. Each member of the board of education of the county shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education of said county shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of the said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools. Claims of such service and mileage shall be presented to the board of supervisors and shall be allowed, at the rate above named, and in the same manner as other claims against the county are allowed. The compensation of members of the county board of education of this county hereby provided is not in addition to that provided in section seventeen hundred and seventy of this code. Superin-
tendent of
schools.

13. The surveyor, two thousand four hundred dollars per annum; and in addition thereto all necessary expenses for work performed in the office and all necessary expenses and transportation for work performed in the field; *provided*, that in counties of this class whenever the board of supervisors shall order or the assessor may require assessor's map or block books, then the surveyor shall receive, in addition to the salary above noted, the sum of fifteen hundred dollars additional expenses required for the preparation and completion of said maps or block books. Surveyor.

14. Justices of the peace, in townships having a population of between nine hundred and one thousand, and between twenty-two hundred and twenty-four hundred inhabitants, as found and determined by the last preceding federal census, shall be allowed a salary of seventy-five dollars per month each, in lieu Justices of
the peace.

of all fees in criminal cases. In all other townships, justices of the peace, such fees as are or may be hereafter allowed by law, except that the justices of the peace in townships containing twenty thousand or more inhabitants shall be allowed a salary of one hundred dollars per month each in lieu of all fees in criminal cases; *provided, however*, that justices of the peace in townships contiguous to municipalities containing twenty-five thousand or more inhabitants, or in which a state penal institution is located, shall be allowed a salary of one hundred dollars per month each in lieu of all fees in criminal cases: the salary of the justice of the peace as above provided, to be paid at the same time, and in the same manner as county officers are paid.

Con-
stables.

15. Constables, in townships having a population of between nine hundred and one thousand, and between twenty-two hundred and twenty-four hundred inhabitants, as found and determined by the last preceding federal census, shall be allowed a salary of seventy-five dollars per month each and fifteen cents per mile actually traveled in taking prisoners to the county jail, in lieu of all fees in criminal cases. In all other townships, constables, such fees as are now or may be hereafter allowed by law, except that the constables in townships containing twenty thousand or more inhabitants shall be allowed a salary of one hundred and twenty-five dollars per month each, in lieu of all fees in criminal cases; *provided, further*, that constables in townships contiguous to municipalities containing twenty-five thousand or more inhabitants, or in which a state penal institution is located, shall be allowed a salary of one hundred dollars per month each, and fifteen cents per mile for every mile actually traveled in taking prisoners to the county jail, in lieu of all fees in criminal cases; *provided, further*, that constables, in townships not contiguous to municipalities containing twenty-five thousand or more inhabitants, and constables in townships in which a state penal institution is not located, shall receive in addition to the fees now provided by law three dollars per diem for each day in actual attendance on the court in criminal cases, and fifteen cents per mile for each mile actually traveled in taking prisoners to the county jail. The salary of the constables as above provided to be paid at the same time and in the same manner as county officers are paid.

Salaries
and mile-
age of
super-
visors.

16. Each supervisor, one hundred and twenty-five dollars per month, and ten cents per mile for traveling to and from the county seat: *provided*, mileage shall not be allowed oftener than once in each month.

17. The offices of recorder and auditor shall be separate and shall not be consolidated by the board of supervisors.

Jurors'
fees and
mileage.

18. For attending as a juror in the superior court for each day's attendance, per diem, three dollars. For each mile actually traveled in attending court as juror, in going only, per mile, twenty-five cents.

Analyst:
appoint-
ment and
salary.

19. In counties of this class there may be a county analyst, to be appointed by the board of supervisors, who shall receive a salary of not less than fifty dollars per month, to be paid

at the same time and in the same manner as other county officers are paid. He shall furnish his own laboratory. He shall perform such service as may be required by the district attorney, coroner, or by ordinances of the board of supervisors. He shall have been a resident of the county for at least two years and shall be a graduate of a recognized university or technical school and shall have had at least three years' experience in forensic and analytical chemistry.

20. In townships containing twenty thousand or more inhabitants, the board of supervisors shall furnish the justice of the peace and the constables of such townships an office to be occupied by such justice and constables jointly. Office for township officers.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 468.

An act to establish the Alpine state highway; to define its course; to provide for its supervision, construction, repair and maintenance, and to make an appropriation therefor.

[Approved April 15, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. That certain road commencing at the Calaveras big tree grove, located in Calaveras county, thence running to Dorrington in said county; thence easterly following what is known as the Big Tree and Carson valley turnpike, to Mount Bullion, in Alpine county; thence along county road to Markleeville, in Alpine county; thence along that certain road via Kirkwood, Silver Lake, Pine Grove and Irishtown to Jackson, in Amador county, including therewith the road from Pickett's in Hope Valley connecting with the Lake Tahoe wagon road, a state highway, at Osgood's place in El Dorado county, and the road from Mount Bullion via Loupe, in Alpine county, to Junction in Mono county, connecting with the Sonora and Mono state highway, is hereby declared and established a state highway and shall be designated and known as the "Alpine State Highway." Alpine state highway.

SEC. 2. The work of locating, surveying, constructing, repairing and maintaining said state highway is hereby placed under the management and control of the department of engineering and it shall be the duty of said department to locate, survey, construct, repair and maintain said state highway along all the roads above described, with such variations and modifications of grades thereon as will in the opinion of said department be deemed advisable. Surveying, construction, etc.

Appropriation.

SEC. 3. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of thirty-five thousand dollars to be expended under the supervision of said department for the construction, repair and maintenance of said state highway and modification of grades thereon. Of the sum hereby appropriated seventeen thousand five hundred dollars thereof shall be available on the first day of July, 1911, and the remaining seventeen thousand five hundred dollars thereof shall be available on the first day of July, 1912.

SEC. 4. The state controller is hereby directed to draw his warrants in such sums and at such times as the state engineer may present claims therefor, and the state treasurer is directed to pay the same.

CHAPTER 469.

An act making an appropriation to meet the expense of the collection of state revenues.

[Approved April 17, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation of collection of state revenues.

SECTION 1. The sum of twenty-five thousand dollars, or as much thereof as may be necessary, is hereby appropriated for the purpose of paying the expenses to be incurred by the state controller during the sixty-second, sixty-third and sixty-fourth fiscal years in the collection of the state revenues provided for by section 14 of article XIII of the constitution. The purposes for which said sum may be expended shall include clerical assistance, printing, stationery, postage, the purchase of office equipment, the expenses necessarily incurred in enforcing payment of delinquent taxes in the manner prescribed by law, and the expense incidental to all other things which the controller may be required by law to do in carrying out the provisions of said section of the constitution. Of the total sum herein appropriated three thousand dollars shall be available at once; eleven thousand dollars shall be available on and after July 1, 1911, and eleven thousand dollars shall be available on and after July 1, 1912.

SEC. 2. This act shall take effect immediately.

CHAPTER 470.

An act to amend sections four hundred and thirty-nine and four hundred and forty of the Political Code, relating to the employees of the controller's office and the salaries paid to such employees.

[Approved April 17, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 439 of the Political Code is hereby amended to read as follows:

439. The controller may appoint one deputy controller, one bookkeeper, one inheritance tax deputy, one expert, one statistician, one warrant registrar, and four clerks, who shall be civil executive officers; and one stenographer. Employees of controller.

SEC. 2. Section 440 of the Political Code is hereby amended to read as follows:

440. The annual salary of the deputy controller is three thousand dollars; of the bookkeeper, twenty-four hundred dollars; of the inheritance tax deputy, twenty-four hundred dollars; of the expert, two thousand dollars; of the statistician, two thousand dollars; of the warrant registrar, two thousand dollars; of one clerk, eighteen hundred dollars; of each of three clerks, sixteen hundred dollars; of the stenographer, twelve hundred dollars. All such salaries shall be paid in the same manner and at the same time as the salaries of other state officers. Salaries.

CHAPTER 471.

An act to amend section 4273 of the Political Code of the State of California relating to the salaries and fees of the county officers of the forty-fourth class.

[Approved April 17, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4273 of the Political Code is hereby amended to read as follows:

4273. In counties of the forty-fourth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit: Salaries of officers in counties of forty-fourth class.

1. The county clerk, two thousand four hundred dollars per annum. Officers.

2. The sheriff, four thousand dollars per annum, and the fees or commissions for the service of all papers issued by any

Officers.

court of the state outside of his county. Also his actual traveling expenses in the execution of a warrant outside of his county issued by a magistrate or court of his county.

3. The recorder, sixteen hundred dollars per annum and in addition to his salary fifty per cent of fees collected by him when such fees are one hundred dollars or less and in addition thereto twenty-five per cent of all fees over one hundred dollars so collected.

4. The auditor, one thousand eight hundred dollars per annum.

5. The treasurer, one thousand six hundred dollars per annum.

6. The tax collector, one thousand two hundred dollars per annum.

7. The assessor, three thousand dollars per annum.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand six hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, fifteen hundred dollars per annum, which shall be in full for all services required of him by the superior court or the board of supervisors, and as ex officio county recorder; *provided*, that he shall be entitled to receive from the county his actual and necessary traveling expenses, incurred in the performance of any order of the court or board of supervisors: for all other services the fees allowed by law. The board of supervisors in counties of the forty-fourth class may, by resolution, authorize the county surveyor to employ such assistants as may be necessary to perform such work as may be ordered by the board of supervisors or prescribed by law, and fix the compensation of such assistants, not to exceed three dollars per day and actual and necessary traveling expenses while in the field; such compensation and expenses to be allowed and paid as county charges.

Justices of
the peace.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same funds as county officers are paid, which shall be in full for all services rendered by them in criminal cases: in townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population of less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred, thirty dollars per month. In addition to the compensation received in criminal cases each justice of the peace shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

Con-
stables.

14. Constables shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the

same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases; in townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population of less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred, thirty dollars per month: *provided*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases each constable shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

15. Each supervisor, one hundred dollars per month, and mileage at the rate of twenty cents per mile for traveling from residence to county seat to attend upon a session of the board. The salary herein allowed shall be in full for all services, including duties as road commissioner. Super-
visors.

16. The official reporter, such fees as are now provided by law. Reporter.

17. In counties of the forty-fourth class grand jurors and jurors in the superior court shall each receive for each day's attendance per day the sum of three dollars and for each mile actually and necessarily traveled from his residence to the county seat, in going only, per mile the sum of twenty cents, such mileage to be allowed but once during each session such jurors are required to attend. The county clerk shall certify to the auditor the number of days attendance and the number of miles traveled by each juror and the auditor shall draw his warrant for the amount each juror is entitled to and the treasurer shall pay the same. Jurors.

SEC. 2. This act shall take effect immediately.

CHAPTER 472.

An act to amend section 4241 of the Political Code of the State of California, relating to the salaries and compensations of officers of counties of the twelfth class.

[Approved April 17, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4241 of the Political Code of the State of California is hereby amended to read as follows:

4241. In counties of the twelfth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their office the following salaries, to wit: Salaries of
officers in
counties of
twelfth
class.

1. The county clerk, four thousand dollars per annum, a deputy to act as clerk of the board of supervisors at twelve hundred dollars per annum, and ten cents per name for the County
clerk.

name of each elector entered upon the great register of the county.

Sheriff. 2. The sheriff, six thousand five hundred dollars per annum, and mileage for the service of any and all processes required by law to be served by him at the rate of ten cents per mile for every mile necessarily traveled in the performance of such duty.

Recorder. 3. The recorder, two thousand dollars per annum, one deputy at twelve hundred dollars per annum, and six cents per folio for every instrument of any character transcribed by him or his deputies, which said amount shall be paid by the county treasurer out of the county treasury.

Auditor. 4. The auditor, eighteen hundred dollars per annum, and one deputy at a salary of twelve hundred dollars per annum.

Treasurer. 5. The treasurer, three thousand dollars per annum.

Tax collector. 6. The tax collector, two thousand dollars per annum, a deputy at twelve hundred dollars per annum, a copyist for the months of July, August, September, October, November and December, of each year, at seventy-five dollars per month, and five clerks for the months of October and November of each year, at sixty dollars each per month.

Assessor. 7. The assessor, three thousand dollars per annum, a chief deputy at fifteen hundred dollars per annum, a copyist at nine hundred dollars per annum, and ten field deputies for the months of March, April, May and June of each year at one hundred dollars per month each.

8. The district attorney, four thousand dollars per annum.

9. The coroner, such fees as are now, or may be hereafter allowed by law.

10. The public administrator, such fees as are now, or may be hereafter allowed by law.

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county, and one deputy at a salary of one thousand two hundred dollars per annum.

12. In lieu of fees, as now provided by law, the surveyor shall receive such compensation as the board of supervisors may allow, not to exceed ten dollars per day for all work performed for the county; and in addition thereto, all necessary expenses and transportation on work performed in the field, and also such sums as may be necessary to pay for assistance necessarily required in office work.

Justices of the peace. 13. Justices of the peace shall receive the following monthly salaries to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered as hereinafter provided:

In townships having a population of three thousand or more, eighty-five dollars per month, which said salary shall be in full compensation for all services rendered by said justices of the peace in both civil and criminal cases, and all such fees as are allowed by law in civil cases shall be paid by said justices of the peace into the county treasury, as the fees of county officers are paid in.

In townships having a population of not less than two thousand and under three thousand, thirty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.

In townships having a population of not less than one thousand and under two thousand, twenty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.

In townships having a population of less than one thousand, fifteen dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.

14. Constables shall receive the following monthly salaries, to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases:

Constables.

In townships having a population of more than three thousand, fifty dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions.

In townships having a population of not less than two thousand and under three thousand, forty dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed in civil cases.

In townships having a population of not less than one thousand and under two thousand, twenty-five dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil cases.

In townships having a population of less than one thousand, ten dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed in civil cases.

In addition to the monthly salary allowed herein, each constable shall also be allowed ten cents per mile for each mile necessarily traveled in the execution of all criminal process, and all expenses necessarily and actually incurred by him in transporting prisoners to court and to prison.

15. It shall be the duty of each and every constable and justice of the peace to file on or before the first Monday of each and every month, a full and complete statement, showing

Monthly
state-
ments of
township
officers.

all business both civil and criminal done during the preceding month with the board of supervisors, and shall file same on or before said date above mentioned, with the clerk of said board. The statement of the constable shall contain a full and correct account of all process served in both civil and criminal actions, also in criminal cases places where defendants were arrested, together with the mileage. And justices of the peace shall file a full and correct statement of all civil and criminal actions and fees received therefrom. Said statements to be sworn to either before the county clerk or some officer allowed by law to administer oaths.

16. The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers aforesaid.

Super-
visors.

17. Each supervisor, fifteen hundred dollars per annum, for personal services performed by him as supervisor, member of the board of equalization, and road commissioner. Each supervisor shall also receive his actual and necessary traveling expenses incurred in performing any of the duties of his office, to be allowed by the board of supervisors and paid out of the county general fund; *provided*, that the amount so allowed him for such expenses shall not exceed sixty dollars for any one month.

18. No fees shall be allowed the sheriff or tax collector for collecting licenses in counties of this class.

In counties of this class there shall be one probation officer whose salary shall be one hundred dollars per month.

SEC. 2. This act shall take effect from and after its passage.

CHAPTER 473.

An act to amend section four thousand two hundred and seventy-five of the Political Code, relating to the compensation of officers of counties of the forty-sixth class.

[Approved April 17, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four thousand two hundred and seventy-five of the Political Code is hereby amended to read as follows:

Salaries of
officers in
counties of
forty-
sixth class.

County
clerk.

Sheriff.

4275. In counties of the forty-sixth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit: The county clerk, twenty-six hundred dollars per annum and the fees required of him by law to collect, as county clerk, as are now or may be hereafter allowed by law for such office, exclusive of such fees as may be provided by law on account of or for a law library fund.

2. The sheriff, three thousand dollars per annum, and the fees or commissions for the service of all papers issued by any

court of the state outside of his county; also, his actual and necessary traveling expenses in the execution of a warrant outside of his county issued by a court or magistrate of his county.

3. The recorder, sixteen hundred and fifty dollars per annum and one half of the fees required of him by law to collect, as county recorder, as are now or may be hereafter allowed by law for such office. Recorder.

4. The auditor, fifteen hundred dollars per annum. Others.

5. The treasurer, twelve hundred dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, twenty-five hundred dollars per annum.

8. The district attorney, sixteen hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, sixteen hundred dollars per annum, and traveling expenses while visiting schools of his county; and for services as secretary of the board of education he shall receive five dollars per day for each day said board is in session.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population of less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred, twenty dollars per month. In addition to the compensation received in criminal cases each justice of the peace shall receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions. Justices of
the peace.

14. Constables shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population of less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred, twenty dollars per month; *provided*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions. Constables.

15. Each supervisor, five dollars per day while attending sessions of the board and while engaged in the performance of Super-
visors.

the duties of road commissioner, and mileage at the rate of twenty cents per mile for traveling from residence to county seat in attendance upon a regular session of the board.

Reporters.
Jurors.

16. Official reporters same as now provided by law.

17. In counties of this class grand jurors and trial jurors in the superior court shall receive for each day's attendance the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat, the sum of fifteen cents; such mileage to be allowed but once during each session such jurors are required to attend.

SEC. 2. This act shall take effect immediately.

CHAPTER 474.

An act making an appropriation for printing for the state board of forestry for the balance of the sixty-second fiscal year.

[Approved April 18, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation,
printing,
board of
forestry.

SECTION 1. The sum of eight hundred (\$800.00) dollars is hereby transferred from the appropriation for the support of the state board of forestry for the sixty-second fiscal year to the credit of the appropriation for printing of the said board for the sixty-second fiscal year.

SEC. 2. The state controller and the state treasurer are authorized and directed to make transfer as provided for in section one of this act.

SEC. 3. This act shall take effect immediately.

CHAPTER 475.

An act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as section 4043a, relating to indexes of county records

[Approved April 18, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section to be known and numbered as section 4043a is hereby added to the Political Code, to read as follows:

Repeating
indexes
destroyed
by fire.

4043a. In all cases where by reason of conflagration or other public calamity, any index or indexes to any of the public records of a county have been lost or destroyed, leaving such records without necessary index or indexes for the convenience of the public in making use of any such records, the board of supervisors of such county shall have the power to cause to be

made by some competent person a new index or indexes of any of such records the index to which was so destroyed or lost; and the cost of so writing up and making such new index or new indexes shall be a county charge, payable out of the county treasury upon the order of such board of supervisors.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER 476.

An act to amend section 791 of the Political Code, relating to notaries public.

[Approved April 18, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 791 of the Political Code is hereby amended to read as follows:

791. The governor may appoint and commission such number of notaries public for the several counties and cities and counties of this state as he shall deem necessary for the public convenience, except that in cities and counties of the second class the number shall not exceed one hundred.

Governor may commission notaries public.

CHAPTER 477.

An act to amend section seventeen hundred and ninety-three of the Political Code of the State of California, relating to holders of certificates eligible to teach.

[Approved April 18, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section seventeen hundred and ninety-three of the Political Code of the State of California is hereby amended to read as follows:

1793. (1) The holders of city, or city and county, certificates are eligible to teach in cities, or cities and counties, in which such certificates were granted, in schools or classes of grades corresponding to the grades of such certificates, and when elected shall be dismissed only for insubordination or other causes, as mentioned in section seventeen hundred and ninety-one of this code, duly ascertained and approved by the boards of education of such cities, or cities and counties.

Where holders of certificates may teach.

Dismissal.

City superintendents.

(2) City superintendents of public schools, elected by city boards of education, shall be elected for a term of four years, and said city boards of education shall have full power to fix the salary of all employees.

Special certificates.

(3) The holders of special city, or city and county, certificates are eligible to teach the special branches mentioned in their certificates, in the grades of all the schools in the city, or city and county, in which such certificates were granted, corresponding to the grade of said special certificates, and when elected, or assigned, shall be dismissed or removed only for insubordination or other causes, as mentioned in section seventeen hundred and ninety-one of this code, duly ascertained and approved by the boards of education of such cities, or cities and counties.

CHAPTER 478.

An act to amend the Political Code of the State of California by adding a new section thereto to be designated and known as section 4056b relating to the power of boards of supervisors and giving such boards authority to levy a special tax for the purpose of raising funds for making exhibits at domestic or foreign expositions.

[Approved April 18, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The Political Code of the State of California is hereby amended by adding thereto a new section to be designated and known as section 4056b to read as follows:

Creation of fund for making exhibitions of products.

4056b. The boards of supervisors of the several counties within the State of California, or any of them, are hereby authorized and empowered to levy a special tax on the taxable property within their respective counties, for the purpose of creating a fund to be used for collecting, preparing, and maintaining an exhibition of the products and industries of the county at any domestic or foreign exposition, for the purpose of encouraging immigration and increasing trade in the products of the State of California; *provided*, the total tax levies for such purposes in any one year shall not exceed six cents on each one hundred dollars of taxable property in the county, according to the assessment roll; *provided, however*, that no such levy shall be made by such board of supervisors except by a two-thirds vote of the members of the board.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 479.

An act to amend section four thousand two hundred and ninety of the Political Code of the State of California, relating to fees and salaries of county officers.

[Approved April 19, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four thousand two hundred and ninety of the Political Code of the State of California is hereby amended to read as follows:

4290. The salaries and fees provided in this title shall be in full compensation for all services of every kind and description rendered by the officers named in this title either as officers or ex officio officers, their deputies and assistants, unless in this title otherwise provided, and all deputies employed shall be paid by their principals out of the salaries provided in this title, unless in this title otherwise provided; *provided*, and except that the assessor shall be entitled to receive and retain for his own use, unless in this title otherwise provided, six per cent on personal property tax collected by him, as authorized by section thirty-eight hundred and twenty, and fifteen per cent of all amounts collected by him for poll taxes, and road poll taxes, and also five dollars per hundred names of persons returned by him as subject to military duty, as provided in section nineteen hundred and one, and shall also be allowed by the county his actual expense when summoned before the state board of equalization in pursuance of an act entitled "An act to carry into effect the provisions of section fourteen of article thirteen of the constitution of the State of California as said constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the state, all relating to revenue and taxation," and the license collector shall be entitled to receive and retain for his own use ten per cent on all licenses collected by him, except where otherwise provided in this title; *provided, however*, that in counties and cities and counties of the first, second and third classes, the assessor shall receive no commission for the collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes, nor shall such assessor receive any compensation for making out military roll of persons returned by him as subject to military duty as provided by section nineteen hundred and one; nor shall the license collector in counties and cities and counties of the first and second classes receive any commission for licenses collected by him; *provided, further*, that the treasurer shall receive and retain for his own use the commissions on all inheritance and transfer taxes collected by him; *and provided, further*, that whenever the treasurer of any county shall employ a special attorney for the col-

Fees and salaries of county officers.

Assessor.

License collector.

Counties of first, second, and third classes, exceptions.

License collector.

Treasurer.

Special attorney.

Additional
deputy
sheriffs.

Additional
deputy
clerks.

Pursuing
criminals.

Boarding
prisoners.

Conveying
prisoners
to state
institutions.

State
settle-
ments of
treasurers.

lection of such taxes, said attorney shall be paid out of the commissions and fees allowed by law for the collection of such taxes; *provided*, that in any county where the number of judges of the superior court shall have been increased since the first day of January, nineteen hundred eleven, or shall hereafter be increased, there must be and there hereby is allowed to the sheriff of such county, by reason of such increase, one additional deputy, to be appointed by the sheriff, at a salary not exceeding twelve hundred dollars per annum, to be paid at the same time and in the same manner as other county officers are paid, and also there must be and is hereby allowed to the county clerk of such county, one additional deputy to act as court room clerk, for each judge so appointed or elected, at a salary not exceeding twelve hundred dollars per annum for each of said deputies, to be paid at the same time and in the same manner county officers are paid. The board of supervisors shall allow to the sheriff his necessary expenses for pursuing criminals, or transacting any criminal business, and for boarding prisoners in the county jail; *provided*, that the board of supervisors shall fix a reasonable price at which such prisoners shall be boarded, if not otherwise provided for in this title; *provided, further*, that the sheriff shall be entitled to receive and retain for his own use, five dollars per diem for conveying prisoners to and from the state prisons, and for conveying persons to and from the insane asylums, or other state institutions not otherwise provided for by law; also, all expenses necessarily incurred in conveying insane persons to and from the insane asylums, and in conveying persons to and from the state prisons, or other state institutions, which per diem and expenses shall be allowed by the board of examiners and collected from the state. The court shall also allow the sheriff his necessary expenses in keeping and preserving property seized on attachment or executions, to be paid out of the fees collected in the action. The sheriff may retain for his own use the mileage for service of papers or process issued by any court of the state; *provided, further*, that the county treasurers of the several counties of this state, where their necessary expense incurred in the making of the state settlements provided for by section thirty-eight hundred and sixty-six, shall exceed the maximum amount of mileage allowed them by section thirty-eight hundred and seventy-six shall be allowed out of the county treasury of their respective counties, the amount of such excess, which shall be paid as other demands against the county are paid; *provided, further*, that in case county or city and county officers perform municipal duties imposed by a charter framed under the provisions of sections eight and eight and one half of article XI of the constitution, the compensation of such officers and the expense of such officers may be apportioned by the board of supervisors in proportion to the duties rendered as county officers under general laws and rendered as municipal officers under charter provisions, and the compensation determined to be for the performance of municipal duties shall be paid from

funds raised for municipal purposes and the compensation determined to be for county duties shall be paid from funds provided by sections 3714 and 4305 of this code.

Sec. 2. This act shall take effect immediately.

CHAPTER 480.

An act to provide for the repairing, altering and enlarging of the heating plant on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

[Approved April 19, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of fifty-five hundred dollars, for the purpose of repairing, altering and enlarging the heating plant on the premises of the State Normal School at Chico, California.

APPROPRIATION: heating plant, Chico Normal.

SEC. 2. The state controller is hereby directed to draw his warrant or warrants for the money herein appropriated, and the state treasurer is hereby directed to pay the same.

CHAPTER 481.

An act to amend section number 4249 of the Political Code of the State of California, relating to county officers, and their salaries and deputies; to township officers and their compensation; and to the compensation of jurors and grand jurors in counties of the twentieth class.

[Approved April 19, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4249 of the Political Code of the State of California is hereby amended to read as follows:

4249. In counties of the twentieth class, the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Salaries of officers in counties of twentieth class.

1 The county clerk, three thousand dollars per annum, and such fees as are now, or may be hereafter, allowed by law, and in any year when a new great register of voters is required by law, he shall receive in addition thereto ten cents per name for each person registered; and provided, that in counties of this class the county clerk may appoint one deputy who shall

County clerk.

receive a salary of eighteen hundred dollars per annum; one deputy who shall be a stenographer, which office is hereby created, at a salary of seventy-five dollars per month, and during any year when an official primary election is held in the county, the county clerk may appoint one additional deputy, which office is hereby created, to serve for a period of four months only, at a monthly salary of seventy-five dollars. The deputies herein provided for shall be paid at the same time and in the same manner, and out of the same fund as the county clerk is paid. In any year when a new registration of voters is required by law the county clerk may appoint such number of deputies as may be necessary for the convenient registration of voters in their respective precincts, such deputyships and offices being hereby created. Each of said deputies shall be paid the sum of seven cents per name for each elector registered by him. Said compensation to be paid out of the general fund of said county on the presentation and filing with the board of supervisors of said county, of a duly verified claim therefor, approved by said county clerk.

Sheriff. 2. The sheriff, four thousand and five hundred dollars per annum, and mileage at the rate of twenty-five cents per mile necessarily traveled in going only.

Recorder. 3. The recorder, three thousand and five hundred dollars per annum, and said recorder may appoint two deputy recorders, which offices are hereby created, who shall receive a salary of eight hundred dollars each per annum. Said recorder may also appoint such copyists as may be required for the recording of all papers, notices or documents in his office, except maps or plats, who shall receive as compensation for their services the sum of six cents per folio; and for copies of any paper or record six cents per folio. The salaries and compensation of all deputies and copyists herein provided for shall be paid by the county in monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the county recorder is paid.

Auditor. 4. The auditor, one thousand eight hundred dollars per annum, and said auditor may appoint one deputy, which office is hereby created, who shall receive a salary of nine hundred dollars per annum; *provided, further*, that in counties of this class there shall be and is hereby allowed to the auditor to be appointed by him, which office is hereby created, a copyist for the month of October in each year, at a salary of one hundred dollars. The deputy and copyist herein provided for shall be paid at the same time and in the same manner and out of the same fund as the auditor is paid.

Treasurer. 5. The treasurer, one thousand eight hundred dollars per annum.

Tax collector. 6. The tax collector, three thousand five hundred dollars per annum (in lieu of the tax collector's present compensation of two thousand dollars salary, and commissions as license collector allowed him by law); *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector one clerk, which office is hereby created, to be appointed

by him, for four months in each year, at a salary of seventy-five dollars per month; he may also appoint one indexer, which office is hereby created, at a salary of seventy-five dollars per month, for four months in each year, whose duty it shall be, under the direction of the tax collector, to compile an index of the assessment rolls of the county, and of the assessment rolls of each sanitary district, said index to be a public record, and to be kept in the office of the tax collector for public use. Said clerk and indexer to be paid by the county in monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the tax collector is paid.

7. The assessor, four thousand dollars per annum. He shall have for use in his office and under his supervision and control a draftsman, which office of draftsman is hereby, by the terms of this act, expressly created and whose duty it shall be to, under the supervision and control of the assessor, prepare for use in said office proper books, blanks, maps and plat books; the said position of draftsman to be filled by the assessor in the same manner as deputies are appointed by him, and said draftsman is to be at all times as to his duties under the supervision and control of said assessor, the same as deputies of such assessor are under his supervision and control, which said draftsman shall receive a salary of nine hundred dollars per annum. Said salary to be paid by the county in monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the assessor is paid.

Assessor.

8. The district attorney, two thousand four hundred dollars per annum.

District attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Coroner.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Administrator.

11. The superintendent of schools, two thousand one hundred dollars per annum, and actual traveling expenses when visiting the schools of the county.

Superintendent of schools.

12. The surveyor shall receive one thousand six hundred dollars per annum for all work performed for the county, and, in addition thereto, actual traveling and other necessary expenses incurred in connection with field work; *provided*, that whenever the surveyor is directed by the assessor to plat, trace or otherwise prepare maps, plats or block books for the use of the county assessor, he shall be allowed only the actual cost of preparing the same.

Surveyor.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand five hundred or more, seventy-five dollars per month. In townships having a population of not less than two thousand nor more than three thousand five hundred, seventy dollars per month. In townships having a population of not less than twelve hundred nor more than two thousand, fifty dollars per month. In all townships having a population of less

Justices of the peace.

than twelve hundred, twenty-five dollars per month. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law, and shall also collect and retain for his own use such fees as are now or may be hereafter allowed by law for services rendered by him as coroner, when acting as such.

Con-
stables.

14. Constables shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand five hundred or more, seventy-five dollars per month. In townships having a population of not less than two thousand nor more than three thousand five hundred, seventy dollars per month. In townships having a population of not less than twelve hundred nor more than two thousand, fifty dollars per month. In all townships having a population of less than twelve hundred, twenty-five dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions; and he shall also be allowed his actual and necessary expenses incurred in executing any warrant outside of his county issued by a magistrate or justice of his county. Constables shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to the county jail, which said expenses shall be audited and allowed by the board of supervisors, and paid out of the county treasury.

Board of
education.

15. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty-five cents per mile one way only, from his residence to the place of meeting of said board. Secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board, and of said secretary, shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such services and mileage shall be presented to the board of supervisors, and shall be allowed at the rate above named, in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section one thousand seven hundred and seventy of this code.

Super-
visors

16. Each supervisor, twelve hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat; *provided*, that when a supervisor is also road commissioner he shall receive in addition to the twenty cents per mile allowed to him by law as such road commissioner his actual traveling expenses, the total mileage and expenses not in any one year to exceed the sum of three hundred dollars.

17. In counties of this class, grand jurors and trial jurors Jurors. in the superior court shall each receive for each day's attendance, per day, the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat, in going only, per mile, the sum of fifteen cents; such mileage to be allowed but once during each session such jurors are required to attend.

18. It shall be the duty of the grand jury annually to make a careful and complete examination of the books, records, and accounts of all the officers of the county and especially those pertaining to the revenue, and report as to the facts they have found, with such recommendation as they may deem proper and fit; and if, in their judgment, the service of an expert is necessary they shall have power to employ one, at an agreed compensation, not to exceed ten dollars per day, payable as other county charges. The judge, on impanelment of such grand jury, shall charge them specially as to their duties regarding the examination of the accounts of county officials, as herein required; *provided*, that if any grand jury shall, in the report above mentioned, comment upon any person or official who has not been indicted by the said grand jury, the said comments shall not be deemed to be privileged. Duty of grand jury.

18. Justices of the peace shall be allowed for their office rent and expenses, the sum of fifteen dollars each, per month, in addition to the monthly salaries herein allowed. Each justice of the peace must pay into the county treasury monthly all fees and fines collected by him in criminal cases; and he must keep a book open for the inspection of the public, during office hours, in which must be entered at once and in detail the amount of all fines collected by him in criminal cases. The auditor must withhold warrants for salary until a sworn statement has been filed with him of all criminal cases tried and fines collected and paid into the county treasury. Office rent of justices of the peace.

SEC. 2. This act shall take effect immediately.

CHAPTER 482.

An act to amend section one of an act entitled "An act to enforce the educational rights of children and providing penalties for violation of the act," approved March 24, 1903, and as amended by act approved March 20, 1905, and relating to age of school children.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of "An act to enforce the educational rights of children and providing penalties for violation of the act," approved March 24, 1903, and as amended by act

approved March 20, 1905, is hereby amended so as to read as follows:

Age of
school
children.

Section 1. Unless excused, as hereinafter provided, each parent, guardian, or other person, in the State of California, having control or charge of any child between the ages of eight and fifteen years, shall be required to send such child to a public school, during the time in which a public school shall be in session, in the city or city and county or school district in which said child resides; *provided*, that should it be shown to the satisfaction of the board of education of the city or city and county, or of the board of trustees of the school district, in which such child resides, that the child's bodily or mental condition is such as to prevent or render inadvisable attendance at school or application to study, a certificate from any reputable physician that the child is not able to attend school, or that its attendance is inadvisable, must be taken as satisfactory evidence by any such board, or that such child is being taught in a private school, or by a private tutor, or at home by any person capable of teaching, in such branches as are usually taught in the primary and grammar schools of this state; or that any such child between the age of twelve and fifteen has been given a permit to work by the proper judicial officers in accordance with section two of "An act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the commissioner of the bureau of labor statistics and providing penalties for the violation hereof," approved February 20, 1905; or that no public school is located within two miles, by the nearest traveled road, of the residence of the child; or that the child has completed the prescribed grammar school course; then it shall be the duty of such board of education or board of trustees, upon application of the parent, or guardian, or other person having control or charge of such child, to excuse such child from attendance at school, during the continuance of such defect or condition upon which such excuse is granted; *and provided, further*, that circumstances rendering attendance impracticable or dangerous to health, owing to unusual storm or other sufficient cause, shall work an exemption from the penalties of this act. If any parent or guardian or other person having control or charge of any such child presents proof to such board of education or board of trustees, by affidavit, that he is unable to compel such child to attend school, said parent, guardian or other person shall be exempt from the penalties of this act, as regards the subsequent non-attendance at school of such child, and said child may, in the discretion of such board, be deemed a truant and subject to assignment to the parental school.

CHAPTER 483.

An act to add a new section to the Penal Code of the State of California, to be numbered section 330a, relating to gambling by the use of slot machines or card dice, or other dice having more than six faces or bases each.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code of the State of California, to be numbered section 330a, and to read as follows:

330a. Every person, who has in his possession or under his control, either as owner, lessee, agent, employee, mortgagee, or otherwise, or who permits to be placed, maintained or kept, in any room, space, inclosure or building owned, leased or occupied by him, or under his management or control, any slot or card machine, contrivance, appliance or mechanical device, upon the result of action of which money or other valuable thing is staked or hazarded, and which is operated, or played, by placing or depositing therein any coins, checks, slugs, balls, or other articles or device, or in any other manner and by means whereof, or as a result of the operation of which any merchandise, money, representative or articles of value, checks, or tokens, redeemable in, or exchangeable for money or any other thing of value, is won or lost, or taken from or obtained from such machine, when the result of action or operation of such machine, contrivance, appliance, or mechanical device is dependent upon hazard or chance, and every person, who has in his possession or under his control, either as owner, lessee, agent, employee, mortgagee, or otherwise, or who permits to be placed, maintained or kept, in any room, space, inclosure or building, owned, leased or occupied by him, or under his management or control, any card dice, or any dice having more than six faces or bases each, upon the result of action of which any money or other valuable thing is staked or hazarded, or as a result of the operation of which any merchandise, money, representative or article of value, check or token, redeemable in or exchangeable for money or any other thing of value, is won or lost or taken, when the result of action or operation of such dice is dependent upon hazard or chance, is guilty of a misdemeanor, and shall be punishable by a fine not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Gambling by use of slot machines prohibited.

Dice having more than six faces.

CHAPTER 484.

An act regulating the hours of labor of conductors, engineers, firemen, brakemen, train dispatchers and telegraph operators employed by any corporation or receiver operating a line of railway in whole or in part in the State of California, and prescribing penalties for violation of this act.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Hours of
labor of
conduc-
tors, etc.

SECTION 1. It shall hereafter be unlawful for any corporation or receiver operating any line of railroad in whole or in part in this state, or any officer, agent or representative of such corporation to require or knowingly permit any conductor, engineer, fireman, brakeman, train dispatcher or telegraph operator to be or remain on duty for a longer period than sixteen consecutive hours, and whenever any such employec shall have been continuously on duty for sixteen hours he shall be relieved and not required or permitted again to go on duty until he has had at least eight consecutive hours off duty.

Hours off
duty.

SEC. 2. It shall hereafter be unlawful for any corporation or receiver operating any line of railroad in whole or in part in this state, or any officer, agent, or representative of such company or receiver to require or knowingly permit any conductor, engineer, fireman, brakeman, train dispatcher or telegraph operator, who has been on duty for sixteen consecutive hours and who has gone off duty, to again go on duty or perform any work for such receiver or corporation until he has had at least eight hours off duty.

Penalty
for
violation.

SEC. 3. Any corporation or receiver operating a line of railroad in whole or in part within this state, who shall violate any of the provisions of this act shall be liable to the State of California in a penalty of not less than two hundred dollars nor more than one thousand dollars for each offense, and such penalties shall be recovered and suit therefor shall be brought in the name of the State of California in any court having jurisdiction of the amount in any county into or through which said railroad may pass. Such suit or suits may be brought either by the attorney general of the state or under his direction by the district attorney of any county or city and county in the State of California into or through which said railroad may pass.

Officer of
railroad
liable.

SEC. 4. Any officer, agent or representative of any corporation or receiver operating any line of railroad in whole or in part within this state, who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars for each offense, or by confinement in the county jail

for not less than ten nor more than sixty days, or by both fine and imprisonment, and such person so offending may be prosecuted under this section, either in the county where such person may be at the time of commission of the offense, or in any county where such employee has been permitted or required to work in violation of this act.

SEC. 5. *Provided*, that the provisions of this act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of such employce at the time said employce left a terminal, and which could not have been foreseen; *provided, further*, that the provisions of this act shall not apply to the crews of wrecking or relief trains.

Excep-
tions.

CHAPTER 485.

An act to provide for the reporting of occupational diseases.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Every medical practitioner attending on or called in to visit a patient whom he believes to be suffering from lead, phosphorus, arsenic or mercury or their compounds, or from anthrax, or from compressed-air illness, contracted as a result of the nature of the patient's employment, shall send to the state board of health a notice stating the name and full postal address and place of employment of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering, and shall be entitled in respect of every bona fide notice sent in pursuance of this section to a fee of fifty cents, to be paid as part of the expense incurred by the state board of health in the execution of this act.

Reporting
of occupa-
tional
diseases.

SEC. 2. If any medical practitioner, when required by this act to send a notice, wilfully fails forthwith to send the same, as provided by this act, he shall be guilty of a misdemeanor, and upon conviction of the same shall be fined not more than ten dollars.

Penalty
for
neglect.

SEC. 3. It shall be the duty of the state board of health to enforce the provisions of this act, and it may call upon local boards of health and health officers for assistance and it shall be the duty of all boards and officers so called upon for such assistance to render the same. It shall furthermore be the duty of said state board of health to transmit such data to the commissioner of the bureau of labor statistics.

Enforce-
ment.

CHAPTER 486.

An act to amend section 4250 of the Political Code of the State of California relating to fees and salaries of officers in counties of the twenty-first class.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4250 of the Political Code is hereby amended so as to read as follows:

Salaries of
officers in
counties of
twenty-
first class.

4250. In counties of the twenty-first class the county and township officers shall receive, as full compensation for the services required of them by law or by virtue of their offices, the following fees and salaries:

County
clerk.

1. The county clerk, thirty-three hundred dollars per annum; *provided*, that in any year that the compilation of a great register is required by law to be made, he shall receive six hundred dollars additional for said year, which shall be in full for all services required in registering voters and making such new great register. The county clerk may appoint one copyist and index clerk, which office of copyist and index clerk is hereby created. The salary of said copyist and index clerk is hereby fixed at the sum of nine hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

Sheriff.

2. The sheriff, thirty-five hundred dollars per annum, and mileage for the service of any and all processes required by law to be served by him, at the rate of five cents per mile for every mile necessarily traveled in the performance of his duty or in the serving of papers of any kind.

Recorder.

3. The recorder, twenty-one hundred dollars: *provided*, however, that in counties of this class the recorder shall be entitled to the actual cost incurred by him for the recording of all papers and documents in his office not exceeding seven cents per folio for each paper or document so recorded: *provided*, further, that said recorder shall file monthly, with the county auditor, a verified statement showing in detail the persons and the amounts paid to each for such recording.

Auditor.

4. The auditor, two thousand dollars per annum.

Treasurer

5. The treasurer, eighteen hundred dollars per annum.

Tax
collector.

6. The tax collector, twenty-four hundred dollars per annum; *provided*, that said tax collector shall be allowed one clerk for the period of six months during each fiscal year who shall be appointed by said tax collector and be paid a salary of seventy-five dollars per month, the said salary to be paid by the said county in monthly installments at the same time, and in the same manner, and out of the same fund, as the salary of the tax collector is paid.

7. The assessor, eighteen hundred dollars per annum; *provided*, that in counties of this class he shall have for use in his office and under his supervision and control a draftsman, which office of draftsman is hereby, by the terms of this act, expressly created, and whose duty it shall be to: under the supervision and control of the assessor, prepare for use in said office proper books, blanks, maps, and plat books; the said position of draftsman to be filled by the assessor in the same manner as deputies are appointed by him, and said draftsman is to be at all times, as to his duties, under the supervision and control of said assessor, the same as deputies of such assessor are under his supervision and control, which said draftsman shall receive a salary of twelve hundred dollars per annum; he shall have one copyist at a salary of six hundred dollars per annum; said draftsman and said copyist to be paid in equal monthly installments in the same manner, at the same time and out of the same fund as the assessor is paid.

Assessor.

8. The district attorney, two thousand dollars per annum.

District attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Coroner.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Administrator.

11. The superintendent of schools, eighteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county: *provided*, that in counties of this class there shall be and there is hereby allowed to the superintendent of schools, one clerk, which office is hereby created, at a salary of fifty dollars per month, and who shall be appointed by the superintendent of schools. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

Superintendent of schools.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Surveyor.

13. Each member of the board of supervisors, six hundred dollars per annum and actual mileage to and from the county seat while in the discharge of his official duties, and mileage as road commissioner fifteen cents per mile, one way: *provided*, the amount of mileage for each supervisor shall not exceed the sum of three hundred dollars in any one year.

Supervisor.

14. For the purpose of regulating the compensation of justices of the peace and constables, judicial townships in this class of counties are hereby classified according to their population as follows: Townships containing a population of ten thousand or more shall belong to and be known as townships of the first class; townships containing a population of less than ten thousand and more than six thousand shall belong to and be known as townships of the second class; townships containing a population of less than six thousand and more than four thousand shall belong to and be known as townships of the third class; townships containing a population of less than four thousand and more than two thousand shall belong to and be known

Classification of townships.

as townships of the fourth class; townships containing a population of less than two thousand shall belong to and be known as townships of the fifth class; the population of the several judicial townships shall be determined for the purpose of this and the succeeding subdivisions by multiplying by five the total number of names registered as voters in such townships as shown by the complete index to great register as compiled and certified by the county clerk of said class of counties in October, A. D. 1906.

Justices of
the peace.

15. Justices of the peace shall receive the following salaries which shall be paid monthly in the same manner as the salaries of county officers are paid, out of the salary fund of the county, which shall be in full for all services rendered by them in criminal cases: *provided, however*, that if two justices of the peace shall be elected and qualify in any one township, then the said justices shall each receive one half of the salaries therein provided for, to wit: In townships of the first class, one hundred dollars per month; in townships of the second class, sixty-five dollars per month; in townships of the third class, twenty-five dollars per month; in townships of the fourth class, fifteen dollars per month; in townships of the fifth class, five dollars per month. In addition to the monthly salaries herein allowed, each justice may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for services rendered by him in civil cases. Justices of the peace in the first and second classes shall be allowed their actual office rent, not to exceed the sum of fifteen dollars each, for any one month.

Con-
stables.

Constables shall receive the following fees and salaries which shall be paid monthly in the same manner as the salaries of the county officers are paid, out of the salary fund of the county, which shall be in full for all services rendered by them in criminal cases, to wit: In townships of the first class, forty dollars per month; in townships of the second class, forty dollars per month; in townships of the third class, twenty-five dollars per month; in townships of the fourth class, fifteen dollars per month; in townships of the fifth class, five dollars per month; *provided*, that in addition to the salaries herein allowed, each constable shall be paid out of the general fund of the county for traveling expenses outside of his own township, for the service of a warrant of arrest, or any other process in a criminal case (where such service is in fact made), both going and returning, ten cents per mile; for each mile traveled outside of his county, both going to and returning from the place of arrest, or other service of process, five cents per mile; for transporting prisoners to the county jail, a constable shall be allowed his actual expenses each way. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for services rendered by him in civil cases.

Reporter.

16. The official reporter of the superior court shall receive the fees allowed by law.

17. The compensation allowed each officer above enumerated shall be in full for all services, and shall include the pay of all deputies (except in the case of the district attorney wherein one deputy is provided for within the discretion of the board of supervisors) except as provided in section four thousand two hundred and ninety, which provides certain fees and commissions for the assessor and license collector.

SEC. 2. This act shall take effect immediately.

CHAPTER 487.

An act prohibiting the placing or maintaining of signs, mechanical devices, transparencies, pictures or advertisements on or upon property of the State of California, or on or upon property of any city, city and county or county in the State of California, and prohibiting the placing or maintaining of any signs, mechanical devices, transparencies, pictures or advertisements upon property of any person or private corporation without consent in writing therefor having been first obtained, and providing a penalty for the violation of the provisions of this act, and declaring such signs, mechanical devices, transparencies, pictures and advertisements to be a public nuisance.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be unlawful for any person, persons or corporation to place, cause to be placed or to maintain, or cause to be maintained without lawful permission on or upon any property, either real or personal, belonging to the State of California, or to any city, city and county or county in the State of California, any sign, picture, transparency, advertisement or mechanical device which is used for the purpose of or which does advertise or bring to notice any person or persons or article or articles of merchandise or any business or profession or anything that is to be or has been sold, bartered or given away.

Unlawful to place signs without permission.

SEC. 2. It shall be unlawful for any person, persons or corporation to place, cause to be placed, maintain, or cause to be maintained on or upon any property, either real or personal, within the State of California, in which said person, persons or corporations have no estate or right of possession, any sign, picture, transparency, advertisement or mechanical device which is used for the purpose of, or which does advertise or bring to notice any person or persons, or article or articles of merchandise or any business or profession or anything that is to be or has been sold, bartered or given away, unless such person, persons or corporation obtain the consent of the owner or owners, lessee or lessees of said property,

Consent of owners of property.

or person or persons in lawful possession of said property before such sign, picture, transparency, advertisement or mechanical device is placed on or upon said property.

Lawful notices.

Sec. 3. Nothing herein shall be so construed as to prevent the posting of any notice required by law or order of any court, to be posted, nor to prevent the posting or placing of any notice, particularly pertaining to the grounds or premises upon which the same is so posted or placed, or to prevent the posting or placing of any notice, sign, or device used exclusively for giving public notice of the name, direction or condition of any highway, street, lane, road or alley.

Road signs.

Nuisance.

Sec. 4. Any such sign, picture, transparency, advertisement or mechanical device so placed on any property, contrary to the provisions of this act, is and shall be a public nuisance.

Penalty.

Sec. 5. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

CHAPTER 488.

An act to amend section 137 of the bank act, relating to the dissolution of banks, discharge of certain receivers and escheat of unclaimed funds.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 137 of the bank act is hereby amended to read as follows:

Application to dissolve bank.

Section 137. 1. Any bank shall have the right, on application of the stockholders or members to apply to the superior court of the county wherein its principal place of business is situated, to dissolve said bank in the manner provided for in title VI, part III of the Code of Civil Procedure.

Funds of dissolved banks to be paid into state treasury.

2. It is hereby made the duty of every person or corporation holding funds of any bank, at the end of five years from and after such bank has ceased to receive deposits, or do business, to pay the same into the state treasury, which money shall be held in the state school land fund; and at the same time it shall be the duty of such person or corporation to furnish to the state controller a list of the names of all depositors to whom said moneys belong or to whom said bank owes the same.

Dividends may be paid into county treasury.

3. At the expiration of four months after the settlement of the final account of the receiver of any bank appointed prior to July 1, 1909, any dividends due depositors, or other creditors, or stockholders of such bank and remaining unpaid or uncalled for and in the hands of such receiver may be paid by him into the treasury of the county in which such bank is situated, which money shall be held in the treasury of said

county, and at the same time it shall be the duty of such receiver to furnish to the county treasurer of said county a list of names of all depositors or other persons to whom such money belongs or who are entitled thereto and thereupon such receiver shall be entitled to his discharge.

4. The moneys referred to in subdivision two of this section may be drawn out on the warrants of the state controller, issued on proofs of ownership, approved and allowed by the state board of examiners and all moneys referred to in subdivision three of this section shall be paid out on the order of the court appointing such receiver. Withdrawal of moneys.

5. All moneys paid under subdivisions two and three of this section, unclaimed for within five years after being paid in, shall by operation of law, and without action had, escheat to the state. All moneys held by any county treasurer under subdivision three of this section, when such moneys have escheated to the state as hereinbefore provided, shall be paid by the county treasurer into the state treasury, and thereafter only be drawn out in such manner as now provided for by law for the estates of deceased persons escheated to this state. Moneys may escheat.

6. The state board of examiners must invest such moneys in the same manner that the state school land fund is invested as provided by law. But any claimant shall be entitled to recover as herein provided only the principal so paid into the state treasury. Investments.

CHAPTER 489.

An act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal section 17 of an act approved March 4, 1897, entitled "An act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," and to repeal all acts and parts of acts inconsistent with this act.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. No person, firm or corporation, by themselves or their agents or employees, shall sell, expose for sale, or offer for sale, or shall exchange, present, or deliver to any creamery, Sale of unclean milk, etc., prohibited.

cheese factory, milk condensing factory, or other buyer or consumer of milk or milk products, any unclean, unwholesome, stale, or impure milk, cream, butter or condensed or evaporated milk, or other article produced from such milk or cream, neither shall any person or persons, firm or corporation, by themselves or their agents or employees, sell, expose for sale, or offer for sale, or exchange, present or deliver to any consumer, creamery, cheese factory, milk condensing factory, or any other buyer or consumer, any milk, cream, butter, cheese, condensed milk or other products manufactured therefrom, which has been produced in or by a dairy, or factory of dairy products, or that is or has been handled in any store or depot, that is in an unsanitary condition, or that is produced from cows affected by any disease, or from cows within five days after or fifteen days preceding parturition.

Unsanitary dairies.

SEC. 2. A dairy shall be deemed unsanitary within the meaning of this act, among other causes that render milk, or products made therefrom, unclean, impure, and unhealthy, in the following cases:

(a) If the drinking water is stagnant, polluted with manure, urine, drainage, decaying vegetable or animal matter.

(b) If the yards or enclosures are filthy or unsanitary or if any part of such yards or enclosures, other than pastures, are made the depositories of manure in heaps or otherwise where it is allowed to ferment and decay.

(c) If a suitable milk house or room is not provided and maintained, properly screened to exclude flies and insects, for the purpose of cooling, mixing, canning, and keeping the milk. Said milk house or room shall not be located in or be a part of any residence, or dwelling house, or any barn or poultry house, and shall not be used for any other purpose whatsoever.

(d) If any milk or cream shall be cooled, stored, mixed, canned, or kept in any room or place which is occupied by any person or persons as a sleeping or living apartment, or occupied by horses, cows, hogs or other animals, or fowls of any kind, and if the milk shall not be cooled to as low a temperature as practicable within one hour after it is drawn from the cows.

(e) If any urinal, privy, vault, open cesspool, horse stable, pigpen, stagnant water, accumulation of manure or other filth shall be permitted within one hundred feet of any such milk house or room, or within fifty feet of any cow stalls or stanchions or other place where milking is done.

(f) If the walls become soiled with manure, urine or other filth.

(g) If the interior of cattle stables, bars, milking sheds, milk house or room, an application of lime whitewash is not made at least once in two years, or oftener if in the judgment of the agent of the state dairy bureau it is needed, or if in the mangers, or other receptacles from which cows are fed, decaying food or other material is allowed to accumulate.

(h) If the pails, cans, bottles or other containers of milk, or its products, or the strainers, coolers or other utensils coming in contact with the milk or its products, are not sterilized by boil-

ing water or superheated steam each and every time the same are used.

(i) If the person or wearing apparel of the dairyman, his employees, or other persons, who come in contact with milk and its products, are soiled or not washed from time to time with reasonable frequency.

SEC. 3. A creamery or any factory of dairy products, or any store, depot or other place where milk is handled or kept for sale, shall be deemed unsanitary under the meaning of this act, among other causes that render milk, or products made therefrom, unclean, unwholesome, impure, stale or of low grade or inferior quality, in the following cases:

unsanitary creameries.

(a) If milk or cream is received that has reached an advanced stage of fermentation, or that shows a state of putrefactive fermentation, or if it is received in cans or other containers that have not been sterilized by means of boiling water or superheated steam after each delivery.

(b) If the utensils and apparatus that come in contact with milk or its products in the process of manufacture are not thoroughly washed and sterilized by means of boiling water or superheated steam, after each using.

(c) If the floor is so constructed as to permit the flowing or soaking of water, milk or other liquids underneath or among the interstices of such floor, where fermentation and decay may take place, or if such floor may not be readily kept free from dirt.

(d) If drains are not provided that will convey refuse milk, water and sewage away to a point at least fifty yards distant from such creamery or factory of dairy products, or if any cess-pool, privy vault, hog yard, slaughterhouse, manure or any decaying vegetables or animal matter, shall be within a distance that will permit foul odors to reach any such creamery or other factory of dairy products or store or depot where milk or its products are sold or handled.

(e) If such creamery or factory of dairy products, does not permit access of light and air sufficient to secure good ventilation.

(f) If in any building or buildings used in connection with any creamery, or factory of dairy products, any insects or other species of animal life are permitted, or if upon the floor, the sides or the walls, any milk or its products, or any other filth is allowed to accumulate, or ferment, or decay, or if the bodies or wearing apparel of persons employed, or coming in contact with any milk or its products, in any creamery, or factory of any dairy products, shall be unclean and not washed from time to time with reasonable frequency.

SEC. 4. No person, firm or corporation shall hereafter sell, offer for sale, or receive for the purpose of sale, any milk, skim milk or cream, except such sale, offer, or receipt, shall, as to quantity, be based upon the liquid gallon, containing two hundred and thirty-one cubic inches, or the liquid quart containing fifty-seven and seventy-five one-hundredths cubic inches, or

1 quart
gallon
measures.

the proper and complete liquid subdivision thereof: *provided*, that nothing in this act shall be construed as prohibiting the buying or selling of milk or cream either by weight or on the basis of its butter fat contents: *and provided, further*, that in any hotel, restaurant, or other eating place, where milk is sold with meals, or where it is sold to be drunk immediately, it may be sold by the glass.

Pasteur-
ized
butter.

SEC. 5. No person or persons, firm or corporation, by themselves or their agents or employees, shall manufacture for sale, offer for sale, expose for sale, or have in his, its or their possession for sale, any package of butter upon which, or upon the wrapper or container of which, there shall be printed, or otherwise marked, the word pasteurize or any of its derivatives, unless in the process of the manufacture of the butter contained therein either the milk or cream from which the same was made shall have been exposed to a temperature exceeding one hundred and fifty degrees Fahrenheit, or unless in the process of pasteurization such milk or cream be heated to a temperature of not less than one hundred and forty degrees Fahrenheit and retained at least twenty minutes in the heat at said temperature.

Butter to
be sold by
pound.

It shall be unlawful for any person, firm or corporation to sell, offer for sale, or to cause or permit to be sold or offered for sale, any butter in prints or packages or otherwise other than by or in terms of pounds and ounces, avoirdupois, or for a greater weight than the true net weight thereof.

Registra-
tion of
dairies.

SEC. 6. Every person, firm or corporation operating any dairy, where more than four cows are milked, and every creamery, cheese factory, receiving station, skimming station, ice cream or ice milk manufacturer, or milk condensary, shall on or before the first day of November of each year, cause to be registered with the secretary of the state dairy bureau a statement showing the full name and address of such person, firm or corporation so operating the same, and also the full name and address of the owner or owners of the business so being operated, in case the person operating the same is not the owner, together with a statement of the class of such business carried on by such person or corporation, and the number of cows then being milked, in case of a dairy.

Annual
report.

SEC. 7. The secretary of the state dairy bureau shall provide blanks for reporting dairy statistics, and he shall annually, on or before the first day of October each year, cause to be mailed to each person, firm or corporation engaged in operating any dairy making butter or cheese from more than four cows, and to all dairies where more than four cows are milked, and to all creameries, cheese factories, ice cream or ice milk manufacturers, and milk condensaries, one or more of such blanks, and each such person, firm or corporation shall, on or before the first day of November following, make out and transmit to said secretary of the state dairy bureau a full and accurate report of the amount of butter, cheese or other dairy products, manufactured or produced during the year ending September

30th, and the dairies shall report the number of cows milked during said year.

SEC. 8. In case any butter is sold, or offered for sale, in a package or wrapper purporting to designate the producer of such butter, such producer must be correctly designated; and if under a label purporting or calculated to designate the place of production, it must correctly designate the place where made. No person, firm or corporation shall put up in package or wrapper, or otherwise prepare for shipment or sale, any butter under a label purporting to designate the producer or place of production, except in accordance with the provisions hereof; nor shall any person sell or offer for sale any butter in a package or wrapper purporting to designate the name of the producer or the place of production, except in accordance with the provisions hereof.

Correct designations on butter wrappers.

SEC. 9. For the purposes of this act, every article, substance, or compound, other than that produced from pure milk, or cream from the same, made in the semblance of butter, and of a color resembling butter, by whatever means the coloring is accomplished, and designed to be used as a substitute for butter made from pure milk or cream, is hereby declared to be imitation butter; and for the purposes of this act, every article, substance, or compound, other than that produced from pure milk, or cream from the same, made in the semblance of cheese, and designed to be used as a substitute for cheese made from pure milk or cream, is hereby declared to be imitation cheese; *provided*, that the use of salt, rennet, and harmless coloring matter for coloring the product of pure milk or cream, shall not be construed to render such product an imitation; *and provided*, that nothing in this section shall prevent the use of pure skimmed milk in the manufacture of cheese.

Imitation butter.

Imitation cheese.

SEC. 10. No person, by himself or his agents or servants, shall render, manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell or to use or to serve to patrons, guests, boarders, or inmates in any hotel, eating-house, restaurant, public conveyance or boarding-house, or public or private hospital, asylum, or eleemosynary or penal institution, any article, product or compound made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof, not produced directly and at the time of manufacture from unadulterated milk or cream from the same, which article, product, or compound shall be colored in imitation of butter or cheese produced from unadulterated milk or cream, or be made to resemble yellow butter in color, by whatever means the coloring is accomplished; *provided*, that nothing in this section shall be construed to prohibit the manufacture or sale, under the regulations hereinafter provided, of substances or compounds, designed to be used as an imitation, or as a substitute for butter or cheese made from pure milk or cream from the same, in a separate and distinct form not resembling butter or cheese, and in such a manner as will advise the purchaser and consumer of its real character, free from colors-

Sale of imitation butter prohibited.

tion or ingredients that cause it to look like butter or cheese made from pure milk or cream, the product of the dairy.

Branding
oleomargarine.

SEC. 11. Each person, who, by himself or another, lawfully manufactures any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, shall mark the same by branding, stamping, or stenciling upon the top and sides of each tub, firkin, box, or other package in which such article or substance shall be kept, and in which it shall be removed from the place where it is produced or put up, in a clear and durable manner, in the English language, the words "oleomargarine," or "substitute for butter," or "substitute for cheese," as the case may be, in printed letters in plain roman type, each of which shall not be less than one inch in height by one half inch in width, and in addition to the above shall prepare a statement, printed in plain roman type, of a size not smaller than pica, stating in the English language its name, and the name and address of the manufacturer, the name of the place where manufactured or put up, and also the names and actual percentages of the various ingredients used in the manufacture of such oleomargarine, imitation butter or imitation cheese; and shall place a copy of said statement within and upon the contents of each tub, firkin, box, or other package, and next to that portion of each tub, firkin, box, or other package, as is commonly and most conveniently opened, and shall label the top and sides of each tub, firkin, box, or other package by affixing thereto a copy of said statement, in such manner, however, as not to cover the whole or any part of said mark of "oleomargarine," "substitute for butter," or "substitute for cheese." The absence of the markings and labelings specified in section 11 hereof shall always be construed as a representation that the contents or substance in question is butter, or cheese, as the case may be.

Absence of
markings.

Shipping
oleomargarine

SEC. 12. No person, by himself or another, shall knowingly ship, consign, or forward by any common carrier, whether public or private, any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, unless the same be marked and contain a copy of the statement, and be labeled as provided by section 11 of this act; and no carrier shall knowingly receive the same for the purpose of forwarding or transporting, unless it shall be manufactured, marked, and labeled as hereinbefore provided, and unless it is consigned and by the carrier receipted for by its true name: *provided*, that this act shall not apply to any goods in transit between foreign states across the State of California.

All oleomargarine
packages
to be
marked.

SEC. 13. No person or his agent shall knowingly have in his possession or under his control any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, unless the tub, firkin, box, or other package containing the same, shall be clearly and durably marked and labeled as provided by section 11 of this act, and also contain a copy of the statement required by said section 11 of this act; and if the tub, firkin, box, or other package be opened, then a copy of the statement described in said section 11 of this act, shall

be kept with its face up, upon the exposed contents of said tub, firkin, box, or other package; *provided*, that this section shall not be deemed to apply to persons who have the same in their possession for the actual consumption of themselves or family, and for no other purpose.

SEC. 14. No person, by himself or another, shall sell, or offer for sale, or take orders for the future delivery of any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, under the name of butter, or under the pretense that the same is butter or cheese; and no person, by himself or another, shall sell any substance designed to be used as a substitute for butter or cheese, unless he shall inform the purchaser distinctly, at the time of the sale, of its true name and character, and that the same is a substitute for butter or cheese, as the case may be, and shall deliver to the purchaser, at the time of the sale, a separate and distinct copy of the statement described in section 11 of this act; and no person shall use in any way in connection or association with the sale, or exposure for sale, or advertisement of any oleomargarine or any substance designed to be used as a substitute for butter or cheese, the words "butterine," "creamery," or "dairy," or the representation of a cow or any breed of dairy cattle, or any combination of such words and representations, or any other words or symbols, or combinations thereof, commonly used by the dairy industry in the sale of butter or cheese.

Conditions
governing
sale of
oleomargarine.

SEC. 15. No keeper or proprietor of any bakery, hotel, boarding-house, restaurant, saloon, lunch-counter, or other place of public entertainment, and no person having charge thereof or employed thereat, and no person furnishing board, for others than members of his own family, and no employe where such board is furnished as the compensation or as a part of the compensation of any employe, shall place before any patron or employe, for use as food, any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, unless the same be accompanied by a copy of the statement described in section 11 of this act, and by a verbal notification to said patron that such substance is a substitute for butter or cheese.

Hotel
keepers to
notify
patrons
when serving
oleomargarine.

SEC. 16. No action can be maintained on account of any sale or other contract made in violation of, or with intent to violate, this act, by or through any person, who was knowingly a party to such wrongful sale or other contract. Every person having possession or control of any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, which is not marked as required by the provisions of this act shall be presumed to have known, during the time of such possession or control, that the same was imitation butter, or imitation cheese, as the case may be.

Maintain-
ing actions
on con-
tract.

SEC. 17. No person shall efface, erase, cancel, or remove any mark, statement, or label required by this act, with intent to mislead, deceive, or with intent to violate any of the provisions of this act.

Erasing
labels.

Butter used in charitable institutions.

SEC. 18. No butter or cheese not made wholly from pure milk or cream, salt, and harmless coloring matter, shall be used in any of the charitable or penal institutions that receive assistance from the state.

Having possession of oleomargarine.

SEC. 19. Whoever shall have possession or control of any imitation butter or imitation cheese or any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, or any renovated butter, contrary to the provisions of this act, shall be construed to have possession of property with intent to use it as a means of committing a public offense, within the meaning of chapter three, of title twelve, of part two, of an act to establish a penal code; *provided*, that it shall be the duty of the officer who serves a bench warrant issued for imitation butter or imitation cheese, or oleomargarine, or any substance designed to be used as a substitute for butter or cheese, or any renovated butter, to deliver to the agent or inspector of the state dairy bureau, or to any person by such dairy bureau authorized in writing to receive the same, a perfect sample of each article seized by virtue of such warrant, for the purpose of having the same analyzed, and forthwith to return to the person from whom it was taken the remainder of each article seized as aforesaid. If any sample be found to be imitation butter or imitation cheese, or oleomargarine, or a substance designed to be used as a substitute for butter or cheese, or renovated butter, it shall be returned to and retained by the magistrate as and for the purpose contemplated by section fifteen hundred and thirty-six of an act to establish a penal code; but if any sample be found not to be imitation butter or imitation cheese, or oleomargarine, and not a substance designed to be used as a substitute for butter or cheese, or renovated butter, it shall be returned forthwith to the person from whom it was taken.

Officer serving bench warrant to take samples.

Each package of oleomargarine to be marked.

SEC. 20. No person, firm or corporation, by themselves or their agents or employees, shall sell, offer for sale, or expose for sale, or have in his, its, or their possession for sale, any oleomargarine or any renovated butter, unless the same shall have printed upon each and every package, roll, print, square, and upon any container of such renovated butter, or oleomargarine, the words "renovated butter," or the word "oleomargarine," as the case may be in letters not less than one half inch in height, and who shall not have secured from the state dairy bureau, now existing under the laws of this state, a license as provided hereinafter.

Renovated butter defined.

SEC. 21. The term renovated butter as used in this act is hereby defined to mean and include butter that has been reduced to a liquid state by melting and drawing off such liquid or butter oil and churning or otherwise manipulating it in connection with milk or any product thereof.

License required of manufacturer, etc.

SEC. 22. No person, firm or corporation, shall engage in the business or occupation of manufacturing, selling, dealing in, or furnishing renovated butter, oleomargarine, or any substance designed to be used as a substitute for butter, without first having applied for and obtained a license so to do, as herein-

after provided. Any person, firm, or corporation, desiring to engage in the business or occupation of manufacturing, selling, dealing in or furnishing to his, its or their patrons, oleomargarine, or any substance designed to be used as a substitute for butter, or imitation butter, or adulterated butter, or renovated butter, as in this act defined, shall first make application each year to the state dairy bureau for a license, and upon payment of a license fee of the amount mentioned herein, to the state dairy bureau, said bureau shall issue to the applicant a license. All such licenses shall contain the following proviso: Provided that this license does not authorize the holder thereof to manufacture, sell, deal in or furnish any oleomargarine, or similar substances designed to be used as a substitute for butter, which contain any coloring matter or which resemble yellow butter in appearance. All said licenses shall expire on June 30th of each year, and may be issued in periods of one year, or less than one year, upon payment of a proportionate part of the license fee. The fees for issuing said licenses are hereby fixed at the amounts below named, annually. The fee for issuing said license to manufacturers of any of said substances within this state shall be one hundred dollars, and if issued to wholesale dealers in, or importers or agents for importers of any of said substances the fee shall be fifty dollars, and if issued to retail dealers in any of said substances the fee shall be five dollars, and if issued to the keeper of any hotel, restaurant, boarding-house or other place where meals are served and payment is received therefor, either immediately or by the day, week or month, the fee shall be two dollars. The term "wholesale dealer," as used in this section 22 hereof, includes all persons, firms or corporations, who sell any of said substances in quantities of ten pounds or more at a time or in the same transaction. The term retail dealer includes all persons who sell only in quantities of less than ten pounds. All licenses, while in force, shall be kept conspicuously displayed in the place of business of the party or parties to whom they have been issued. It shall be unlawful for any person, firm or corporation, to manufacture, buy, sell, deal in, or furnish to his, its or their patrons or to have in possession, for any purpose whatsoever other than for consumption in his own family, or for transportation in case of a boat or railroad company, or for the purpose of storage in case of a warehouse or cold storage company, any oleomargarine, or similar substance designed to be used as a substitute for butter, or any substance resembling butter, but not made wholly from pure milk or cream, or any imitation butter, or adulterated butter, or renovated butter, as in this act defined, without first having applied for and obtained from the state dairy bureau of the State of California, the license herein required.

SEC. 23. All license fees paid to the state dairy bureau under this act shall be paid by said bureau into the state treasury, and shall be added to the appropriation made for the same fiscal year for the state dairy bureau, and its expenditure shall be at the disposal of said bureau for its use.

Applica-
tion to
dairy
bureau.

Fees.

Defini-
tions.

Licenses
on display.

Unlawful
to handle,
etc., with-
out license.

Disposi-
tion of
fees.

Records of sales, etc., of oleomargarine.

SEC. 24. Every person, firm, or corporation who is required by the provisions of section 22 hereof to obtain and hold a manufacturer's or a wholesaler's or importer's license shall keep a correct record in a form separate from all other business in which every sale and purchase of renovated butter, imitation butter, oleomargarine, or any substitute for butter or substance designed to be used as a substitute for butter, or resembling butter, which substance is not made wholly from pure milk or cream, or any imitation cheese or imitation dairy products of any kind, shall be recorded at the time of the transaction, giving in detail the quantity sold or purchased, the name and location of the buyer or seller, the date, and the place to which it was shipped or delivered, and by whom the order or sale was put up and delivered. Every warehouse, cold storage company, boat, railroad or other transportation company shall keep a correct record of all oleomargarine, imitation butter, renovated butter, substitute for butter, imitation cheese, or other imitation dairy products, which at any time may be in their possession, or which may be transported or stored by them, showing the owner, the quantity and kind of goods, the date when stored, and when removed, in case of warehouses and cold storage companies, and showing the character of goods billed, the quantity, the name and address of consignor and consignee, and the date of transportation, in case of boats and railroad companies. All said records, herein required to be kept, shall at all times during business hours, be open to the inspection of the agents and inspectors of the state dairy bureau, and of any officer of any city or county board of health, and of any peace officer of any city or any county of the state. A failure to keep any of the records herein required to be kept or to permit the inspection of such records, by any inspector or agent of the state dairy bureau, or of any city or county board of health, or by any peace officer of any city or county, as herein required, is hereby declared to be a misdemeanor, and punishable as provided herein.

Records open to inspection.

Failure to keep records a misdemeanor.

Giving false reports of lot tests a misdemeanor.

SEC. 25. Any person, firm or corporation, whether as principal, agent, manager or otherwise, who buys or sells dairy products, or deals in milk, cream, or butter, and who buys or sells the same upon the basis of their richness or weight, or the percentage of cream or butter fat contained therein, who gives or reports to any dairyman or patron a false test, or who uses any apparatus, test bottle, or other appliance, or who uses the "Babcock test," or machine of like character, for testing such dairy products, cream, or butter, which is not accurate and correct, or which gives wrong or false percentages, or which is calculated in any way to defraud or injure the person with whom he deals, and any owner, manager, agent, or employee of any creamery, condensary, cheese factory, or other person who falsely manipulates, underreads, or overreads the Babcock test, or any other contrivance used for determining the quality or value of milk or cream, is guilty of a misdemeanor.

SEC. 26. The state dairy bureau shall from time to time

inspect and examine as to their accuracy, or their adaptability to give accurate results, all glassware, measures, scales, weights and other apparatus used in creameries, and factories of dairy products, where milk and cream are purchased, to determine the amount or percentage of fat in milk or cream. Said state dairy bureau shall supply at cost, and not oftener than once a year, to every creamery, or other factory of dairy products where milk and cream, or either, are purchased, on application not more than two tubes or bottles and one pipette of the forms used with the Babcock test, which it shall first examine as to accuracy, and if accurate, or adapted to give accurate results under the usual method of operating the Babcock test, said state dairy bureau shall certify to this by marking durably and permanently upon each and every piece of apparatus supplied the letters "D. B." Said state dairy bureau shall also, upon payment at the rate of one dollar for each dozen, test or examine into the accuracy of all test bottles or tubes and pipettes sent to it direct from any creamery, or other factory of dairy products, where milk or cream are purchased, and if found accurate, or adapted to give accurate results, the letters "D. B." shall be marked upon each piece of apparatus examined. The state dairy bureau shall pay all money received for making such tests or examinations into the state treasury and the same shall become a part of the appropriation for the use of the state dairy bureau, and its disposition shall be at the disposal of the state dairy bureau in enforcing the provisions of this act.

Dairy bureau to examine measures, etc.

To furnish Babcock tubes.

May test tubes for factory.

SEC. 27. The state's standard measure, or pipette, shall have a capacity of seventeen and six tenths cubic centimeters, and the standard test tubes or bottles for milk shall have a capacity of one cubic centimeter of mercury at a temperature of sixty-five degrees Fahrenheit between "zero" and "five" on the graduated scale on the neck thereof; the scale to have a length of not less than six and five tenths (6.5) millimeters for each per cent, or six and five tenths centimeters between zero and ten on the graduated scale on the neck thereof. Said scale to be graduated to at least two tenths of one per cent. The milk fat in the neck of said bottle to be read from the lower line of separation between the fat and the water to the top of the fat column at a temperature not lower than one hundred and thirty degrees Fahrenheit and not higher than one hundred and forty degrees Fahrenheit.

Standard measures.

All cream sold in the State of California on the basis of the richness or the percentage of milk fat contained therein, shall be tested by the Babcock test, using a weighed sample of eighteen grams, or a weighed sample of nine grams (results to be doubled), weighed on a balance sensitive to ten milligrams, and tested in a test bottle with a scale graduated to at least five tenths of one per cent. Said scale to be of a length of at least one centimeter to every five per cent where an eighteen gram sample is used. Where a nine gram sample is used in a bottle graduated for eighteen grams, the test bottle

Chemical tests.

must have a scale graduated to at least two tenths of one per cent. Said scale to be of a length of at least two centimeters to every five per cent. Where a nine gram sample is used in a bottle graduated for nine grams, the test bottle shall have a scale graduated to five tenths of one per cent and shall be of a length not less than seven centimeters for every fifty per cent. The milk fat in the test bottle shall be read at a temperature not lower than one hundred and thirty degrees Fahrenheit and not higher than one hundred and forty degrees Fahrenheit. The fat column must read from the bottom of the lower meniscus to the bottom of the upper meniscus; *provided, however*, that no test bottles now in use in any creamery or other factory of dairy products or by any private party in this state shall be condemned or declared unfit for use prior to the expiration of one year from the taking effect of this act, if the scale thereof is correctly calibrated.

Bottles
not to be
condemned
within
one year.

Unlawful
to sell
adulterated
milk.

"Product
of milk."

Labels to
conform.

Unlawful
to use
"milk,"
etc., when
articles
do not
conform.

When
milk, etc.,
is deemed
adulterated.

Milk.

SEC. 28. It shall be unlawful for any person to produce, manufacture or prepare for sale, or to sell or offer for sale, or have on hand for sale, any milk, including condensed or evaporated milk, or any product of milk, that is adulterated within the meaning of this act. The words "product of milk" as used in this act, shall not apply to any product into which milk, or a product of milk, may enter as an ingredient or component of a food product that does not consist of milk, or milk products alone, such as pastry, and confectionery; *provided*, that this section shall not be construed to prevent the use of common salt (chloride of sodium) in dairy products. Any label, printed matter, or advertising or descriptive matter appearing upon, or in connection with any package, parcel or quantity of milk or milk products when being sold, offered for sale, or having on hand for sale, and having reference to the article being sold, offered for sale, or on hand for sale, shall conform to the provisions of this act, and if it fails to conform to the provisions of this act, such article shall be deemed adulterated within the meaning of this act. It shall be unlawful for any person under this act, when selling, or offering for sale, or having on hand for sale, milk or any product of milk to use the words "milk," "condensed milk," "sweetened condensed milk," "skim milk," "condensed skimmed milk," "evaporated cream," "cream," "butter," "cheese," "butter-milk," "ice-cream," or "ice milk," either verbally, or printed or written on any label or printed matter, in connection with the sale, or offering for sale, or having on hand for sale, of milk or any product of milk, or upon any bill of fare used in any hotel, restaurant or other places where meals are served, when the article shall not conform to the standards and provisions of section 29 of this act.

SEC. 29. Milk and the products of milk enumerated in this section shall be deemed adulterated within the meaning of this act if it or they shall not conform to the following definitions and standards:

(1) Milk is the fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows, properly

fed and kept, excluding that obtained within fifteen (15) days before and five (5) days after calving, and contains not less than three (3.0) per cent of milk fat, and not less than eight and five tenths (8.5) per cent of solids; not fat.

(2) Skim milk is milk from which a part or all of the cream has been removed and contains not less than eight and eight tenths (8.8) per cent of milk solids.

(3) Condensed milk or evaporated milk, is milk from which a considerable portion of water has been evaporated and contains not less than twenty-four and five tenths (24.5) per cent of total milk solids, including not less than seven and seven tenths (7.7) per cent of milk fat.

(4) Sweetened condensed milk is milk from which a considerable portion of water has been evaporated and to which sugar (sucrose) has been added, and contains not less than twenty-four and five tenths (24.5) per cent of total milk solids, including not less than seven and seven tenths (7.7) per cent of milk fat.

(5) Condensed skim milk is skim milk from which a considerable portion of water has been evaporated, and contains not less than 18 per cent of milk solids.

(6) Cream is that portion of milk, rich in milk fat which rises to the surface of milk on standing, or is separated from it by centrifugal force, is fresh and clean and contains not less than eighteen (18) per cent of milk fat. Cream.

(7) Evaporated cream, or clotted cream, is cream from which a considerable portion of water has been evaporated.

(8) Milk fat, or butter fat, is the fat of milk and has a Reichert-Meissel number not less than twenty-four (24) and a specific gravity not less than .905 (40 degrees C.). Butter.

(9) Butter is the clean, non-rancid product made by gathering in any manner the fat of fresh or ripened milk or cream into a mass, which also contains a small portion of the other milk constituents, with or without salt, and a harmless coloring, and contains not less than eighty (80) per cent of milk fat.

(10) Cheese is the sound, solid, and ripened product made from milk or cream, by coagulating the casein thereof with rennet or lactic acid, with or without the addition of ripening ferments and seasoning, and with or without salt and harmless coloring matter. All cheese marked "Full cream cheese," or "Full milk cheese," must contain in the water-free substance, not less than fifty per cent (50%) of milk fat. All cheese marked "Half skim cheese," must contain in the water-free substance not less than twenty-five (25) per cent of milk fat. All cheese not plainly marked or branded as to its quality must contain in the water-free substance not less than fifty (50) per cent of milk fat. Cheese.

(11) Buttermilk is that portion of the cream which remains after the separation and removal therefrom of the butter fat in the process of churning, without the addition of water. Butter-milk.

(12) Ice cream is the frozen product, made from pure sweet cream and sugar with or without a harmless flavoring or Ice cream

coloring, and contains not less than twelve (12) per cent of milk fat, and not more than six tenths (.6) of one per cent of pure and harmless vegetable gum or gelatin.

Fruit ice. (13) Fruit ice cream is the frozen product made from pure, sweet cream, sugar, and sound, clean, mature fruits, and contains not less than ten (10) per cent of milk fat, and not more than six tenths (.6) of one per cent of pure and harmless vegetable gum or gelatin.

Nut ice. (14) Nut ice cream is the frozen product made from pure, sweet cream, sugar, and sound, non-rancid nuts, and contains not less than ten (10) per cent of milk fat, and not more than six tenths (.6) of one per cent of pure and harmless vegetable gum or gelatin.

Ice milk. (15) Ice milk is the frozen product, containing less fat than ice cream, and made from pure, sweet milk and sugar, with or without a harmless flavoring or coloring, and contains not less than two and four tenths (2.4) per cent of milk fat, and not more than six tenths (.6) of one per cent of pure and harmless vegetable gum or gelatin.

Unlawful to sell skimmed milk not properly labeled. SEC. 30. It shall be unlawful for any person, firm or corporation to sell, exchange or deliver, or to offer for sale, exchange or delivery, or to cause or permit to be sold, exchanged or delivered, or to be offered for sale, exchange or delivery, or to have in possession for sale, exchange or delivery, any milk from which any part of the cream shall have been removed, or any skimmed milk, unless the same be offered for sale and sold as skimmed milk, or unless there shall be attached to the outside of every vessel, can or package from or in which such skimmed milk is sold or held for exchange or delivery, a tag upon which shall be printed in black letters at least one inch in height the word "skim" or the words "skimmed milk."

Milk wagons, etc., to bear name of owner. SEC. 31. All wagons, vehicles, or carts from which market milk, cream, butter, ice cream, buttermilk, or ice milk are sold, marketed, delivered, or peddled, shall have the name and address of the owner plainly painted thereon, in letters at least three inches high, and one and a half inches wide, on both sides of such vehicle.

"Ice milk" to be properly labeled. SEC. 32. It shall be unlawful for any person, firm, or corporation to manufacture for sale, sell, or furnish with meals or drinks which are sold, any frozen edibles, made principally of skimmed milk, or principally of milk, unless the same shall conform to the definitions and standards herein fixed in section 29 for "ice milk" or "ice cream."

Unlawful to use borax, etc., to prevent souring. SEC. 33. It shall be unlawful for any person to produce, manufacture or prepare for sale, or to sell, or to offer for sale, or to have on hand for sale, any milk, or product of milk, to which has been added, or that may contain, any compound of boron, salicylic acid, formaldehyde, or other chemical or substance for the purpose of preventing or delaying fermentation or souring. It shall be unlawful for any person to produce, manufacture or prepare for sale, or to sell, or to offer for sale, or to have on hand for sale, any milk, cream or condensed milk to which any coloring matter has been added by

any person, or to which any gelatin or other substance has been added by any person to increase the consistency of such milk, cream or condensed milk, so as to make such milk, cream or condensed milk appear richer or of better quality; *provided*, that this section shall not be construed to prohibit the use of harmless coloring matter and common salt (chloride of sodium) in butter and cheese.

Adding coloring, etc.

SEC. 34. It shall be unlawful for any person, firm or corporation, manufacturing any frozen goods, which do not conform to the standards and provisions of this act for ice cream, to sell, or offer to sell, or represent the same as ice cream, or under the name of ice cream; and all frozen goods which do not conform to the standards and requirements of this act for "ice cream," but which do conform to the standards and requirements for "ice milk" herein, for the purpose of this act, shall be known as "ice milk," and shall be sold and designated as "ice milk," and not otherwise, and shall be billed as "ice milk," and every person, firm or corporation selling, furnishing or delivering to any person any such "ice milk" shall distinctly inform the purchaser at the time in each and every instance that the said goods are "ice milk." The absence of such declaration shall always be construed as a representation on the part of the vendor that the goods are ice cream.

Every tub, receptacle or packer in which there shall be kept, sold, or delivered, at any time, any "ice milk," as herein defined, shall have conspicuously and securely attached thereto a durable tag, giving the name and address of the manufacturer or vendor of the same, and containing the words "ice milk" in letters at least one inch high and one half inch wide, and containing no other reference to the name or character of the goods therein contained. The absence of such tag or label shall always be construed as a representation on the part of the maker or vendor that said goods are ice cream.

Every wagon, vehicle or cart, in or from which any "ice milk" shall be sold, furnished, delivered or peddled, shall have plainly and durably painted on both sides thereof, the name and address of the owner, in letters at least three inches high and one and a half inches wide, and also the words "ice milk" on each side thereof, in letters at least four inches high, and two inches wide, and there shall be no other reference to the name or character of the goods being sold or delivered. The absence of such words and letters shall always be construed as a representation on the part of the owner or vendor that said goods are ice cream.

Every person, firm or corporation, who sells, keeps for sale, delivers, or furnishes in connection with meals, or in connection with drinks, or otherwise, any ice milk, within the meaning of this act, to be used or eaten on the premises where sold, shall keep at all times posted or hung in at least two conspicuous places within the premises, and in plain view of the public, durable signs having printed or painted thereon the words "we sell ice milk," or "we serve ice milk," in letters at least four inches high and two inches wide. The absence of such signs, words and letters, as herein required shall always be

Unlawful to sell ice cream not conforming to standard.

Marking ice milk receptacles.

Marking ice milk wagons.

Sellers to post ice milk signs.

construed as a representation on the part of the owner, or person selling or serving the goods, that they are ice cream. It shall be unlawful for any person, firm or corporation to manufacture, sell, deliver, furnish, serve, or keep on hand any ice milk, within the meaning of this act, unless the same is done in compliance with all the requirements hereof.

Branding
cheese.

SEC. 35. Every person, firm, or corporation, who shall at any creamery, cheese factory, or private dairy, manufacture cheese in the State of California, shall at the place of manufacture, brand distinctly and durably on the bandage of each and every cheese manufactured, and upon the package or box, when shipped, the grade of cheese manufactured, as follows: "California full-cream cheese," "California half-skim cheese," and "California skim cheese."

Dairy
bureau to
furnish
brands.

All brands for branding the different grades of cheese shall be procured from the state dairy bureau, and said bureau is hereby directed and authorized to issue to all persons, firms, or corporations, upon application therefor, uniform brands, consecutively numbered, of the different grades herein specified in section 35 of this act. The state dairy bureau shall keep a record of each and every brand issued, and the name and location of the manufacturer receiving the same. No manufacturer of cheese in the State of California, other than the one to whom such brand is issued, shall use the same, and in case of a change of location, the party shall notify the bureau of such change. The different grades of cheese are hereby defined as follows: Such cheese only as shall have been manufactured from pure milk, and from which no portion of the butter fat has been removed by skimming or other process, and having not less than fifty per cent of butter fat in the water-free substance, shall be branded as "California full-cream cheese"; and such cheese only as shall be made from pure milk, and having not less than twenty-five per cent of butter fat in the water-free substance, shall be branded "California half-skim cheese"; and such cheese only as shall be made from pure skim-milk shall be branded "California skim cheese"; *provided*, that nothing in this section shall be construed to apply to "Edam," "Brickstein," "Pineapple," "Lamburger," "Swiss," or hand-made cheese, not made by the ordinary Cheddar process. No person, firm or corporation shall sell, or offer for sale, any cheese, manufactured in the State of California, not branded by an official brand and of the grade herein defined in section 35 of this act.

Grades of
cheese
defined.

Unlawful
to sell
California
cheese not
branded.

"Persons"
defined.

Act of
agent
deemed
act of cor-
poration.

SEC. 36. The word "persons," as used in this act, shall be construed to import both the singular and plural, as the case demands, and shall include individuals, corporations, companies, societies and associations. When construing and enforcing the provisions of this act, the act, omission or failure of any employee, officer, agent or other person, acting for or employed by any individual, corporation, company, society or association, within the scope of his employment or office, shall in every case also be deemed to be the act, omission or failure of such individual, corporation, company, society or associa-

tion, as well as that of the person. The provisions of this act shall be construed to apply to hotel keepers, restaurant keepers and boarding-house keepers or any person who shall serve meals and accept money therefor.

SEC. 37. Every agent and inspector of the state dairy bureau, and every inspector of any city, county or state board of health is hereby authorized to enter upon and inspect any dairy, dairy premises, creamery, cheese factory, ice cream factory, or other place where dairy products of any kind are being produced, sold, delivered or used, or where they suspect that oleomargarine, or other substances designed to be used as a substitute for butter, or renovated butter, or imitation butter, or imitation cheese are being manufactured, sold, kept, delivered, transported or stored in violation of any of the provisions of this act. It shall be unlawful for any person, firm or corporation to prevent or interfere with the duly authorized inspectors or agents of the state dairy bureau, or any city, county or state board of health, or the inspectors thereof, from entering or inspecting any place or premises where milk or products of milk or where oleomargarine, or imitation butter or cheese, or renovated butter, or any substance designed to be used as a substitute for butter, are produced, manufactured, prepared, sold, kept for sale, furnished or served, or to prevent or interfere with such inspectors or agents in the event they deem it advisable to secure samples of milk or milk products, or oleomargarine, or imitation butter or cheese, or renovated butter, or any substance designed to be used as a substitute for butter, at or from any such place or person, for the purpose of ascertaining whether this act is being violated, or to interfere with or prevent any such inspector or agent from examining any record or books required by the provisions of this act to be open to the inspection of the state dairy bureau, or its agents.

SEC. 38. It shall be unlawful for any person, firm or corporation to fail, neglect or refuse to do any of the things required to be done by the provisions of this act; and it shall be unlawful for any person, firm or corporation to do any of the things prohibited by the provisions of this act; and in every case the failure, neglect or refusal to do anything required by this act, and the doing of anything prohibited by this act, is hereby declared to be a misdemeanor, and shall be punished as herein provided.

SEC. 39. Whoever shall violate any of the provisions of sections 9 to 24 both inclusive of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished for the first offense, by a fine of not less than fifty dollars, nor more than one hundred and fifty dollars; or by imprisonment in the county jail for not exceeding thirty days; and for each subsequent offense, by a fine of not less than one hundred and fifty dollars nor more than three hundred dollars, or by imprisonment in the county jail for not less than thirty days, nor more than six months, or by both such fine and imprisonment, at the discretion of the court.

Agent of dairy bureau may enter premises.

Unlawful to interfere with inspectors.

Failure to conform to act a misdemeanor.

Penalty for violating sections 9 to 24.

Penalty
for vio-
lating sec-
tions 25, 35,
and 37

SEC. 40. Whoever shall violate any of the provisions of sections 25 to 35, both inclusive, or of section 37 of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars; or by imprisonment in the county jail for not less than ten days and not exceeding sixty days, or by both such fine and imprisonment, at the discretion of the court.

Other
sections.

SEC. 41. Whoever shall violate any of the provisions of this act other than sections 9 to 35, both inclusive, and section 37 (the punishment for which is provided in sections 39 and 40 hereof) shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than two hundred dollars, or by imprisonment in the county jail for a period of not less than ten days nor more than one hundred days, or by both such fine and imprisonment.

Disposi-
tion of
fines.

SEC. 42. One half of all the fines imposed for the violation of any of the provisions of this act shall be paid to the county in which the fine is imposed. The other one half shall be paid to the state treasurer and shall become part of and is hereby appropriated to the "state school fund."

Dairy
bureau to
enforce
act.

SEC. 43. It shall be the duty of the state dairy bureau, now existing under the laws of this state, to enforce the provisions of this act; *provided*, that nothing in this act shall be construed to prevent any city or county board of health or other city or county official from enforcing the provisions of this act; *and provided, further*, that no conviction shall be had where a conviction is sought upon any alleged sample of milk, or product of milk, unless such sample has been taken in duplicate, sealed and marked for identification and one of such samples left with the person accused. The state dairy bureau is authorized under this act to gather and compile statistics relative to the dairy industry, and to disseminate the same and other information useful to, and to the general good and development of the dairy industry of the state, and to do such other things as will tend to promote the dairy industry of the state.

Statistics
of dairy
industry.

Report of
contagious
diseases
among
cattle.

Whenever any agent or inspector of the state dairy bureau shall discover the existence of any contagious or infectious disease among dairy cattle, or have reason to believe that such disease may exist, the same shall be immediately reported to the state veterinarian. The state dairy bureau shall have power to employ an agent or secretary at a salary of twenty-four hundred dollars a year, and such inspectors, assistants and chemists as from time to time it may deem necessary for the proper enforcement of the provisions of this act, and to fix the compensation of such inspectors at not to exceed five dollars per day, exclusive of their necessary and actual expenses, such expenses to be itemized and rendered under oath, or one hundred and twenty-five dollars per month exclusive of their necessary and actual expenses. Such agents shall have had experience in the manufacture of dairy products and the handling of dairy cattle. The state dairy bureau, through its agent and secretary, and

Officers of
dairy
bureau

assistant agents, shall inspect the dairies, dairy cattle, creameries and other factories of dairy products, markets and other places where dairy products are prepared or handled, and keep a careful record of such inspection and report the same to the state dairy bureau and upon evidence obtained that any of the provisions of this act are being violated, the state dairy bureau, through its agent and secretary, or its inspectors, shall duly enter complaint against the party or parties, responsible for such violations and cause the same to be prosecuted, except in cases where any dairy, creamery or other factory of milk products, or store or depot where milk and its products are handled and sold, is found to be in an unsanitary condition, in which case the agent and secretary, or the inspector, for the district in which the violation occurred, shall serve upon the owner, or owners, or person in charge of the dairy, creamery or other factory of milk products so found to be in an unsanitary condition, a written notice specifying in detail the changes required to be made to place such dairy, creamery, or other factory of milk products or store or depot in a sanitary condition as defined in this act. Should such changes not have been made at the expiration of thirty days after the date when the notice was served, the state dairy bureau, through its agent and secretary, or its inspectors, shall enter complaint against the person or persons responsible for such unsanitary conditions and cause them to be prosecuted for violating this act.

Inspection.

SEC. 44. It shall be the duty of the district attorney of each and every county of this state, upon application of the state dairy bureau, or its agent and secretary, or any of its inspectors or assistant agents, to attend to the prosecution, in the name of the people, of any action brought for the violation of any of the provisions of this act within his county.

Duty of district attorney to bring actions.

SEC. 45. The provisions of section 15 of the act approved March 4, 1897, entitled "An act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," are hereby expressly continued in force; and the present state dairy bureau shall continue in existence in all respects as now constituted under existing laws; and the members thereof shall continue to be chosen and appointed in all respects as now provided under existing laws; the intention being that the existing laws, under which said bureau is constituted and now exists and by which its powers are conferred and its duties are prescribed, shall in no way be impaired or affected by this act.

Act of 1897 continued.

SEC. 46. Section 17 of an act entitled "An act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," approved March 4, 1897, is hereby repealed.

Repealed.

SEC. 47. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAPTER 490.

An act to amend sections 2, 3, 4 and 6 of an act entitled "An act to define personal property brokers and regulate their charge and business," approved April 16, 1909.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2 of an act entitled "An act to define personal property brokers and regulate their charge and business" is hereby amended to read as follows:

Broker
may
charge 2
per cent
per month.

SECTION 2. Such personal property broker may charge, receive and collect a benefit or percentage upon money or other thing advanced, or for the use and forbearance thereof, of two per centum per month where such loan or advance is made upon security properly falling within the scope of business as set forth in section one hereof.

SEC. 2. Section 3 of said act is hereby amended to read as follows:

No further
charges
may be
made.

SECTION 3. No further or other charges either for recording, insuring or examining the security or property, or for the drawing, executing or filing of papers, or for any services or upon any pretext whatsoever beyond the aforesaid charge for interest or discount shall be asked, charged, or in any way received, where the same would thereby make a greater charge for the money or thing advanced than the aforesaid rate of two per centum per month, and where made, all such charges shall be considered and be of the same effect as so much added interest: *provided, however,* that with the consent of the borrower he may be required to pay the fees or charges actually expended where the same are made necessary by law to give full legal effect to any instrument given hereunder.

SEC. 3. Section 4 of said act is hereby amended to read as follows:

Contract
bearing
greater
rate not
valid.

SECTION 4. No contract of any kind or nature made by any personal property broker which comes within the scope of business as set forth in section one hereof, or which in any way involves any security given to secure the performance of such contract, shall be valid or of any force, virtue or effect, either at law or in equity, if there is therein or thereon directly or indirectly charged, accepted or contracted to be received or paid, either in money, goods, discount, or thing in action, or in any other way, a greater benefit, rate of discount, or interest than the rate of two per centum per month; and if a greater benefit, rate of discount or interest than two per centum per month is directly or indirectly advanced or paid upon any such contract as is in this section designated, the excess above the said rate of two per centum per month so advanced or paid may be demanded and recov-

ered by the person or his legal representatives or assigns who advanced or paid the same from the person or corporation either to whom or for whose use or benefit such payment or advance or any part thereof was made.

SEC. 4. Section 6 of said act is hereby amended to read as follows:

Section 6. The failure of any person or corporation, or any employee, employecs, agent, agents, representative or representatives making, renewing or extending a loan or advance properly falling within the scope of business as set forth in section one of this act to comply with any or any part of the provisions of section five hereof, shall be guilty of a misdemeanor and for the first offense punished in the manner now provided by law and for each subsequent offense by a fine of not less than fifty dollars or more than five hundred dollars or by imprisonment in the county jail of not less than ten days and not to exceed six months or by both such fine or imprisonment.

Failure to comply with act a misdemeanor.

Penalty.

CHAPTER 491.

An act to amend section 292 of the Code of Civil Procedure of the State of California so as to provide for service by publication of a citation requiring the accused to answer in proceedings for the removal or suspension of attorneys and counselors at law.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 292 of the Code of Civil Procedure of the State of California is hereby amended so as to read as follows:

292. Upon receiving the accusation, the court shall make an order requiring the accused to appear and answer it at a specified time, and shall cause a copy of the order and of the accusation to be served upon the accused at least five days before the day appointed in the order. If it shall appear by affidavit to the satisfaction of the court or judge that the accused resides out of the state; or has departed from the state; or cannot, after due diligence, be found within the state; or conceals himself to avoid the service of the order to show cause, the court or judge may direct the service of a citation to the accused, requiring him to appear and answer the accusation, to be made by publication in a newspaper of general circulation published in the county in which the proceeding is pending for thirty days. Such citation must be directed to the accused, recite the date of the filing of the accusation, the name of the accuser, and the general nature of the charges against him, and require him to appear and

Citation of accused by publication.

answer the accusation at a specified time. On proof of the publication of the citation as herein required the court shall have jurisdiction to proceed to hear the accusation and render judgment with like effect as if an order to show cause and a copy of the accusation had been personally served on the accused.

CHAPTER 492.

An act to amend sections 2, 4, 5, 6, 7, 8, 10, 11, 14 and 16 of an act entitled an act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this act, approved March 20th, 1903, and adding a new section thereto to be known and designated as section 16a relating to voting or ballot machines.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2 of an act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this act, approved March 20th, 1903, is hereby amended to read as follows:

Super-
visors may
provide
for use of
voting
machines.

Section 2. The board of supervisors, or other board having charge and control of elections in each of the counties, and cities and counties, cities or towns of the state, may, at any regular meeting, or at any special meeting called for the purpose, provide for and require the use of a voting or ballot machine, or machines, for receiving and registering the vote at any or all elections held in such county, city and county, city or town, respectively, or in any one or more precincts thereof, and every such board of supervisors, or other board having charge and control of elections in each of the counties, and cities and counties, cities or towns of the state, may determine upon and require the use of voting or ballot machines at any and all elections to be held within such county, city and county, city or town of the state, or in any one or more precincts thereof, and thereupon the voting or ballot machine or

machines so determined upon and required shall be used in voting for all public officers, or candidates for nomination to public office, to be voted for by the voters of such counties, cities and counties, cities or towns of the state, or in the precinct or precincts thereof for which the same shall have been so determined upon and required, and also in voting upon all amendments to the constitution. and upon all laws or propositions or questions which may be lawfully submitted to such voters, and for receiving and registering the votes cast at any and every such election. Any such board so authorized to provide for and require the use of a voting or ballot machine as hereinbefore specified, may, if the machine has been approved as in this act required, at its option resolve to provide and use only such a voting or ballot machine so constructed and arranged that the voting or ballot machine will not permit of voting a straight party ticket, or for any candidate, by any other method than by turning or pushing the keys separately of each voting space, for each separate candidate voted for. Party nominations may be designated by usual or reasonable abbreviation of party names.

Machine
not per-
mitting
straight
party
ticket.

SEC. 2. Section 4 of said act is hereby amended to read as follows:

Section 4. No voting or ballot machines shall be approved by the said board unless the same be so constructed as to provide facilities for voting for the candidates of as many different parties or organizations as may make nominations for office, and for and against as many different propositions or amendments as may be submitted, nor shall any such machine be approved unless the same will permit a voter to vote for any person for any office; it must enable the voter to vote and select a ticket all from the nominees of one party or a ticket selected in part from the nominees of one party, and in part from the nominees of any or all other parties, and in part from independent nominations, or in part or in whole of the names of persons not nominated by any party or upon any independent ticket: such machines must also secure to the voter privacy and secrecy in the act of voting; such machines must also be so constructed that a voter can not vote for a candidate or a proposition or amendment for whom or on which he is not lawfully entitled to vote, also to prevent voting for more than one person for the same office, except in cases where the voter is lawfully entitled to vote for more than one person for the same office, in which event they must enable the voter to vote for as many persons for that office as he is by law entitled to vote, and no more; they must also prevent his voting more than once for the same person for the same office; and allow of his reversing his vote in case of mistake or desire to change; and such machines must be so constructed that all votes cast for any person voted for, or for or against any proposition or amendment submitted to the voters, shall be accurately registered or recorded, and any machine to be approved by said board must be of such kind, style or pattern as will permit the exercise by each voter of the full right and

How
machines
must be
con-
structed,
etc.

Voting
party
ticket.

privilege of his elective franchise under the constitution and laws of this state. All voting machines approved by the state commission shall have a separate voting device for each candidate appearing on the ballot. Such machines may also have thereon a straight ticket device for each of the parties for voting a straight ticket vote for candidates of such party; but if so equipped with separate straight ticket voting devices, such separate straight ticket voting devices must be locked out of operation. Machines which have been approved with such straight ticket mechanism thereon may be used in elections with such mechanism rendered inoperative, and machines with such straight ticket mechanism entirely removed therefrom, or machines which omit a party designation of candidates by column or line which have been approved, may be used in such elections, and the omission, removal, or locking out of operation of such straight voting mechanism from the machine that has otherwise been approved by the commission, need not require a further examination and approval of a machine of that type. The ballot at any election, whether general, primary, municipal, or otherwise, shall be arranged upon the voting machine as to the order of offices, order of candidates' names, blank spaces, and in all other respects, for such election, as required by the law prescribing the form and order of the ballot for such election.

Arrange-
ment of
ballot.

SEC. 3. Section 5 of said act is hereby amended to read as follows:

Super-
visors to
furnish
machines,
etc.

Section 5. The board of supervisors or other board having charge and control of elections adopting a voting or ballot machine shall, as soon as practicable thereafter, provide for such polling place or places, as they may determine, one or more voting machines in complete working order and also such other accessories as may be required for the practical working of the machine, and shall thereafter preserve and keep the machines in repair, and shall have custody of the furniture and equipment. If it shall be impracticable to supply each and every election precinct with voting or ballot machine or machines at any election following such adoption, as many may be supplied as it is practicable to procure, and the same may be used in such election precincts within the county, or city and county, city or town, as the board having control may direct. Where the board having charge and control of elections, is not the board having control of appropriations of money generally for the territory, but receives its appropriation from the board of supervisors, or board having control of appropriations of money generally for the territory; then and in such event the board of supervisors or board having control of appropriations of money generally, for the territory represented by such board so having charge and control of elections, shall have exclusive power to purchase or otherwise provide voting or ballot machines for use in such territory. The board of supervisors or board having control of the finances of any county, city and county, or political subdivision, shall have power to sell, lease, alter, exchange, or

otherwise at its discretion dispose of any voting machine or voting machine appliances owned by such county, or city and county.

SEC. 4. Section 6 of said act is hereby amended to read as follows:

Section 6. The county clerk, registrar of voters, or city or town clerk, as the case may be, shall not later than twenty-four hours next preceding the election, cause to be delivered to one of the inspectors of election, duly appointed, at his residence, all necessary supplies, stationery, blank forms, poll and tally lists, and instructions to voters, necessary and proper to the conduct of the election and to the counting and canvassing of the votes, and the return thereof, which forms, blanks, lists, and other stationery shall have been previously prepared by the said county clerk, registrar of voters, or city or town clerk, as the case may be, in such manner as to be adapted to the conducting and returning of such election by such voting or ballot machines as are used at the election. The supplies previously mentioned to be delivered to such inspector, shall, in addition to all other necessary forms, lists, or blanks, include one card stating the penalty for tampering with or injuring a voting machine; two seals for sealing voting machines; one envelope in which the keys to the voting machine are sealed, said envelope to have printed or written thereon the number and location of the election precinct in which the machine is to be used, the number of the machine, the number shown on the protective counter thereof, after the machine has been prepared for the election, and any designation that may be on such seal as the machine is sealed with. Said envelope to have attached to it a detachable receipt for the delivery of the keys of the voting machine to the inspector of the election at his residence; one envelope in which the keys to the voting machine can be returned by the inspectors after the election; one card stating the name and telephone address of the superintendent for the day of election; two diagrams of the voting face of the machine as appears after the ballot label showing the titles of the offices and the names of the candidates, and statement of propositions, together with the voting indicators for each, shall have been inserted in the voting machine, and also suitable printed instructions for the guidance of the board of election.

Election supplies to be furnished not later than twenty-four hours preceding election.

SEC. 5. Section 7 of said act is hereby amended to read as follows:

Section 7. At least sixty days before any election, other than a special election, at which voting machines are to be used in any political subdivision, the county clerk, registrar of voters, or city or town clerk, as the case may be, shall designate one or more deputies, to be provided by the board having charge and control of elections, who are competent for the purpose, as voting machine instructors, and shall cause one or more voting machines of the type to be used at the election, to be set up in his office, for the purpose of having such voting machine instructors give instructions to persons applying to

Instructions in use of machines.

Publication of notice.

serve as election officers at the ensuing election, and shall also publish notice in one or more daily or weekly newspapers, in such political subdivision, if any is there published, stating that instruction will be given at such office (stating the location thereof) as to the use of voting machines, to all persons otherwise qualified, who shall apply to serve as election officers at the ensuing election, and requesting qualified persons to attend at such office and apply to serve, and take such instructions. Such notice may also be sent by mail to all such persons as the said county clerk, registrar of voters, or city or town clerk, may deem likely to take the same. Such voting machine instructors shall give such instructions to those who apply (subject to the control of the clerk or registrar of voters, that too great a number from a given precinct need not be instructed) and shall report the result to such clerk or registrar of voters, and such clerk or registrar of voters, if satisfied with the report, may issue a certificate of competency to such person, and shall enter the name of such person in the proper book, by precincts, with the residence of such person and the date of certificate of competency, and mail such certificate to such person at the address shown by his application or registration. In making up a recommendation of names of persons suitable for election officers, the clerk or registrar of voters shall, where the person is otherwise qualified and able to serve, prefer the persons in each precinct, who have received such a certificate, and the persons thus shown in such recommendation shall be appointed as election officers in the proper precincts, and unless they fail to appear and be sworn or are excused for cause, by the clerk or registrar of voters, shall serve as an election officer at the election.

Certificate of competency.

Certificate holders preferred.

SEC. 6. Section 8 of said act is hereby amended to read as follows:

Duties of precinct board.

Section 8. The precinct board of election of each precinct shall meet at the polling place therein, at least one hour before the time set for the opening of the polls at each election, and shall proceed to arrange within the guard rail the furniture, stationery, and voting or ballot machine for the conduct of the election. The inspectors of election shall then and there have the voting or ballot machine, instructions to voters, and stationery required to be delivered to them for such election. The inspector shall thereupon cause at least two instruction cards to be posted conspicuously within the polling place. They shall see that the model, if such model is furnished, is placed where each voter can conveniently operate it and receive instructions thereon as to the manner of voting before entering the machine. They shall post one diagram inside the polling room and one outside, in places where the voters can conveniently examine them. They shall see that the lantern or other means provided for giving light is in such a condition that the voting machine is sufficiently lighted to enable voters to readily read the names on the ballot labels. They shall see that the ballot labels are in their proper places on the machine. They shall open the counting compartment of

the voting machine in the presence of the public and the members of the board of election, before the opening of the polls, and inspect the recording dials of such machine, and see that each counter number on each dial for a candidate is set at zero (000), and make a certificate substantially in the form hereinafter provided. If any counter number upon such dial for any candidate is found not to register zero (000), a statement of the actual register of such counter number, together with the designating number of said dial and letter, shall be made and signed by the election board as to every such dial number so found registered above zero (000). In such event, in each separate case, the number so found above zero (000) upon the dial of any particular candidate must be deducted from the total vote of such candidate as shown upon that counter number at the close of the polls. The tally sheet shall have plainly printed thereon, so as to occupy an entire page thereof, a statement and certificate substantially in the following form:

NOTICE TO ELECTION OFFICERS.

The board of election shall, before opening the polls, open the counting compartment of the voting machine in the presence of the public and the members of the board of election, and inspect the recording dials of such machine, and see that each counter number on each dial for a candidate is set at zero (000), and make a certificate substantially in the form below provided. If any counter number upon such dial for any candidate is found not to register zero (000), a statement of the actual register of such counter number, together with the designating number of such dial and letter, shall be made and signed by the election board as to every such dial number so found registered above zero (000). In such event, in each separate case, the number so found above zero (000) upon the dial of any particular candidate must be deducted from the total vote of such candidate, as shown upon that counter number at the close of the polls.

Notice to
election
officers.

CERTIFICATE.

We, the undersigned members of the election board of election precinct No., hereby certify that the following statement is a correct statement of all counter number dials upon the voting machine or machines used at said precinct, which were found to have the counter number upon any dial thereon registered above zero (000), as found by an examination and inspection made by said election board at said precinct before the opening of the polls and in the manner provided by law, and that the name of each candidate affected thereby is hereinbelow respectively and separately stated, together with each such separate dial number and each such separate letter of such respective dial, and the number so registered above zero (000) upon any such respective counter dial, and also the number of votes shown upon any such respective counter dial at the close of the polls, together with the total

Certificate.

vote received by any such candidate so affected, after deducting from such total vote the number so found registered above zero (000) upon the counter number dial of such respective candidate or candidates:

Name.	Dial number.	Letter.	Counter register at opening of polls above zero (000).	Counter register at close of polls.	Total vote received.

Signed: {
 _____ Inspector.
 _____ Inspector.
 _____ Judge.
 _____ Judge.

SEC. 7. Section 10 of said act is hereby amended to read as follows:

Instructing voter in operation of machine.

Voting secret.

Time voter may remain within machine booth.

Section 10. After the opening of the polls, the inspectors shall not allow any voter to pass within the guard rail until they ascertain that he is duly entitled to vote. Before each voter enters the voting machine, the inspectors of election shall, so far as possible, inform him how to operate the machine, and illustrate same upon the model of the machine, if any be furnished, and call his attention to the diagram. If any voter shall, after entering the voting machine, ask for information regarding its operation, the inspectors of election shall give him such necessary information. The operation of voting by an elector, while voting, shall be secret and obscured from all other persons except as provided in cases of voting by assisted electors. At any election at which the number of officers to be elected plus the number of propositions or amendments to be voted on shall together make a total of fifteen or less, no voter shall remain within the voting or ballot machine booth longer than two minutes, and if he shall refuse to leave it after the lapse of two minutes, he may be removed by the inspectors. At any election at which the number of officers to be elected plus the number of propositions or amendments to be voted on shall together make a total of more than fifteen, no voter shall remain within the voting or ballot machine booth longer than three minutes, and if he shall refuse to leave it after the lapse of three minutes he may be removed by the inspectors. The inspectors of election shall occasionally examine the face of the machine and the ballot labels to determine if same have been injured or tampered with. No vote cast in the irregular or blank column shall be counted for a person whose name is printed upon the ballot or face of the machine as a candidate for the same office for which he is voted in the

irregular or blank column. All voters in the polling place or standing in line entitled to vote, at the hour for closing the polls, must be permitted to vote.

Sec. 8. Section 11 of said act is hereby amended to read as follows:

Section 11. As soon as the polls of the election are closed the inspectors of election thereat shall immediately lock the voting or ballot machine against voting, and in the presence and full view of the public who may be lawfully within the polling place, proceed to demonstrate and declare the result of such election as registered or recorded or received by the machine, (subject to any legal deductions made under the provisions of section eight of this act) in the following manner: One of the inspectors shall, under the scrutiny of the other inspector, of a different political party, in the order of the offices as their titles are arranged on the machine, commencing with the first party or top column, or commencement of the ticket as arranged, announce in distinct tones to the clerks of election, the designating number and letter of each counter, and the vote registered thereon, and the clerks of election shall correctly record each announcement so made upon separate respective tally sheets, provided for that purpose, before another announcement is made by the inspector. The said inspector shall then in like manner announce the vote recorded for each office on the irregular ballot, and the election clerks shall in like manner record the same. The inspector shall then also in like manner announce the vote on each question or proposition submitted at the election, and the clerk shall in like manner record the same. The canvass of each office shall be completed before proceeding to the next, and the vote as announced shall be written by the clerks in ink on the two tally lists provided therefor in the same order. After completing and writing down the canvass, in the manner aforesaid, the inspectors of election shall verify the same by comparing the figures on the tally lists with the figures on the counters in the machine, and the names recorded on or in the device for voting for persons not nominated, and also with the result registered on the machine as to the vote upon questions or propositions, and in making such comparison and verification, one of the inspectors shall again distinctly announce and recall aloud the vote registered upon each counter. The board of election shall then certify in the appropriate place on the tally list, as to the number of voters that voted at the election, as shown by the poll lists, and by the number registered on the public counter, and the number registered on the protective counter, and the number or other designating mark on the seal with which the machine has been sealed, together with other information regarding the machine as provided on the tally list. The counter compartment of the voting machine shall remain open until the tally list and all other reports have been fully completed and signed, after which they shall lock the counter compartment and deliver the keys thereof in a sealed envelope

Canvass
of votes.

to the county clerk, registrar of voters, or city or town clerk, as the case may be.

SEC. 9. Section 14 of said act is hereby amended to read as follows:

Proportion
of
machines
to number
of voters.

Section 14. For any election in any county, city and county, city or town, in which voting or ballot machines are to be used, the election precincts in which such machines are to be used shall be created by the officers charged with the duty of creating election precincts, in such manner as to comply with the following requirements: That in case the number of officers to be elected plus the number of propositions or amendments to be voted on shall together make a total of fifteen or less, one voting machine shall be provided for every four hundred registered voters or fraction thereof; and in case the number of officers to be elected plus the number of propositions or amendments to be voted on shall together make a total of more than fifteen, one voting machine shall be provided for every two hundred and fifty registered voters or fraction thereof. At any election in any precinct where these requirements are not complied with, voting machines shall not be used.

SEC. 10. Section 16 of said act is hereby amended to read as follows:

Election
officers.

Section 16. The provisions of section 1142 of the Political Code shall apply where voting or ballot machines are used pursuant to this act; *provided, however*, that at any precinct or polling place where two voting machines are used, two additional clerks of election shall be appointed for service at such polling place, for the election. In any city, or city and county, or county, where voting machines are to be used at any election, or where voting machines are owned, the board having charge and control of elections may, by a majority of such board adopt a resolution to be entered in its minutes, provide for a superintendent as herein provided, and may thereupon select and appoint a superintendent for the care, repair, adjustment, arrangement, testing, and preparation of voting or ballot machines. Such person must be a skilled machinist familiar with the arrangement, adjustment, and mechanism of voting machines, and shall, before his appointment, be examined by the board having control of elections as to his competency in these respects. His appointment must also, where made for a territory wholly included within any city, or city and county, be approved by the mayor of any such city, or city and county, who shall also have the right to examine such person as to his competency. Said superintendent shall be considered a public officer, and shall hold office under such appointment until removed by the board having charge and control of elections, for cause, and by an order in writing entered in its minutes, after giving such superintendent an opportunity to be heard, which order of removal shall be final and conclusive, and not subject to review. In any city, county, or city and county, which at the last general

Superin-
tendent of
machines.

election therein had a registration of voters exceeding seventy thousand, the said board having control of elections may fix the compensation of such superintendent at a sum not to exceed the rate of fifteen hundred dollars per year, payable monthly, and may, by the resolution of appointment, provided such appointment is made by the year, provide that the services of such superintendent shall be given exclusively to said board while he remains in its employ, or under such appointment. Unless such appointment is made by the year and in the manner last mentioned in such a city, county, or city and county, and in any event in all other cases, and places, such superintendent so appointed pursuant to this act shall receive a compensation at the rate of ten dollars per day for every day he shall be actually employed; *provided, however*, that in any such place where his compensation is fixed by the day under this act, the board having control of elections may fix his compensation at a lesser sum when he is employed merely as caretaker of such voting machines. Such superintendent must file his acceptance of the appointment with the board having charge and control of elections within five days after notice of his appointment, and before entering upon his duties shall take the oath of office prescribed by the constitution of this state for public officers, which oath may be taken by and filed with the county clerk, or registrar of voters, and file a bond in a sum to be fixed by the board having charge and control of elections, and not less than ten thousand (10,000) dollars, in a city and county, conditioned for the faithful performance of the duties of his office, with surety and to be approved and recorded as may be required for other officers of such city, county, or city and county; and it shall be his duty to care for, keep in repair, arrange, adjust, test, and prepare all voting machines for complete and correct operation at any election in the political subdivision for which he is appointed. All such voting or ballot machines shall be by him or under his direction, arranged, adjusted, and prepared for correct operation at any election in accordance with the provisions of the law of this state, and in accordance with the mechanism and rules for the adjustment and correct operation of such voting machines. The county clerk, registrar of voters, or city or town clerk, as the case may be, shall deliver to such superintendent for his guidance, a copy of any written or printed instructions which may be furnished by the person or corporation which manufacture the voting machines in use in such political subdivisions. The board having charge and control of elections may also select and employ any additional persons, as assistants, to such superintendent, in the performance of his duties, and may fix and allow the compensation to be paid to said assistants. The said superintendent of voting machines shall, not later than the day previous to the day of election, file with the clerk, or registrar of voters, his affidavit specifying the voting machines by number, that have been adjusted for use at such election, and stating that every one of such machines have been so

Salary.

Oath.

Bond.

Duties.

adjusted, that each and every of its counters, which register the votes cast for candidates, are adjusted at zero (000), and that, in every other respect, each and every voting machine is adjusted in accordance with the requirements of the law of the state, and according to the mechanism and rules for the adjustment and correct operation of such voting machines. Where any court, or justice, or judge, of any court, shall make an order or judgment, or otherwise direct any change, alteration or modification, to be made in the ballot labels to be used upon any voting or ballot machine, after the sample ballots have been printed, it shall not be necessary to print or distribute new sample ballots.

SEC. 11. A new section to be known and designated as section 16a is hereby added to said act, to read as follows:

Machines
to be ex-
amined,
tested,
and sealed
before
elections.

Section 16a. Within not more than thirty-five, nor less than twenty-five days, before the holding of any election in any county, city and county, city or town, at which is to be used voting or ballot machines, under the provisions of this act, the county clerk, registrar of voters, or city or town clerk, as the case may be, shall fix a day, which shall not be more than twenty days, nor less than five days, before the date of such election, upon which the voting or ballot machines to be used at such election shall be examined, tested and sealed as hereinafter provided. At least twenty days before an election in any political subdivision where voting machines are to be used in one or more precincts of such subdivision, under and pursuant to the law of this state, it shall be the duty of the county clerk, registrar of voters, or city or town clerk, as the case may be, to notify in writing, by mail, with postage prepaid, the chairman or secretary of the executive or central committee of any political party or organization for the territory, the membership of which may have made nominations of candidates to be voted for at such election, or of any political party whose party name is lawfully used as a designation by a candidate, that it may appoint representative of such political party who shall be authorized to attend and observe the final adjustment, testing and sealing of such ballot machines, and thereupon it shall be the right of such committee to appoint as many representatives, not to exceed three for each political party or organization, as it may see fit to select for such purpose, and to issue certificates of such appointment to such representatives, by the secretaries of such committees or organizations, respectively. Such notice shall also name and specify the date and place where such examination, testing and sealing of such machines will commence, and that the same will continue, if necessary, at said place from day to day until completed. The committee or organization empowered to appoint such representatives, shall immediately, upon making such appointment, notify the said representative or representatives so appointed, respectively, of such appointment and of the time and place where such examination, testing and sealing of such voting or ballot machines will commence, and shall also forthwith, send

to the said county clerk, registrar of voters, or city or town clerk, as the case may be, the name and full address of each such representative appointed. Thereafter, at the time specified in such notice, and until the completion thereof, the said representative or representatives shall be entitled to attend and observe the final adjustment, testing and sealing of such voting machines, under the directions of the board of election commissioners, or of the superintendent provided for by this act, and such adjustment, testing and sealing shall proceed in the presence of as many of said representatives as shall assemble to observe and view the same, and a full and complete opportunity shall then and there be given by such superintendent and his assistants, to such representatives to observe the processes by which such adjustment, testing and sealing is performed, and to see that the said voting machines are so adjusted that each counter is set at zero (000), and without any vote registered thereon for the advantage of any party or candidate or otherwise. When the said machines are so sealed they shall not be unsealed again except by the precinct election boards on the day of election, to the extent necessary for the proper and lawful conduct of the election. Any candidate may attend in person or appoint in writing signed by such person, a representative to attend, with all the rights and privileges provided by this section.

SEC. 12. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 13. This act shall take effect immediately.

CHAPTER 493.

An act to amend section 1230 of the Political Code of the State of California, relating to compensation of officers of counties of the first class, their clerks, deputies and assistants.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4230 of the Political Code is hereby amended to read as follows:

4230. In counties of the first class the county and township officers shall receive as compensation for the services required of them by law or by virtue of their office the following salaries, to wit:

1. The county clerk, three thousand six hundred dollars per annum: *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk the following clerks, deputies and employees who shall be appointed by the county clerk, and shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per

Salaries of officers in counties of first class.

County clerk.

County
clerk.

month; one deputy who shall be cashier and bookkeeper at a salary of one hundred and fifty dollars per month; one deputy who shall be in charge of the probate department at a salary of one hundred and fifty dollars per month; one deputy who shall be in charge of the registration department at a salary of one hundred and fifty dollars per month; one deputy who shall be an assistant to the registration clerk at a salary of one hundred and fifty dollars per month; one deputy who shall be an assistant to the registration clerk at a salary of one hundred and twenty-five dollars per month; one deputy who shall be an assistant to the registration clerk at a salary of one hundred and ten dollars per month; one deputy who shall be clerk of the board of supervisors, at a salary of one hundred and fifty dollars per month; fourteen deputies who shall be court room clerks at salaries of one hundred and twenty-five dollars each per month; one deputy who shall be judgment clerk at a salary of one hundred and fifty dollars per month; one deputy who shall be an assistant judgment clerk at a salary of one hundred and twenty-five dollars per month; one deputy who shall be assistant judgment clerk at a salary of ninety dollars per month; one deputy who shall be a file clerk at a salary of one hundred and ten dollars per month; one deputy who shall be an index clerk at a salary of one hundred and ten dollars per month; one deputy who shall be in charge of the criminal records at a salary of one hundred and ten dollars per month; one deputy who shall be recording minute clerk for probate orders at a salary of one hundred and fifty dollars per month; one deputy who shall be a recording clerk for probate orders at a salary of one hundred and fifteen dollars per month; one deputy who shall be an assistant clerk of the board of supervisors at a salary of one hundred and ten dollars per month; one deputy who shall be a stenographer at a salary of one hundred dollars per month; one deputy who shall be a stenographer for the board of supervisors at a salary of one hundred dollars per month; two deputies who shall be miscellaneous department clerks at a salary of one hundred and twenty-five dollars each per month; six deputies at a salary of one hundred dollars each per month; one telephone operator at a salary of seventy-five dollars per month; one messenger at a salary of sixty dollars per month; one deputy at a salary of twenty-five dollars per month; twelve deputies for a period not to exceed one month in any one year at a salary of eighty dollars per month each; *provided, further*, that in such years as the compilation of the great register of voters is required by law to be made, the county clerk in counties of this class shall be and he is hereby allowed one hundred and fifty deputies for a period not to exceed one month each in any such year, at a salary of ninety dollars per month each, and also for any such year two additional deputies in each voting precinct in the county for the purpose of registering electors in such precincts, who shall be paid five cents per name for each elector

legally registered by them. The salaries of the deputies, clerks and employes herein provided for shall be paid by said county in monthly installments, at the same time, and in the same manner and out of the same fund as the salary of the county clerk is paid.

2. The sheriff, four thousand dollars per annum; *provided*, Sheriff, that in counties of this class there shall be and there hereby is allowed to the sheriff an under-sheriff and the following deputies, stenographers, and employes, who shall be appointed by the sheriff of said county and shall be paid salaries as follows. to wit: One under-sheriff, at a salary of two hundred dollars per month; one deputy, who shall be bookkeeper, at a salary of one hundred and fifty dollars per month; two deputies, who shall be assistant bookkeepers, at a salary of one hundred and ten dollars each per month; one deputy, who shall be the return clerk, at a salary of one hundred dollars per month; one deputy, who shall be foreclosure clerk, at a salary of one hundred and twenty-five dollars per month; three deputies at a salary of one hundred and thirty-five dollars each per month; one cook at the county jail, at a salary of seventy dollars per month; twenty-nine deputies at a salary of one hundred dollars each per month; six deputies, who shall be turnkeys at the county jail, at a salary of one hundred dollars each per month; two deputies, who shall be bookkeepers at the county jail, at a salary of one hundred dollars each per month; one deputy, who shall be head jailer at the county jail, at a salary of one hundred and fifteen dollars per month; one matron of the county jail at a salary of seventy-five dollars per month; two stenographers at a salary of seventy-five dollars each per month; one deputy, who shall be a chauffeur and machinist at a salary of one hundred and twenty-five dollars per month. The salaries of the under-sheriff, matron, cook, and all deputies, stenographers, and chauffeur herein provided for shall be paid by said county in monthly installments at the same time, in the same manner, and out of the same fund that the salary of the sheriff is paid. The sheriff shall also receive the amount of money necessarily expended by him in serving all processes and notices, and the same shall be charged against the county and allowed as such by the board of supervisors, and paid as other county charges are paid. In case of sale of property on foreclosure of mortgage or on execution, the sheriff shall be entitled to receive all necessary expenses of keeping the property and of advertising the sale.

3. The recorder, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder the following deputies and copyists, who shall be appointed by the recorder of said county, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy at a salary of one hundred and fifty dollars per month; two deputies at a salary of one hundred and fifty dollars each per month; seven deputies at a salary of one hun- Recorder.

dred and fifteen dollars each per month; one deputy at a salary of one hundred and ten dollars per month; one deputy at a salary of one hundred and five dollars per month; nineteen deputies at a salary of one hundred dollars each per month; one deputy at a salary of seventy-five dollars per month; and as many copyists as may be required, who shall receive as compensation for their services the sum of seven cents per folio for recording any instrument or notice, except maps or plats; for copies of any paper or record, seven cents per folio. The salaries and compensation of all deputies and copyists herein provided for shall be paid by the county in monthly installments, at the same time, in the same manner and out of the same fund as the salary of the county recorder is paid.

Auditor.

4. The auditor, three thousand six hundred dollars per annum; *provided*, that in counties of this class, there shall be and there hereby is allowed to the auditor the following deputies, clerks, and assistants, who shall be appointed by the auditor, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy who shall be in charge of the redemption department at a salary of one hundred and thirty-five dollars per month; two deputies at a salary of one hundred and fifty dollars each per month who shall be accountants and department auditors; one deputy in the redemption department at a salary of one hundred and thirty dollars per month; one deputy in the redemption department at a salary of one hundred and twenty-five dollars per month; one deputy in the redemption department at a salary of one hundred and twenty dollars per month; one deputy who shall be chief bookkeeper, at a salary of one hundred and fifty dollars per month; one deputy who shall be assistant bookkeeper at a salary of one hundred and thirty-five dollars per month; one deputy who shall be assistant bookkeeper at a salary of one hundred and twenty-five dollars per month; one deputy at a salary of one hundred and twenty-five dollars per month; two deputies at a salary of one hundred and ten dollars each per month; one deputy at a salary of one hundred dollars per month; one hundred and ten clerks at a salary of four dollars per day each for each day employed for a period not to exceed thirty days in any one year; and such additional clerks and assistants as the auditor may require, and whose compensation in the aggregate shall not exceed seventeen hundred and fifty dollars in any one year. The salaries of the deputies, clerks and assistants herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner and out of the same fund as the salary of the auditor is paid.

Treasurer.

5. The treasurer, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer, the following deputies, who shall be appointed by the treasurer and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy who shall be cashier at a salary of one hundred and fifty dollars per

month; one deputy who shall be assistant cashier at a salary of one hundred and twenty-five dollars per month; one deputy at a salary of one hundred and thirty-five dollars per month; one deputy at a salary of one hundred dollars per month. The salaries of the deputies herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the treasurer is paid.

6. The tax collector, three thousand six hundred dollars per annum, which shall be in full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector the following deputies, stenographers and clerks, who shall be appointed by the tax collector, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy who shall be chief clerk at a salary of one hundred and fifty dollars per month; two deputies, who shall be assistants to the chief clerk, at a salary of one hundred and twenty dollars each per month; one deputy who shall be cashier, at a salary of one hundred and twenty-five dollars per month; one deputy who shall be assistant cashier, at a salary of one hundred and fifteen dollars per month; two deputies who shall be assistants to the cashier, at a salary of one hundred and fifteen dollars each per month, for a period not to exceed six months in any one year; one deputy who shall be correspondence clerk, at a salary of one hundred and twenty-five dollars per month; one deputy who shall be correspondence clerk, at a salary of one hundred and fifteen dollars per month; one deputy who shall be license clerk, at a salary of one hundred and ten dollars per month; two deputies who shall be checking clerks, at a salary of one hundred and fifteen dollars per month; and one deputy who shall be register clerk, at a salary of one hundred and ten dollars per month; one deputy who shall be record clerk, at a salary of one hundred and ten dollars per month; two deputies who shall be license inspectors, at a salary of one hundred dollars each per month; one deputy who shall be chief report clerk, at a salary of one hundred and fifty dollars per month; six deputies who shall be report clerks, at a salary of one hundred and ten dollars each per month; one deputy who shall be bookkeeper, at a salary of one hundred and ten dollars per month; twelve deputies at a salary of one hundred dollars each per month; two deputies who shall be sale and redemption clerks, at a salary of one hundred dollars each per month; one deputy who shall be map clerk, at a salary of one hundred and fifteen dollars per month; one deputy who shall be a stenographer at a salary of ninety dollars per month; eighty-five clerks for a period not to exceed six months at a salary of four dollars per day each for each day employed; and also such additional assistants as the tax collector may require in preparing a property index; the compensation of such assistants, however, shall not exceed in the aggregate the sum of two thousand dollars during the

year 1911, and like assistants in any year subsequent thereto for the revision and maintenance of such property index, whose compensation for any year after the year 1911 shall not exceed in the aggregate two thousand dollars for any such year. The tax collector shall also be allowed and there is hereby allowed a sum not to exceed six hundred dollars for the necessary traveling expenses of said license tax collector each year. The salaries of the deputies, clerks, assistants and stenographers herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the tax collector is paid.

District
attorney.

7. The district attorney, six thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the district attorney, the following deputies, employees and assistants who shall be appointed by the district attorney of said county and who shall be paid salaries as follows: One assistant district attorney at a salary of two hundred and seventy-five dollars per month; one chief deputy at a salary of two hundred and fifty dollars per month; four deputies at a salary of two hundred and twenty-five dollars per month each; seven deputies at a salary of two hundred dollars each per month; one clerk at a salary of one hundred and fifty dollars per month; two detectives at a salary of one hundred and thirty-five dollars each per month; two process servers at a salary of one hundred dollars each per month; five stenographers at a salary of one hundred dollars each per month; one messenger at a salary of sixty dollars per month; the auditor shall audit and allow, and the treasurer shall pay to the district attorney the sum of fifty dollars per month on the first of each month, which shall be for a secret service fund, to be used in detection and prevention of crime by the district attorney; *provided, however*, that nothing contained in this subdivision shall be construed as limiting the provisions of section four thousand three hundred and seven; *provided, further*, that nothing herein contained shall be construed to prevent the board of supervisors of said counties of this class from employing special counsel, when in the judgment of said board, the interests of said county require it. The salaries of the assistants, deputies, clerks, stenographers, special counsel, detectives, and employees herein provided for, shall be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the district attorney is paid.

Assessor.

8. The assessor, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the assessor the following deputies, clerks, stenographers, and copyists, who shall be appointed by the assessor, and who shall be paid salaries as follows: One chief deputy at a salary of two hundred dollars per month; one head deputy, county department, at a salary of one hundred and fifty dollars per month; one head deputy, city department, at a salary of one hundred and fifty dollars per month;

one assistant deputy at a salary of one hundred and twenty-five dollars per month; two improvement valuation deputies at a salary of one hundred and twenty-five dollars each per month; five real estate valuation deputies at a salary of one hundred and twenty dollars each per month; two deputies who shall be cashiers at a salary of one hundred and twenty dollars per month; one machinery valuation deputy at a salary of one hundred and twenty dollars per month; one tax sale and redemption deputy at a salary of one hundred and ten dollars per month; eleven deputies at a salary of one hundred dollars each per month; four transfer deputies at a salary of one hundred dollars each per month; eighty field deputies for a period not exceeding three months in any one year at a salary of one hundred dollars each per month; forty field deputies for a period not exceeding three months in any one year at a salary of one hundred dollars each per month; thirty-five clerks for a period not exceeding four months in any one year at a salary of one hundred dollars each per month; nine field deputies for a period not exceeding six months in any one year, at a salary of one hundred dollars each per month; eighteen copyists at a salary of seventy-five dollars each per month; fifteen copyists for a period not exceeding three months in any one year at a salary of seventy-five dollars each per month; sixty copyists for a period not exceeding three months in any one year at a salary of seventy-five dollars each per month; ten comparers, for a period not exceeding three months in any one year, at a salary of eighty dollars each per month; twelve comparers for a period not exceeding three months in any one year, at a salary of eighty dollars each per month; two deputies, who shall be photographers, at a salary of one hundred and twenty dollars each per month; two stenographers at a salary of ninety dollars each per month; there is also allowed not to exceed five hundred dollars for transportation expenses of the said assessor or his deputies for each year. It is further provided that in counties of this class, that if the assessor be directed by any law, or by any order of the board of supervisors, within counties of this class, to prepare maps, plats, or block books for the use of the county, or assessment rolls, for the use of any municipality, then said assessor shall make such maps, plats, or block books, or assessment rolls, but shall only receive the actual cost by him incurred in making or preparing said maps, plats, or block books, or assessment rolls; *and provided, further,* that he shall file with the county auditor a sworn statement, showing the persons to whom, and the amounts paid to each for such maps, plats, block books, or assessment rolls, and he shall account forthwith and pay over to the county any difference between such costs and the amount allowed him for such work. The salaries of the deputies, stenographers, clerks, and copyists herein provided for, shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the county assessor is paid. It is further provided that in counties of this class the assessor shall receive no commission for his col-

lection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes, nor shall the said assessor receive any compensation for making out the military roll of persons returned to him as subject to military duty as provided by section one thousand nine hundred and one of the Political Code; *provided, however,* that fifteen per cent of all moneys collected by him for poll taxes, and road poll taxes shall be allowed to such counties on their settlement with the state, and be and remain the property of such counties.

Coroner.

9. The coroner, three thousand dollars per annum and his actual necessary expenses in traveling outside of the county seat. He shall hold inquests as prescribed by chapter II, title XII, part II, of the Penal Code, except that he may in his discretion dispense with a jury. The coroner or other officer holding an inquest upon the body of a deceased person may subpoena a physician or surgeon to inspect a body, or a chemist to make an analysis of the contents of the stomach or tissues of the body, or hold a post-mortem examination of the deceased, and give his professional opinion as to the cause of death. The coroner in counties of this class shall be and he is hereby allowed the following assistants: One deputy at a salary of two hundred dollars per month: said deputy shall have the power and it shall be his duty when directed by the coroner, to hold inquests, and all power conferred by law upon the coroner may be exercised by said deputy; one stenographer at a salary of one hundred and fifty dollars per month. Said stenographer shall take down in shorthand the testimony of witnesses at inquests and shall transcribe the same in long-hand and file a certified copy thereof with the county clerk; one clerk at a salary of one hundred and twenty-five dollars per month; one deputy at a salary of one hundred dollars per month. The salaries of the deputies, clerks and stenographer herein provided for shall be paid by the county, in the same manner, at the same time, and out of the same funds as the salary of the coroner is paid.

Adminis-
trator.

10. The public administrator, three thousand dollars per annum: *provided,* that in counties of this class there shall be and there is hereby allowed to the public administrator one deputy at a salary of one hundred and seventy-five dollars per month. The salary of said deputy shall be paid by the county in the same manner, at the same time, and out of the same fund as the salary of the public administrator is paid.

Superin-
tendent of
schools.

11. The superintendent of schools, three thousand six hundred dollars per annum, which shall be in full for all services, including attendance upon the board of education, also actual necessary traveling expenses not to exceed five dollars for every school district in the county; *provided,* that in counties of this class there shall be and there hereby is allowed the superintendent of schools the following assistants and deputies who shall be appointed by the superintendent of schools of said county, and who shall be paid salaries as follows: Two assistants at a salary of two hundred and twenty-five dollars

each per month; one deputy at a salary of one hundred and seventy-five dollars per month; three deputies at a salary of one hundred and twenty-five dollars each per month; three deputies at a salary of one hundred dollars each per month. The salaries of the assistants and deputies herein provided for shall be paid by the county at the same time, in the same manner, and out of the same fund as the salary of the superintendent of schools is paid.

12. The health officer, fifteen hundred dollars per annum, and special health officers when appointed as in this title provided, ten dollars per day; *provided*, that not more than five hundred dollars per annum shall be paid or expended in any one year in payment of special health officers. The salaries of the health officer and special health officers shall be paid by the county in the same manner, at the same time and out of the same fund as the salaries of county officers are paid. Health officers.

12½. Each member of the county board of education, except the secretary thereof, five dollars for each session of the board attended, not exceeding a total of four hundred dollars to any member in any one year. In addition, each member shall be entitled to mileage at the rate of ten cents per mile, for one way only, while attending the regular sessions. Said compensation of the said members of the board of education shall be payable monthly and out of the same funds, and in the same manner as the salary of the county superintendent of schools is paid. Said compensation shall be in full payment for all services rendered. Board of education.

13. The surveyor, three thousand six hundred dollars per annum, and in addition thereto all necessary expenses and transportation for work performed in the field, and all necessary expenses for searching records and compiling assessor's maps; *provided*, that in counties of this class there shall be and there hereby is allowed to the surveyor, the following deputies who shall be appointed by the surveyor of said county, and who shall be paid salaries as follows: Surveyor.

One chief deputy who shall be a civil engineer at a salary of two hundred and fifty dollars per month; one deputy who shall be a bridge engineer at a salary of one hundred and ninety dollars per month; one deputy who shall be a civil engineer at a salary of one hundred and fifty dollars per month; seven deputies who shall be surveyors or draftsmen at a salary of one hundred and twenty-five dollars each per month: three deputies, two of whom shall be draftsmen and one a counter-deputy, at a salary of one hundred and ten dollars each per month; two deputies who shall be draftsmen at a salary of one hundred dollars each per month; two deputies who shall be instrument or drafts men at a salary of ninety dollars each per month; one deputy who shall be a stenographer at a salary of ninety dollars per month. The salaries of the deputies herein provided for shall be paid by said county at the same time, in the same manner and out of the same fund as the salary of the county surveyor is paid.

Super-
visors.

14. Supervisors, two thousand four hundred dollars per annum, together with mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties, either as road commissioners or supervisors, not exceeding in the aggregate seven hundred and fifty dollars each per annum. They shall also receive their necessary expenses when attending meetings of the state board of equalization; and provided, further, that there shall and hereby is allowed to the said board of supervisors the following clerks: One clerk who shall be auditor and accountant at a salary of one hundred and fifty dollars per month; one clerk who shall be in charge of miscellaneous records, equalization and election matters, at a salary of one hundred and twenty-five dollars per month; one clerk who shall be demand clerk at a salary of one hundred and fifteen dollars per month; two assistant clerks at salaries of one hundred and fifteen dollars each per month; one clerk who shall be stenographer and index clerk at a salary of one hundred dollars per month; one clerk, as emergency clerk, at a salary of one hundred dollars per month; one clerk who shall be superintendent of charities at a salary of one hundred and twenty-five dollars per month; one clerk at a salary of one hundred and ten dollars per month and one clerk at a salary of one hundred dollars per month, each of whom shall be an assistant to the superintendent of charities; one clerk who shall be stenographer for the department of charities at a salary of eighty-five dollars per month; forty clerks for a period not exceeding thirty days in any one year at a salary of four dollars each for each day actually employed to assist said board in the work of equalization; and in addition to the clerks hereinbefore provided for, in years when a general election is held in the state, there shall be and hereby is allowed the said board of supervisors sixty clerks for a period not to exceed twenty days in such years, at a compensation of four dollars each per day for each day actually employed: such clerks shall be appointed by the board of supervisors and shall be paid by said county in the same manner, at the same time, and out of the same fund as other clerks of the county officers are paid; and still further provided that from and after the first Monday after the first day of January in the year one thousand nine hundred and thirteen, supervisors in counties now of this class shall receive as compensation for the services required of them by law a salary of three thousand dollars each per annum, together with mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties either as road commissioners or supervisors, not exceeding in the aggregate seven hundred and fifty dollars each per annum, and they shall also receive their necessary expenses when attending meetings of the state board of equalization. The salaries of the deputies, clerks and employes herein provided for shall be paid by said county in monthly installments at the same time, in the same manner and out of the same fund as the county officers are paid.

15. In townships having a population of thirty thousand and not more than one hundred thousand, justices of the peace shall receive a salary of two thousand dollars per annum; in townships having a population of fifteen thousand and less than thirty thousand, justices of the peace shall receive a salary of fifteen hundred dollars per annum; in townships having a population of ten thousand and less than fifteen thousand, justices of the peace shall receive a salary of twelve hundred dollars per annum; in townships having a population of five thousand and less than ten thousand, justices of the peace shall receive a salary of nine hundred dollars per annum; in townships having a population of two thousand and less than five thousand, justices of the peace shall receive a salary of six hundred dollars per annum; in townships having a population of less than two thousand, justices of the peace shall receive a salary of five hundred dollars per annum: *and provided, further,* that in townships having a population of more than one hundred thousand, each justice of the peace shall receive a salary of three thousand dollars per annum. All salaries shall be in lieu of all fees due or to become due all justices for the performance of any official act, and such salaries as hereinbefore provided shall be paid in like manner, at the same time, and out of the same funds as county officers are paid by such county. And all fees, together with all fines and penalties paid to such justices or into such court, shall be and become the property of the county in which such justice exercises his jurisdiction. And each of such justices shall report under oath on the first Monday of each month, to the board of supervisors of such county, the amount of all fines and fees collected by him on the account aforesaid during the preceding month, and shall, on said date, deposit with the county treasurer, to the credit of the county, all such fines and fees as may be shown by said report to have been collected by him. He shall also transmit the treasurer's receipt for said payment to the board of supervisors with the said report.

Justices of
the peace.

The board of supervisors of such counties in townships having a population of more than fifteen thousand, may provide each such justice with an office and the necessary furniture and supplies for the justice's court and may in their discretion provide each such justice with the necessary law books; *and provided, further,* that the board of supervisors in such counties may, in townships having a population of more than one hundred thousand, appoint a clerk for each justice therein which clerks shall each hold office for the term of two years from and after appointment, and shall receive a salary of one hundred dollars each per month, payable in like manner, at like times and out of the same fund as county officers are paid by the county; said clerks shall each take and file an oath of office in like manner as county officers, and after being appointed and qualifying as hereinbefore prescribed, shall have power to administer and certify oaths to affidavits, and all papers, documents, or instruments used in or in connection with the actions

and proceedings of such justice's court. Such clerks shall perform such other clerical services as may be required of them by the justice or justices. For the purpose of this section the population of townships in counties of this class is hereby determined by the population of such townships as shown by the census taken under the direction of the Congress of the United States in the year 1910.

Con-
stables.

16. Constables shall receive the following monthly salaries, to be paid each month and in like manner, at like times and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases, or in actions or proceedings in which the people of the State of California are parties. In townships having a population of three hundred thousand or over, one hundred and fifty dollars per month; in townships having a population of thirty thousand and less than three hundred thousand, one hundred and twenty-five dollars per month; in townships having a population of fifteen thousand and less than thirty thousand, ninety dollars per month; in townships having a population of five thousand and less than ten thousand, sixty dollars per month; in townships having a population of less than five thousand, forty dollars per month. In addition to the compensation received in criminal cases, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases; *provided*, that the constable shall be allowed all necessary expenses actually incurred in serving any criminal process or pursuing, taking or arresting persons charged with crime, or transporting such persons to or from court or county jail. And all fees collected by such constable on account of services rendered in criminal cases or proceedings in which the people of the State of California are parties, shall belong to and be the property of the county in which said constable has been elected or appointed; *and provided, further*, that in counties of this class and in townships having more than one hundred thousand inhabitants, there shall be and there is hereby allowed to each of the four constables of said township, one deputy, who shall be appointed by the constable and shall receive a salary of one hundred dollars per month; and in townships having a population of thirty thousand and not more than one hundred thousand there shall be and there is hereby allowed to each constable, one deputy, who shall be appointed by the constable and shall receive a salary of fifty dollars per month. Said deputies shall be paid in like manner and at like times and out of the same funds as the county officers are paid. Said deputies so appointed shall take and file an oath of office in like manner as county officers. Each constable shall report under oath on the first Monday of each month to the board of supervisors of such county, the amount of all fees collected by him for all services rendered in all criminal cases or in actions or proceedings to which the people of the State of California are parties, during the preceding month, and shall.

on said date, deposit with the county treasurer to the credit of such county all such fees as may be shown by said report to have been collected by him as aforesaid, and he shall also transmit the treasurer's receipt for said payment to said board of supervisors with said report.

For the purpose of this section the population of townships in counties of this class is hereby determined by the population of such townships as shown by the census taken under the direction of the Congress of the United States in the year 1910.

17. The fish and game warden, one hundred and twenty-five dollars per month. In addition thereto said fish and game warden shall be allowed a sum not to exceed fifty dollars per month for expenses incurred by him in the performance of his duties. Said salary and expenses incurred must be paid monthly from the county treasury.

SEC. 2. This act shall take effect immediately.

CHAPTER 494.

An act to amend that certain act of the legislature of the State of California, entitled "An act to define and regulate the business of banking," approved March 1, 1909, by amending sections 16, 61 and 68 thereof and by adding a new section to be numbered section 68½.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 16 of that certain act entitled "An act to define and regulate the business of banking," approved March 1, 1909, is hereby amended to read as follows:

Section 16. When any deposit with a bank shall be made by or in the name of any married woman or minor, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of all other persons, except creditors, and shall be paid, together with the dividends, if any, and interest, if any, thereon to the person in whose name deposits shall have been made, and the receipt or acquittance of such minor shall be a valid and sufficient release and discharge for such deposit, or any part thereof, to the bank. When any deposit with a bank shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to such bank, in the event of the death of the trustee, the same or any part thereof, together with the dividends or interest, if any, thereon, may be paid to the person for whom the deposit was made. When a deposit with a bank shall be made by any person in the names of such depositor and another person or persons, and in form to be

Game
warden.

Deposits of
married
women
and
minors.

Deposit in
trust.

paid to either or the survivor or survivors of them, such deposit thereupon, and any additions thereto made by either of such persons upon the making thereof, shall become the property of such persons as joint tenants, and the same, together with all interest thereon, shall be held for the exclusive use of the persons so named, and may be paid to either during the lifetime of all or any or to the survivor or survivors after the death of one or more of them, and such payments and the receipt or acquittance of the one to whom such payment is made shall be valid and sufficient release and discharge to said bank for all payments made on account of such deposit. The surviving husband or wife of any deceased person, or, if no husband or wife is living, then the children of said decedent, or, if no children are living, then the father or mother of such decedent, and if neither the father nor mother is living, then the brothers and sisters of such decedent, may, without procuring letters of administration, collect of any bank any sum which said deceased may have left on deposit in such bank at the time of his or her death; *provided*, such deposit shall not exceed the sum of five hundred dollars. Any bank, upon receiving an affidavit stating that said depositor is dead, and that affiant is the surviving husband or wife, as the case may be, or stating that decedent left no husband or wife, and that affiant is, or affiants are, the children, or stating that decedent left neither husband, wife nor children, and that affiant is the father or mother, as the case may be, of said decedent, or stating that the decedent left neither husband, wife, children, father nor mother, and that affiants are the brothers and sisters, as the case may be, and that the whole amount that decedent left on deposit in any and all banks of deposit in this state, does not exceed the sum of five hundred dollars, may pay to said affiant or affiants, any deposit of said decedent, if the same does not exceed the sum of five hundred dollars and the receipt of such affiant is sufficient acquittance therefor.

SEC. 2. Section 61 of said act is hereby amended so as to read as follows:

Section 61. Savings banks may purchase, hold and convey real and personal property as follows:

1. The lot and building in which the business of the bank is carried on; such lot and building shall not cost the savings bank an amount exceeding its capital and surplus; and the authority of a two-thirds vote of a full board of directors shall be necessary to authorize the purchase or construction thereof.

2. Such as may have been mortgaged, pledged or conveyed to it in trust for its benefit in good faith, for money loaned in pursuance of the regular business of the corporation.

3. Such as may have been purchased at sales under pledges, mortgages or deeds of trust made for its benefit for money so loaned and such as may be conveyed to it by borrowers in satisfaction and discharge of loans made thereon.

No savings bank shall purchase, hold, or convey real estate in any other case or for any other purpose; and all real estate

Who may draw deposit of deceased persons.

What property savings banks may purchase.

described in subdivision three of this section must be sold by the bank within ten years after the title thereto is vested in it by purchase or otherwise, unless permission to hold said real estate for a longer period be given by the superintendent of banks in writing. Parcels of real estate not sold within ten years, or extension of said period as above provided, may be purchased by any persons or parties wanting them, at the price to be determined by arbitration of three persons appointed by the superior court as appraisers, at the request of the would-be purchasers. No savings bank shall purchase, own, or sell personal property, except such as may be requisite for its immediate accommodation for the convenient transaction of its business, and mortgages on real estate, bonds, securities or evidences of indebtedness, public or private, gold and silver bullion and United States mint certificates of ascertained value, and evidences of debt issued by the United States. No savings bank shall purchase, hold or convey bonds, securities or evidences of indebtedness, public or private, except as follows:

Other real property to be sold within ten years.

What savings banks may purchase.

(a) Bonds or interest-bearing notes or obligations of the United States, or those for which the faith of the United States is pledged for the payment of interest and principal.

(b) Bonds of this state.

(c) Bonds of any state in the United States that have not, within five years previous to making such investment by such bank, defaulted in the payment of any part of either principal or interest thereof.

(d) Bonds of any city, county, city and county, town, township, or school district of this state; bonds of the permanent road division in any county issued in pursuance of the provisions of part III, title VI, article IX of the Political Code; bonds issued by irrigation districts which are permitted to be invested in as provided for in an act of the thirty-ninth session of the legislature entitled "An act relating to the bonds of irrigation districts, providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds, and providing that such bonds may be deposited as security, and providing for a commission for approving such bonds, for a report thereon, for the filing of such report and for the registration of such bonds in the office of the state controller." approved March 9, 1911; bonds of any sewer district, drainage district, protection district, or sanitary district, in any county in this state; *provided*, that the total amount of bonds of any sewer district, drainage district, protection district, or sanitary district so issued shall not exceed fifteen per cent of the taxable property of said district as shown by the last equalized assessment book of the county.

(e) Bonds of any city, town or county which has in each case, at the time of the investment, more than twenty thousand inhabitants, as ascertained by the United States, or state census made next preceding such investment, in any of the

What sav-
ings bank
may pur-
chase.

states of the United States, other than in the State of California, issued pursuant to the authority of any law of such states; *provided*, the entire bonded indebtedness of such city or county or town shall not exceed fifteen per centum of the assessed value of the taxable property therein, including the issue of bonds in which said investment is made as shown by the last assessment preceding the investment; *and provided, further*, that such city, town or county or state in which it is situated has not defaulted in payment of any part of either principal or interest thereon within five years previous to making such investment.

(f) First mortgage or underlying bonds of any steam railway, the income of which is sufficient to pay all operating expenses and fixed charges, and which is completed and operated, wholly or in part, in any of the states of the United States.

(g) Bonds of street railroads, water, light, light and power, gas, and other public utility and industrial corporations.

All bonds authorized for investment by this section shall be secured by a mortgage or trust deed, which is, at the time of making such investment, (1) a first or underlying mortgage or trust deed of the corporation issuing said bonds, or (2) a refunding mortgage or trust deed used to retire all prior lien mortgage debts of said corporation outstanding at the time of making said investment; *provided*, that the income of such corporation is sufficient to pay all operating expenses and fixed charges, including interest on all of its mortgage indebtedness and that the income of such corporation or of the corporation or corporations out of which it shall have been formed through consolidation shall have been sufficient to pay its operating expenses and fixed charges including interest on all mortgage indebtedness for a period of three years next preceding the purchase of such refunding bonds, or that payments of its said bonds have been guaranteed by a corporation that has paid all its operating expenses and fixed charges for a period of three years prior to guaranteeing the payment of such bonds.

(h) First mortgage bonds or deeds of trust issued by real estate corporations; *provided*, that said bond issue shall not exceed sixty per centum of the market value of the real estate taken as security.

No savings bank shall purchase the bonds of any corporation or make a loan on the bonds of any corporation, if the main or principal franchise of such corporation expires prior to the maturity of its bonds, or if the main or principal franchise or special privilege granted to such corporation by any city, county, or city and county, expires before the maturity of such bond issue.

(i) Collateral trust bonds when secured by a deposit of an equal amount of bonds which are authorized for investment by this section and a sufficient amount of other security so that the bonds shall represent not more than ninety per cent

(90%) of the market value of the total security pledged therefor.

SEC. 3. Section 68 of this act is hereby amended so as to read as follows:

Section 68. Every savings bank or savings bank department of a bank, shall at all times maintain a lawful money reserve equivalent to four per centum of the aggregate amount of its deposits; one half of such reserve shall be kept on hand in lawful money of the United States, and one half may consist of bonds of the United States or of lawful money of the United States on hand or on deposit subject to call with any reserve bank provided for in section twenty of this act; *provided, however,* that no savings bank or department shall be required to maintain in its own keeping a reserve in lawful money of the United States in excess of four hundred thousand dollars, and when the reserve in its own keeping reaches that amount the balance of cash necessary to make up the four per centum, may be kept on deposit subject to call with any reserve bank provided for in section 20 of this act. No new loan shall be made during any deficiency in the lawful money reserve. Deposits with the commercial banks, or commercial departments, on open account, to facilitate business transactions, as provided in this section, shall be permitted, and shall not be construed as loans. Not more than eight per centum of the deposits of any savings bank shall be deposited with any one bank. No savings bank or savings department shall receive deposits of other banks other than savings deposits and such deposits shall not be treated or considered as a part of the legal reserve of such depositing bank; *and provided,* that the sum so deposited shall not exceed the sum of ten thousand dollars (\$10,000) in any one bank.

Reserve of savings banks.

SEC. 4. A new section is hereby added to said act, to be numbered 68½.

Section 68½. Where a decedent, at the time of his or her death, left moneys on deposit with a savings bank, it shall be lawful for any public administrator, who shall become the administrator of the estate, to allow such deposit to remain in said savings bank, and also, it shall be lawful for him to deposit therein to the account of said decedent, any and all moneys of said estate not required for the current expenses of administration. Such deposit, whether made by the decedent or a public administrator, shall relieve the public administrator from depositing the same with the county treasurer. Moneys so deposited, whether by the decedent or by a public administrator, may be drawn upon demand without notice, upon the order of said administrator, countersigned by a judge of a superior court, when required for the purpose of administration or otherwise.

Deposits of deceased persons may remain in savings banks.

CHAPTER 495.

An act to amend that certain act of the legislature of the State of California, entitled "An act to define and regulate the business of banking," approved March 1, 1909, by amending sections 11, 20, 23, 33, 35, 39, 43, 49, 60, 62, 80, 82, 83, 96, 123, 133, 124 and 121 thereof, and by adding new sections 12a, 52, 53, and 84 thereto.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 11 of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, is hereby amended to read as follows:

Meetings
of bank
directors.

Oath.

Section 11. The board of directors of a bank must hold a meeting at least once a month. Each director, when appointed or elected, shall take an oath that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of such bank, and will not knowingly violate or wilfully permit to be violated any of the provisions of law applicable to such bank, and that he is the owner in good faith and in his own right of the shares of stock of the actual market value required by section 10 of this act, subscribed by him or standing in his name on the books of the bank, and that the same is not hypothecated or in any way pledged as security for any loan or debt: and, in case of reelection or reappointment, that such stock was not hypothecated or in any way pledged as security for any loan or debt during his previous term. Such oath shall be subscribed by the director making it, and certified by the officer before whom it is taken; and shall be immediately transmitted to the superintendent of banks, and filed and preserved in his office.

SEC. 2. A new section is hereby added to said act to be known as section 12a.

All banks
must have
capital
stock
paid in.

Section 12a. Every person, firm, company, copartnership or corporation advertising that he or it is transacting the business of a bank, savings bank, or trust company, or making use of any office sign at the place where such business is transacted, having thereon any artificial or corporate name, or, in other words, indicating that such place or office is the place or office of a bank, or that deposits are received there or payments made on check, or that interest is paid on deposits, or that certificates of deposit, either with or without interest, are being issued, or that any other form of banking business is transacted, and every person, firm, company, copartnership or corporation making use of or circulating any letter-heads, bill-heads, blank notes, blank receipts, certificates or circulars, or any written or printed, or partly written and partly printed, paper, whatever, having thereon any artificial or corporate

name, or advertising that such business is the business of a bank, savings bank or trust company, must have the proper capital stock paid in and set aside for the purpose of transacting such business, as provided for in this act. And every person, firm, company, copartnership or corporation doing any of the things or transacting any of the business defined in this section, must transact such business according to the provisions of the bank act. Nothing in this section contained shall prohibit building and loan associations from receiving deposits of money and executing certificates therefor in accordance with the laws governing such associations, but all such certificates other than certificates of stock must designate on the face thereof the terms under which such certificates are issued. Every person, firm, company, copartnership or officer of any corporation violating the provisions of this section, shall be guilty of a misdemeanor.

Building
and loan
associa-
tions ex-
cepted.

Misde-
meanor.

SEC. 3. Section 20 of said act is hereby amended so as to read as follows:

Section 20. Every bank, other than a savings bank, shall have at all times as lawful reserve an amount equal to fifteen per centum of the aggregate amount of its deposits; two fifths of such reserve shall be in its own keeping in lawful money of the United States; one half of the remainder of such lawful reserve may consist of moneys on deposit, subject to call, with any bank or banks in this state, other than a savings bank; and the balance of such reserve may consist of moneys on deposit, subject to call, with any bank or banks in the cities of New York, Chicago or St. Louis, other than a savings bank; *provided*, that every bank receiving deposits as a reserve depository bank of other banks, shall maintain as a lawful reserve at least twenty per centum of the aggregate amount of its deposits; two fifths of such lawful reserve of such depository bank shall be in lawful money of the United States in its own keeping; one half of the remainder of such lawful reserve of such depository bank may consist of moneys on deposit, subject to call, with any bank or banks in this state, other than a savings bank; and the balance of such reserve may consist of moneys on deposit, subject to call, with any bank or banks in the cities of New York, Chicago and St. Louis, other than a savings bank. If the lawful money reserve of any bank shall be less than the amount required by this section, such bank shall not increase its liabilities by making any new loans or discounts, otherwise than by discounting bills of exchange on sight, or making any dividends from profits until the full amount of its lawful money reserve has been restored. The superintendent of banks may notify any bank, whose lawful money reserve shall be below the amount herein required, to make good such reserve; and, if it shall fail for thirty days thereafter to make good such reserve, such bank shall be deemed insolvent and may be proceeded against under the provisions of this act; *provided*, that nothing herein contained shall be construed to conflict with the provisions of section forty-three of this act.

Bank
reserves.

SEC. 4. Section 23 of said act is hereby amended so as to read as follows:

Banks
doing
depart-
mental
business.

Section 23. When a bank desires to do a departmental business, it shall first obtain consent of the superintendent of banks, and in its application file a statement making a segregation of its capital and surplus for each department. Such capital and surplus, when so apportioned and approved by the superintendent of banks, shall be considered and treated as the separate capital and surplus of such department as if each department was a separate bank. Every bank hereafter organized doing a departmental business shall have paid up in cash a capital stock as follows:

Capital
stock.

In cities
of 5,000.

(a) In any city or town in which the population does not exceed five thousand persons, not less than twenty-five thousand dollars, if it transacts both a commercial and savings business; or not less than two hundred twenty-five thousand dollars if it transacts both a commercial and trust business; or not less than two hundred twenty-five thousand dollars if it transacts both a savings and trust business, and not less than two hundred and twenty-five thousand dollars if it transacts a commercial, savings and trust business.

In cities of
5,000 to
25,000.

(b) In any city in which the population is more than five thousand persons but does not exceed twenty-five thousand persons, not less than fifty thousand dollars if it transacts both a commercial and savings business; or not less than two hundred fifty thousand dollars if it transacts both a commercial and trust business; or not less than two hundred fifty thousand dollars if it transacts both a savings and trust business, and not less than two hundred and fifty thousand dollars if it transacts a commercial, savings and trust business.

In cities of
25,000 to
100,000.

(c) In any city in which the population is more than twenty-five thousand persons but does not exceed one hundred thousand persons, not less than one hundred thousand dollars if it transacts both a commercial and savings business; or not less than three hundred thousand dollars if it transacts both a commercial and trust business; or not less than three hundred thousand dollars if it transacts both a savings and trust business, and not less than three hundred thousand dollars if it transacts a commercial, savings and trust business.

In cities of
100,000 to
200,000.

(d) In any city in which the population is more than one hundred thousand persons but does not exceed two hundred thousand persons, not less than two hundred thousand dollars if it transacts both a commercial and savings business; or not less than four hundred thousand dollars if it transacts both a commercial and trust business; or not less than four hundred thousand dollars if it transacts both a savings and trust business, and not less than four hundred thousand dollars if it transacts a commercial, savings and trust business.

In cities of
more than
200,000.

(e) In any city in which the population exceeds two hundred thousand persons, not less than three hundred thousand dollars if it transacts both a commercial and savings business; or not less than five hundred thousand dollars if it transacts both a commercial and trust business; or not less than five hun-

dred thousand dollars if it transacts both a savings and trust business, and not less than five hundred thousand dollars if it transacts a commercial, savings and trust business.

The foregoing classification shall not apply to any bank already in existence which has received its certificate to do a banking business from the superintendent of banks. The capital stock referred to herein shall be increased from time to time and to the same extent as provided for in section nineteen of this act.

SEC. 5. Section 33 of said act is hereby amended so as to read as follows:

Section 33. No officer or employee of any bank shall, directly or indirectly, for himself or as the partner or agent of others, borrow any of the deposits or other funds of such bank, nor shall he nor any director become an endorser or surety for loans to others, nor in any manner be obligor for moneys borrowed or loaned by such banks; except that a commercial bank may buy from, or discount, for a director of said bank, bills of lading and bills of exchange drawn in good faith against actually existing value actually owned by the director negotiating the same. The office of any officer or employee who acts in contravention of the provisions of this section shall immediately become vacant, and he shall be guilty of a misdemeanor.

Officer may not borrow bank funds.

Penalty.

SEC. 6. Section 35 of said act is hereby amended so as to read as follows:

Section 35. No director, or officer, or employee, or controlling stockholder of any bank shall, directly or indirectly, for his own account, for himself, or as the partner or agent of others, sell or transfer, or cause to be sold or transferred to the bank of which he is a director, officer, employee, or controlling stockholder, any mortgage on real estate or contract arising from the sale of real estate made by any corporation or syndicate in which such director or officer, or employee, or controlling stockholder is personally or financially interested, without the consent in writing of the superintendent of banks. Any director, or officer, or employee, or controlling stockholder of any bank who knowingly violates or consents to the violation of this provision shall be deemed guilty of a felony.

Officer may not sell mortgage on real estate to bank.

Penalty.

SEC. 7. Section 39 of said act is hereby amended so as to read as follows:

Section 39. Any officer, director, agent, teller, clerk or employee of any bank who either,

Officer may not overdraw account.

First—Knowingly overdraws his account with such bank, and thereby obtains the money, notes or funds of any such bank; or,

Second—Asks or receives or consents or agrees to receive any commission, emolument, gratuity or reward, or any money, property or thing of value, for his own personal benefit, or of personal advantage, for procuring or endeavoring to procure for any person, firm or corporation any loan from, or the purchase or discount of any paper, note, draft, check or bill of

exchange, by such bank, or for permitting any person, firm or corporation to overdraw any account with such bank, is guilty of a felony.

SEC. 8. Section 43 of said act is hereby amended so as to read as follows:

Designat-
ing de-
positorie.

Section 43. No bank shall deposit any of its funds in any other bank, unless such other bank has been designated as a depository for its funds by the vote of a majority of the directors or trustees of the bank making the deposit, exclusive of the vote of any director who is an officer, director or trustee of the depository so designated: *provided, however*, that any bank may designate any other bank its depository by vote of a majority of its directors, including the vote of any director or trustee who is an officer, director or trustee of the depository so designated, if such bank has secured the previous approval of the superintendent of banks.

SEC. 9. Section 49 of said act is hereby amended so as to read as follows:

Unlawful
for com-
mercial
banks to
advertise
as savings
banks

Section 49. It shall not be lawful for any commercial bank, individual banker, trust company, association, firm, stock company or corporation, to advertise or put forth a sign as a savings bank, either directly or indirectly, or in any way to solicit or receive deposits as a savings bank, or in any way which might lead the public to believe that such deposits are received or invested under the same conditions or in the same manner as deposits in savings banks, except in the case of savings banks or banks having a savings department, subject to the provisions of this act.

SEC. 10. A new section is hereby added to said act to be numbered section 52.

Certified
checks.

Section 52. Whenever a check drawn on any bank is certified by any officer or employee of such bank, the amount thereof shall be immediately charged against the account of the person, firm or corporation drawing the same. It shall be unlawful for any officer or employee of any bank to certify any check drawn upon such bank unless the person, firm or corporation drawing the check has on deposit with the bank at the time such check is certified, an amount of money subject to the payment of such check, equal to the amount specified in such check. Any officer or employee of any bank who shall wilfully violate the provisions of this section, or shall resort to any device, or receive any fictitious obligations, directly or indirectly, in order to evade the provisions hereof, or who shall certify checks before the amount thereof shall have been regularly entered to the credit of the drawer, shall be guilty of a felony.

SEC. 11. Section 60 of said act is hereby amended so as to read as follows:

Capital
stock of
savings
banks.

Section 60. Every savings bank hereafter organized must have paid up in cash a capital stock of not less than.

(a) Twenty-five thousand dollars, if it transacts business in any city or town the population of which does not exceed five thousand persons;

(b) Fifty thousand dollars, if it transacts business in any city the population of which is more than five thousand persons but does not exceed twenty-five thousand persons;

(c) One hundred thousand dollars, if it transacts business in any city the population of which is more than twenty-five thousand persons but does not exceed one hundred thousand persons:

(d) Two hundred thousand dollars, if it transacts business in any city the population of which is more than one hundred thousand persons but does not exceed two hundred thousand persons:

(e) Three hundred thousand dollars, if it transacts business in any city the population of which is more than two hundred thousand persons.

Excepting that any savings bank organized without capital stock must have a reserve fund of at least one million dollars. Until the capital stock or reserve fund hereinbefore required shall be actually paid in, the superintendent of banks shall refuse to issue the certificate required by this act. The foregoing classification shall not apply to any savings bank already in existence which has received its certificate to do a banking business from the superintendent of banks; *provided*, that nothing herein shall be construed to affect the provisions of section nineteen of this act relative to the proportion of capital and surplus deposits, or of section twenty-three of this act relative to the capital stock required of banks doing a departmental business.

SEC. 12. Section 62 of said act is hereby amended so as to read as follows:

Section 62. No savings bank shall, directly or indirectly, deal or trade in real or personal property in any other case or for any other purpose than is authorized by this act, and shall not contract any debt or liability for any purpose whatever other than for deposits, except as in this section provided. Savings banks may pay regular depositors, when requested by them, by draft upon deposits to the credit with their banks, and charge current rate of exchange for such drafts. No savings bank shall borrow money, or pledge or hypothecate any of its securities, except to meet the immediate demands of its own depositors, and then only in pursuance of a resolution adopted by a vote of a majority of its board of directors, duly entered upon their minutes, wherein shall be recorded the ayes and nays upon each vote; also with the written approval of the superintendent of banks, and he shall have the authority to fix the amount to be borrowed, and the term and rate of interest thereon: *provided, however*, that savings banks may, in the manner authorized by law, and without the written approval of the superintendent of banks, borrow the public moneys of the state, counties, cities and counties, and towns and receive such public moneys on deposit: *provided, also*, that savings banks may in the manner authorized by law, and without the written approval of the superintendent of banks,

Savings banks not to trade in real property.

Savings banks borrowing money.

borrow postal savings moneys of the United States, and receive such postal savings moneys on deposit.

SEC. 13. Section 80 of said act is hereby amended so as to read as follows:

Limit of
loans of
commercial
banks.

Section 80. No commercial bank shall make any loans to any person, company, corporation or firm to an amount exceeding one tenth part of the capital stock of such bank actually paid in and surplus, excepting that no commercial bank shall be prohibited by this act from loaning to any person, company, corporation or firm any sum not exceeding five thousand dollars without security; *provided, however*, that a bank may loan to any person, company, corporation or firm a sum not exceeding twenty-five per centum of its capital stock actually paid in and surplus upon security worth at least fifteen per centum more than the amount of its loans; or it may loan ten per centum of such capital and surplus as first above provided, and a further sum not exceeding fifteen per centum of such capital and surplus upon security worth at least fifteen per centum more than the amount of such loan so secured; except that a commercial bank may buy from, or discount, for any person, company, corporation or firm, or loan upon bills of lading, and bills of exchange, drawn in good faith against actual existing value or against commercial or business paper actually owned by the person negotiating the same; *provided, however*, that at no time shall the loans or purchases of bills of lading or such bills of exchange made to any one person, company, corporation or firm exceed seventy-five per centum of the capital and surplus of such bank.

SEC. 14. Section 82 of said act is hereby amended so as to read as follows:

Capital
stock of
commercial
banks

Section 82. Every commercial bank hereafter organized shall have paid up in cash a capital stock of not less than

(a) Twenty-five thousand dollars, in any city or town the population of which does not exceed five thousand persons;

(b) Fifty thousand dollars, in any city the population of which is more than five thousand persons but does not exceed twenty-five thousand persons;

(c) One hundred thousand dollars, in any city the population of which is more than twenty-five thousand persons but does not exceed one hundred thousand persons;

(d) Two hundred thousand dollars, in any city the population of which is more than one hundred thousand persons but does not exceed two hundred thousand persons;

(e) Three hundred thousand dollars, in any city the population of which is more than two hundred thousand persons.

The foregoing classification shall not apply to any commercial bank already in existence which has received its certificate to do a banking business from the superintendent of banks; *provided*, that nothing herein shall be construed to affect the provisions of section nineteen of this act relative to the proportion of capital and surplus to deposits or of section twenty-three of this act relative to the capital stock required of banks doing a departmental business.

SEC. 15. Section 83 of said act is hereby amended so as to read as follows:

Section 83. No commercial bank shall loan any of its funds to any of its directors unless such loan shall first have been approved by a two-thirds vote of its board of directors, on which vote the borrowing director shall not participate, and the fact of making such loan, the name of the director borrowing the same, the time when the same shall become due, the rate of interest thereon, and the amount, value and character of security pledged therefor, if any, shall be forthwith forwarded by the cashier of such bank to the superintendent of banks; and if the superintendent of banks shall disapprove of such loan he shall immediately notify such bank of his disapproval thereof and such bank shall forthwith collect such loan: *provided, however,* that the total loans to all directors of such bank shall not at any one time exceed fifty per cent of the capital and surplus of such bank: *and provided, further,* that each bank having any loan or loans outstanding to any of its directors, shall once each month report in writing to the superintendent of banks the name of each director to whom such loan is made, and amount of such loan, the rate of interest thereon, the time when the same shall fall due, and the security pledged therefor, if any. Any officer or director of any commercial bank violating any of the provisions of this section shall be guilty of a felony.

Loans to
bank
directors.

SEC. 16. Section 96 of said act is hereby amended so as to read as follows:

Section 96. Each trust company, before accepting any such appointment or deposit, shall deposit with the treasurer of state, for the benefit of the creditors of said trust company, the sum of one hundred thousand dollars (\$100,000), in bonds of the United States, or municipal bonds of this state, or of any county, or city, city and county, or school district thereof, or in mortgages on improved and productive real estate in this state, being first liens thereon, and the real estate being worth at least twice the amount loaned thereon; said bonds or mortgages to be approved by the superintendent of banks. The bonds and securities so deposited may be exchanged from time to time for other securities, receivable as aforesaid. Said bonds of the United States, or municipal bonds of this state, or of any county, city, city and county, or school district thereof, and all said securities shall be subject to sale and transfer, and to the disposal of the proceeds by said treasurer, only on the order of a court of competent jurisdiction and as hereinafter provided. The treasurer shall give his receipt for the securities deposited as aforesaid and the state shall be responsible for their safe return.

Trust com-
panies to
deposit
bonds with
state
treasurer.

SEC. 17. Section 123 of said act is hereby amended so as to read as follows:

Section 123. A fund is hereby created, to be known as the state banking fund, and out of said fund shall be paid all the expenses incurred in and about the conduct of the business of the banking department, including the salary of the superin-

State
banking
fund.

tendent, chief deputy, attorney, assistants and examiners, traveling expenses, furnishing of rooms and rent. Each bank shall pay an annual charge of twenty-five dollars and, in addition thereto, each bank shall also pay annually its share of the total amount of other expenses and salaries of the banking department, to be determined by the proportion which the capital and surplus which shall include all reserve and contingent funds of any incorporated bank, or the surplus reserve and contingent funds of any bank organized without a capital stock bear to the capital, surplus, reserve and contingent funds in the aggregate of all such banks receiving certificates of authorization from the superintendent of banks, as shown by the last report of such bank to the superintendent of banks. All moneys collected or received by the superintendent of banks, under and by virtue of the provisions of this act, shall be by him delivered to the treasurer of the state, who shall deposit the same to the credit of said banking fund, and the unexpended balances of all moneys heretofore paid into the state treasury by any of the bank commissioners, shall be retained and become a part of said fund. If any such bank shall fail to pay such charges as are herein required, the superintendent shall forthwith cancel the certificate of said bank.

SEC. 18. Section 133 of said act is hereby amended so as to read as follows:

Superintendent of banks to require deficiencies in capital to be made good.

Section 133. Whenever the superintendent of banks shall have reason to believe that the capital of any bank is reduced by impairment or otherwise below the amount required by law or by its articles of incorporation, he shall require such bank to make good the deficiency within sixty days after the date of such requisition. He shall examine or cause to be examined any such bank to ascertain the amount of such impairment or reduction of capital and whether the deficiency has been made good as required by him.

SEC. 19. A new section is hereby added to said act which shall be numbered section fifty-three.

Par value of capital stock.

Section 53. The capital stock of any bank having a capital stock, shall have a par value of at least one hundred dollars and the paid up value shall be endorsed on the face of each certificate issued, which paid up value shall be the same on all certificates issued. No bank shall have preferred stock.

SEC. 20. A new section is hereby added to said act which shall be numbered section eighty-four.

Investments in bank premises.

Section 84. No commercial bank shall invest an amount exceeding its capital and surplus in its bank premises without the approval of the superintendent of banks; and the authority of a two-thirds vote of a full board of directors shall be necessary to authorize the purchase or construction thereof.

SEC. 21. Section 124 of said act is hereby amended so as to read as follows:

Inspection of banks.

Section 124. Every bank shall be subject to the inspection of the superintendent of banks. The superintendent of banks, the chief deputy, or some competent person or persons to be appointed by the superintendent of banks, to be known as

examiners, shall visit and examine every bank, other than savings bank, at least twice in each year, and every savings bank at least once in each year. On every such examination inquiries shall be made by him as to the condition and resources of the bank, the mode of conducting and managing its affairs, the action of its directors, the investment and disposition of its funds, the safety and prudence of its management, the security afforded to those by whom its engagements are held and whether the requirements of its articles of incorporation and the law have been complied with in the administration of its affairs, and as to such other matters as the superintendent may prescribe. He shall have power in like manner to examine every bank whenever, in his judgment, its condition and management is such as to render an examination of its affairs necessary or expedient. He shall also have power to examine, or cause to be examined, every agency located in this state of any foreign bank or banking corporation, for the purpose of ascertaining whether it has complied with the laws of this state, and for such other purposes and as to such other matters as the superintendent may prescribe. The superintendent, chief deputy, and every such examiner shall have the power to administer an oath to any person whose testimony he may require on the examination of any bank, or on the examination of any agency of any foreign bank or banking corporation, and to compel appearance and attendance of any such person for the purpose of any such examination. The result of such examination shall be certified by persons making the examination on record of the bank examined. When a bank shall have been examined by any examiner, and he finds securities therein which are, in his judgment, of doubtful value, he shall report the same to the superintendent of banks, who thereupon shall be authorized to employ appraisers at the expense of such bank to appraise said securities at a compensation to be fixed by the superintendent of banks.

Securities
of doubtful
value.

SEC. 22. Section 121 of said act is hereby amended so as to read as follows:

Section 121. The superintendent of banks shall employ a chief deputy, attorney, and such assistants and examiners as he may need to discharge in a proper manner the duties imposed upon him by law, none of which examiners or assistants or attorney shall be interested in any bank in this state as director, stockholder, officer or employee, and they shall perform such duties as he shall assign to them. He shall fix the compensation of the chief deputy, attorney, assistants and examiners, which compensation shall be paid monthly on his certificate and on the warrant of the controller out of the state treasury; *provided, however*, that the total expenditures provided for in this act shall not exceed seventy-five thousand dollars per annum. The chief deputy shall within fifteen days from the time of his appointment take and subscribe to the constitutional oath of office and file the same in the office of the secretary of state. No person shall be appointed a chief deputy who has not had at least three years' active banking

Employees
of superin-
tendent of
banks.

Compensation.

Qualifications of chief deputy.

experience, either as an executive officer or employee of some bank in this state. In case of the absence or inability to act, or vacancy in the office of superintendent of banks for thirty consecutive days, the chief deputy shall execute to the people of the state a bond in the penal sum of fifty thousand dollars, with corporate surety or two sureties to be approved by the controller and treasurer of the state, conditioned for the faithful discharge of the duties of the superintendent while such deputy acts as superintendent, and upon filing such bond such deputy shall have all the power and duties of superintendent of banks until the inability of the superintendent shall be removed, or until a new superintendent of banks shall have been appointed by the governor. No superintendent of banks, chief deputy, or bank examiner, shall be or shall become indebted, directly or indirectly, either as borrower, endorser, surety, or guarantor, to any bank under his supervision or subject to his examination.

CHAPTER 496.

An act to provide for work upon streets, avenues, lanes, alleys, courts and places forming the exterior boundaries of any municipality, whether partly, or wholly, within or without said boundaries, and providing for the construction of sewers, drains and sidewalks thereon and in connection therewith.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Streets forming boundaries of cities deemed public streets.

SECTION 1. All streets, avenues, lanes, alleys, courts, or places forming the exterior boundaries of any municipality of this state, whether partly, or wholly, within or without said boundaries, now open or dedicated, or which may hereafter be opened or dedicated to public use, shall be deemed and held to be open public streets, avenues, lanes, alleys, places or courts for the purposes of this act, and the city council of each municipality, and the board of supervisors of the county in which said municipality is located, are hereby empowered to establish and change the grades of said streets, lanes, alleys, avenues, places or courts, and fix the width thereof, and are hereby invested with jurisdiction to order to be done thereon any of the work mentioned in section two of this act, under the proceedings hereinafter described.

Council and supervisors may order such streets improved.

SEC. 2. Whenever the public interest or convenience may require, said council and said board of supervisors are hereby authorized and empowered to order the whole, or any portion, either in length or width, of any streets, avenues, lanes, alleys, places or courts forming the exterior boundaries of any municipality, whether partly, or wholly, within or without said

boundaries, graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regravled, piled or repiled, capped or recapped, oiled or reoiled, sewerred or resewerred, and to order sidewalks, manholes, culverts, bridges, cesspools, gutters, tunnels, curbing and crosswalks to be constructed therein, and to order storm water ditches, channels, breakwaters, levees or walls of rock or other material to protect the same from overflow or injury, and to order any other work to be done, which shall be necessary to complete the whole, or any portion of said streets, avenues, lanes, alleys, courts, places or sidewalks, and they may order any of said work to be improved; and also to order a sewer or sewers with outlets for drainage or sanitary purposes, in, over, or through any right of way granted or obtained for such purposes.

SEC. 3. The council of each municipality, and the board of supervisors of the county in which said municipality is located, shall have concurrent jurisdiction of all proceedings under this act, and the council, or board, passing the resolution of intention hereinafter provided for shall thereafter have exclusive jurisdiction of all work and proceedings covered by said resolution, except as herein otherwise provided.

Council and supervisors have concurrent jurisdiction.

SEC. 4. Before ordering any work done, or improvement made, which is authorized by section two of this act, the said council, or the said board of supervisors, shall pass a resolution of intention so to do and describing the work, which shall be posted conspicuously for two days on or near the chamber door of said council, or board, and published by two insertions in one or more daily, semi-weekly, or weekly newspapers published and circulated in said municipality, and designated by said council, or board, for that purpose. The street superintendent of said municipality, when the resolution is passed by said council, or the county surveyor, when the resolution is passed by said board, shall thereupon cause to be conspicuously posted along the line of said contemplated work or improvement, at not more than one hundred feet in distance apart, but not less than three in all, or when the work to be done is only upon an entire crossing, or any part thereof, in front of each quarter block and irregular block liable to be assessed, notices of the passage of said resolution. Said notice shall be headed "Notice of Street Work," in letters of not less than one inch in length, and shall, in legible characters, state the fact of the passage of the resolution, its date, and briefly the work or improvement proposed, and refer to the resolution for further particulars. He shall also cause a notice, similar in substance, to be published for six days in one or more daily newspapers published and circulated in said municipality, and designated by said council, or board, or in municipalities where there is no daily newspaper, by one insertion in a semi-weekly or weekly newspaper so published, circulated and designated. In case there is no such paper published in said municipality, said notice shall be posted for six days on

Posting and publication of resolution of intention.

Majority
of owners
may
object.

or near the chamber door of said council, or board, and in two other conspicuous places in said municipality. The owners of a majority of the frontage of the property fronting on said proposed work or improvement, where the same is for one block or more, may make a written objection to the same within ten days after the expiration of the time of the publication and posting of said notice, which objection shall be delivered to the clerk of the council, or board, who shall indorse thereon the date of its reception by him. Said council, or board shall, at its next meeting, fix a time for hearing said objections not less than one week thereafter. The clerk of said council, or board, shall thereupon notify the persons making such objections, by depositing a notice of the time and place fixed for the hearing of said objections in the post office of said municipality, postage prepaid, addressed to each objector, or his agent, when he appears for such objector. At the time specified said council, or board, shall hear the objections urged, and pass upon the same, and its decision thereon shall be final and conclusive. At the expiration of twenty days after the expiration of the time of said publication of said notice given by said street superintendent, or county surveyor, and at the expiration of twenty-five days after the advertising and posting, as aforesaid, of any resolution of intention, if no written objection to the work therein described has been delivered, as aforesaid, by the owners of the majority of the frontage of the property fronting on said proposed work or improvement or if any written objection has been overruled by the said council, or board, the said council, or board, shall be deemed to have acquired jurisdiction to order any of the work to be done, or improvement to be made, which is authorized by this act; which order or resolution, when made, shall be published for two days, the same as provided for the publication of the resolution of intention. Before passing any resolution for the construction of said improvements, plans and specifications and careful estimates of the costs and expenses thereof shall be furnished to said council, or board, if required, by the city engineer of said municipality, or the county surveyor, and for the work of constructing sewers, specifications shall always be furnished by him. Whenever the contemplated work of improvement, in the opinion of the council, or board, is of more than local or ordinary public benefit, or whenever, according to estimate to be furnished by the city engineer, or county surveyor, the total estimated costs and expenses thereof would exceed one half of the total assessed value of the lots and lands assessed, if assessed upon the lots or land fronting upon said proposed work or improvement, according to the valuation fixed by the last assessment roll whereon it was assessed for taxes for county purposes, and allowing a reasonable depth from such frontage for lots or lands assessed in bulk, the council, or board, may make the expense of such work or improvement chargeable upon a district, which the said council, or board, shall, in its resolution

Plans and
estimates
of costs.

When
expense
may be
chargeable
against
district.

of intention, declare to be the district benefited by said work or improvement, and to be assessed to pay the costs and expenses thereof. Objections to the extent of the district of lands to be affected or benefited by said work or improvement, and to be assessed to pay the costs and expenses thereof, may be made by interested parties in writing, within ten days after the expiration of the time of the publication of the notice of the passage of the resolution of intention. The council, or board, shall, at its next meeting, fix a time for hearing said objections not less than one week thereafter. The clerk thereof shall thereupon notify the persons making such objections by depositing a notice thereof in the post office of said municipality, postage prepaid, addressed to each objector. At the time specified the council, or board, shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive. If the objections are sustained, all proceedings shall be stopped; but proceedings may be immediately again commenced by giving the notice of intention to do the said work or make said improvements. If the objections are overruled by the council, or board, the proceedings shall continue the same as if such objections had not been made.

SEC. 5. The owners of a majority in frontage of lots and lands fronting on any street, avenue, lane, alley, place or court, or of lots or lands liable to be assessed for the expense of the work petitioned to be done, or their duly authorized agents, may petition the council, or board, to order any of the work mentioned in this act to be done, and the council, or board, may order the work mentioned in said petition to be done, after notice of its intention so to do has been posted and published as provided in section four of this act.

Majority
of owners
may petition.

SEC. 6. Before the awarding of any contract by the council, or board, for doing any work authorized by this act, the council, or board, shall cause notice, with specifications, to be posted conspicuously for five days on or near the council, or board, chamber door, inviting sealed proposals or bids for doing the work ordered, and shall also cause notice of said work, inviting said proposal, and referring to the specifications posted or on file, to be published for two days in a daily, semi-weekly, or weekly newspaper published and circulated in said municipality, designated by the council, or board, for that purpose, and in case there is no newspaper published in said municipality, then it shall only be posted as hereinbefore provided. All proposals or bids offered shall be accompanied by a check payable to the order of the mayor of the municipality, or president of the board of supervisors, certified by a responsible bank, for an amount which shall not be less than ten per cent of the aggregate of the proposal, or by a bond for the said amount and so payable, signed by the bidder and by two sureties, who shall justify, before any officer competent to administer an oath, in double the said amount, over and above all statutory exemptions. Said proposals or bids shall be delivered to the clerk of said council, or board, and said council,

Noticed
inviting
bids.

Certified
check.

Council
may
reject.

Bidder
refusing
to enter
into con-
tract.

Notice of
contract
posted.

Owners
not re-
quired to
present
sealed
bids.

or board, shall, in open session, examine and publicly declare the same; *provided, however*, that no proposal or bid shall be considered unless accompanied by said check or bond satisfactory to the council, or board. The council, or board, may reject any and all proposals or bids should it deem this for the public good, and also the bid of any party who has been delinquent and unfaithful in any former contract with the municipality or county, and shall reject all proposals or bids other than the lowest regular proposal or bid of any responsible bidder, and may award the contract for said work or improvement to the lowest responsible bidder at the prices named in his bid. If not approved by the council, or board, without further proceedings, the council, or board, may readvertise for proposals or bids for the performance of the work as in the first instance, and thereafter proceed in the manner in this section provided, and shall thereupon return to the proper parties the respective checks and bonds corresponding to the bid so rejected. But the checks accompanying such accepted proposals or bids shall be held by the clerk of said council, or board, until the contract for doing said work, as hereinafter provided, has been entered into, either by said lowest bidder or by the owners of three fourths part of the frontage, whereupon said certified check shall be returned to said bidder. But if said bidder fails, neglects or refuses to enter into the contract to perform said work or improvement, as hereinafter provided, then the certified check accompanying his bid and the amount therein mentioned, shall be declared to be forfeited to said municipality, or county, and shall be collected by it and paid into its fund for repairs of streets, avenues, lanes, alleys, courts and places herein mentioned, and any bond forfeited may be prosecuted, and the amount due thereon collected and paid into said fund. Notice of such awards of contracts shall be posted for five days, in the same manner as hereinbefore provided for the posting of proposals for said work, and shall be published for two days in a daily newspaper published and circulated in said municipality and designated by said council, or board, or in municipalities where there is no daily newspaper, by one insertion in a semi-weekly or weekly newspaper so published, circulated and designated; *provided, however*, that in case there is no newspaper printed or published in any such municipality, then such notice of award shall only be kept posted as hereinbefore provided. The owners of three fourths of the frontage of lots and lands upon the street whereon said work is to be done, or their agents, and who shall make oath that they are such owners or agents, shall not be required to present sealed proposals or bids, but may, within ten days after the first posting and publication of said notice of said award, elect to take said work and enter into a written contract to do the whole work at the price at which the same has been awarded. Should the said owners fail to elect to take said work, and to enter into a written contract therefor within ten days, or to commence the work within

fifteen days after the first posting and publication of said award, and to prosecute the same with diligence to completion. it shall be the duty of the superintendent of streets, or county surveyor, to enter into a contract with the original bidder to whom the contract was awarded, and at the prices specified in his bid. But if such original bidder neglects, fails or refuses, for fifteen days after the first posting and publication of the notice of award, to enter into the contract, then the council, or board, without further proceedings, shall again advertise for proposals or bids, as in the first instance, and award the contract for said work to the then lowest regular bidder. The bids of all persons and the election of all owners, as aforesaid, who have failed to enter into the contract as herein provided, shall be rejected in any bidding or election subsequent to the first for the same work. If the owner, or contractor, who may have taken any contract, does not complete the same within the time limited in the contract, or within such further times as the council, or board, may give them, the superintendent of streets, or county surveyor, shall report such delinquency to the council, or board, which may relet the unfinished portion of said work, after pursuing the formalities prescribed hereinbefore for the letting of the whole in the first instance. All contractors, contracting owners included, shall, at the time of executing any contract for street work, execute a bond to the satisfaction and approval of the superintendent of streets, or county surveyor, with two or more sureties and payable to such municipality, or county, in such sums as the council, or board, shall deem adequate, conditioned for the faithful performance of the contract; and the sureties shall justify before any person competent to administer an oath, in double the amount mentioned in said bond, over and above all statutory exemptions. Before being entitled to a contract, the bidder to whom the award was made, or the owners who have elected to take the contract, must advance to the superintendent of streets, or county surveyor, for payment by him, the cost of publication of the notices, resolutions, orders, or other incidental expenses and matters required under the proceedings prescribed in this act, and such other notices as may be deemed requisite by the council, or board. And in case the work is abandoned by the council, or board, before the letting of the contract, the incidental expenses incurred previous to such abandonment shall be paid out of the treasury of the municipality, or county.

Bids of persons failing to be rejected.

Bond of contractor.

Cost of publication of notices.

SEC. 7. The superintendent of streets, or county surveyor, is hereby authorized, in his official capacity, to make all written contracts, and receive all bonds authorized by this act, and to do any other act, either express or implied, that pertains to the street department under this act; and he shall fix the time for the commencement, which shall not be more than fifteen days from the date of the contract, and for the completion of the work under all contracts entered into by him, which work shall be prosecuted with diligence from day to

Duties of superintendent of streets.

day thereafter to completion, and he may extend the time so fixed from time to time, under the direction of the council, or board. The work provided for in section two of this act must, in all cases, be done under the direction and to the satisfaction of the superintendent of streets, or county surveyor, and the materials used shall comply with the specifications and be to the satisfaction of said superintendent of streets, or county surveyor, and all contracts made, therefor must contain a provision to that effect, and also express notice that, in no case, except where it is otherwise provided in this act, will the municipality, or county, or any officer thereof, be liable for any portion of the expense, nor for any delinquency of persons or property assessed. The council, or board, may, by ordinance, prescribe general rules directing the superintendent of streets, or county surveyor and the contractor, as to the materials to be used, and the mode of executing the work, under all contracts thereafter made. The assessment and apportionment of the expenses of all such work or improvement shall be made by the superintendent of streets, or county surveyor, in the mode herein provided.

Contractor's bond covering labor and materials.

SEC. 8. Every contractor, person, company, or corporation, including contracting owners, to whom is awarded any contract for street work under this act, shall, before executing the said contract, file with the superintendent of streets, or county surveyor, a good and sufficient bond, approved by him, in a sum not less than one half of the total amount payable according to the terms of said contract. such bond shall be made to inure to the benefit of any and all persons, companies, or corporations who perform labor on, or furnish materials to be used in the said work of improvement, and shall provide that if the contractor, person, company, or corporation to whom said contract was awarded fails to pay for any materials so furnished for the said work of improvement, or for any work or labor done thereon of any kind, that the sureties will pay the same, to an amount not exceeding the sum specified in said bond. Any materialmen, person, company or corporation, furnishing materials to be used in the performance of said work specified in said contract, or who performed work or labor upon the said improvement, whose claim has not been paid by the said contractor, company, or corporation, to whom the said contract was awarded, may, within thirty days from the time said improvement is completed, file with the superintendent of streets or county surveyor, a verified statement of his or its claim, together with a statement that the same, or some part thereof, has not been paid. At any time within ninety days after the filing of such claim, the person, company, or corporation filing the same, or their assigns, may commence an action on said bond for the recovery of the amount due on said claim, together with the costs incurred in said action, and a reasonable attorney fee, to be fixed by the court, for the prosecution thereof.

SEC. 9. Sub. 1. The expenses incurred for any work

authorized by this act (which expense shall not include the cost of any work done in such portion of any street as is required by law to be kept in order or repair by any person or company having railroad tracks thereon, nor include work which shall have been declared in the resolution of intention to be assessed on a district benefited) shall be assessed upon the lots and lands fronting thereon, except as hereinafter specifically provided; each lot or portion of a lot being separately assessed, in proportion to the frontage, at a rate per front foot sufficient to cover the total expense of the work.

Assessment of expenses.

Sub. 2. The expense of all improvements, until the streets, avenues, street crossings, lanes, alleys, places, or courts, are finally accepted, as provided in section eighteen of this act shall be assessed upon the lots and lands, as provided in this section, according to the nature and character of the work. And after such acceptance the expense of all work thereafter done on the portion thereof lying within the municipality shall be paid by said municipality out of the street department fund, and all work thereafter done on the portion thereof lying without the boundaries of the municipality shall be paid by said county out of the general road fund, and if at any time thereafter the portion thereof lying without the boundaries of the said municipality shall be included within its boundaries, then the expense of all work thereafter done thereon shall be paid by said municipality out of the said street department fund.

Expenses after completion to be borne by city.

Sub. 3. The expense of the work done on main street crossings shall be assessed at a uniform rate per front foot of the quarter blocks and irregular blocks adjoining and cornering upon the crossings, and separately upon the whole of each lot or portion of a lot having any frontage in the said blocks fronting on said main streets, halfway to the next main street crossing, and three hundred feet on blocks where no such crossing intervenes within six hundred feet of such street crossing, but only according to its frontage in said quarter blocks and irregular blocks.

Main street crossings.

Sub. 4. Where a main street terminates in another main street, the expenses of the work done on one half of the width of the street opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on the same, according to the frontage of such lots on said main street; *provided*, that lots and lands more than three hundred feet from such termination on such cross street shall not be assessed for any portion of such expense at such termination, and the expense of the other half of the width of said street upon the lot or lots fronting on the latter half of the street at such termination.

One main street terminating in another.

Sub. 5. Where an alley or subdivision street crosses a main street, the expense of all work done on said crossing shall be assessed on all lots or portions of lots halfway on said alley or subdivision street to the next crossing or intersection, or to the end of such alley or subdivision street, if it does not meet another.

Alley crossings.

Sub. 6. The expense of work done on alley or subdivision street crossings shall be assessed upon the lots fronting upon such alley or subdivision streets on each side thereof, in all directions, halfway to the next street, place or court, on either side, respectively, or to the end of such alley or subdivision street, if it does not meet another; *provided*, that lots and lands more than three hundred feet from such crossing on such alley or subdivision street shall not be assessed therefor.

One alley terminating in another.

Sub. 7. Where a subdivision street, avenue, lane, alley, place, or court terminates in another street, avenue, lane, alley, place or court, the expense of the work done on one half of the width of the subdivision street, avenue, lane, alley, place, or court opposite the termination, shall be assessed upon the lot or lots fronting on such subdivision street, or avenue, lane, alley, place, or court so terminating, according to its frontage thereon, halfway on each side respectively to the next street, avenue, lane, alley, court, or place, or to the end of such street, avenue, lane, alley, place, or court, if it does not meet another; *provided*, that lots and lands located more than three hundred feet from such termination on such subdivision street shall not be assessed therefor, and the other one half of the width upon the lots fronting such termination.

Work done on one side of street center.

Sub. 8. Where any work mentioned in this act (manholes, cesspools, culverts, crosswalks, piling, and capping excepted) is done on either or both sides of the center line of any street for one block or less, and further work opposite to the work of the same class already done is ordered to be done to complete the unimproved portion of said street, the assessment to cover the total expenses of said work so ordered shall be made upon the lots, or portions of the lots only fronting the portions of the work so ordered.

Act of 1879 not applicable.

Sub. 9. Section one of chapter three hundred and twenty-five of the laws of this state, entitled "An act amendatory of and supplementary to an act to provide revenue for the support of the government of this state, approved April twenty-ninth, eighteen hundred and fifty-seven," approved April nineteenth, eighteen hundred and fifty-nine, shall not be applicable to the provisions of this section; but the property herein mentioned shall be subject to the provisions of this act, and be assessed for work done under the provisions of this section.

Different kinds of work may be included in resolution.

Sub. 10. The council, or board, may include in one resolution of intention and order any of the different kinds of work mentioned in this act, and it may except therefrom any of said work already done upon the street to the official grade. The lots and portions of lots fronting upon said excepted work already done shall not be included in the frontage assessment for the class of work from which the exception is made.

Engineer to make diagram of district.

Sub. 11. Whenever the resolution of intention declares that the costs and expenses of the work and improvement are to be assessed upon a district, the council, or board, shall direct the city engineer, or county surveyor, to make a diagram of the property affected or benefited by the proposed work or

improvement, as described in the resolution of intention, and to be assessed to pay the expenses thereof. Such diagram shall show each separate lot, piece or parcel of land, the area in square feet of each of such lots, pieces, or parcels of land, and the relative location of the same to the work proposed to be done, all within the limits of the assessment district; and when said diagram shall have been approved by the council, or board, the clerk shall, at the time of such approval, certify the fact and date thereof. Immediately thereafter the said diagram shall be delivered to the superintendent of streets, or county surveyor, of said municipality, or county, who shall, after the contractor of any street work has fulfilled his contract to the satisfaction of said superintendent of streets, or county surveyor, and council or board, on appeal, if an appeal is taken, proceed to estimate upon the lands, lots or portions of lots within said assessment district, as shown by said diagram, the benefits arising from such work, and to be received by each such lot, portion of such lot, piece, or subdivision of land, and shall thereupon assess upon and against said lands in said assessment district the total amount of the costs and expenses of such proposed work, and in so doing shall assess said total sum upon the several pieces, parcels, lots, or portions of lots, and subdivisions of land in said district benefited thereby, to wit: upon each respectively in proportion to the estimated benefits to be received by each of said several lots, portions of lots, or subdivisions of land. In other respects the assessment shall be as provided in the next section and the provisions of subdivisions three, four, five, six, seven and eight of this section shall not be applicable to the work or improvement provided for in this subdivision.

Superintendent of streets to estimate assessment.

SEC. 10. After the contractor of any street work has fulfilled his contract to the satisfaction of the street superintendent, or county surveyor, and council, or board, on appeal, if an appeal is taken, the street superintendent, or county surveyor, shall make an assessment to cover the sum due for the work performed and specified in said contract (including any incidental expenses), in conformity with the provisions of the preceding section according to the character of the work done; or, if any direction and decision be given by said council, or board, on appeal, then in conformity with such direction and decision, which assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with any incidental expenses, the rate per front foot assessed, if the assessment be made per front foot, the amount of each assessment, the name of the owner of each lot or portion of a lot (if known to the street superintendent, or county surveyor, if unknown the word "unknown" shall be written opposite the number of the lot), and the amount assessed thereon, the number of each lot or portion or portions of a lot assessed, and shall have attached thereto a diagram exhibiting each street or street crossing, lane, alley, place, or court, on which any work has

Street superintendent to make assessment.

been done, and showing the relative location of each district lot, or portion of lot to the work done, numbered to correspond with the numbers in the assessments, and showing the number of feet fronting, or number of lots assessed, for said work contracted for and performed.

Warrant.

SEC. 11. To said assessment shall be attached a warrant, which shall be signed by the superintendent of streets, or county surveyor, and countersigned by the mayor of said municipality, or the president of said board. The said warrant shall be substantially in the following form:

FORM OF THE WARRANT.

Form of warrant.

By virtue hereof, I (name of the superintendent of streets) of the city of, county of, (or county surveyor of county, or city and county of), and State of California, by virtue of the authority vested in me as said superintendent of streets, or county surveyor, do authorize and empower (name of contractor), (his or their) agents or assigns, to demand and receive the several assessments upon the assessment and diagram hereto attached, and this shall be (his or their) warrant for the same.

(Date.)

Countersigned by (name of mayor of municipality or president of board).

.....
(Name of superintendent of streets or county surveyor.)

Warrant, etc., recorded.

Said warrant, assessment, and diagram, together with the certificate of the city engineer, or county surveyor, shall be recorded in the office of said superintendent of streets, or county surveyor. When so recorded, the several amounts assessed shall be a lien upon the lands, lots, or portions of lots assessed, respectively, for the period of two years from the date of said recording, unless sooner discharged; and from and after the date of said recording of any warrant, assessment, diagram and certificate, all persons mentioned in section thirteen of this act shall be deemed to have notice of the contents of the record thereof. After said warrant, assessment, diagram, and certificate are recorded, the same shall be delivered to the contractor, or his agent, or assigns, on demand, but not until after the payment to the said superintendent of streets, or county surveyor, of the incidental expenses not previously paid by the contractor, or his assigns; and by virtue of said warrant said contractor, or his agent, or assigns, shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contracts and assessments. Whenever it shall appear by any final judgment of any court of this state, that any suit brought to foreclose the lien of any sum of money assessed to cover the expense of said street work done under the provisions of this act has been defeated by reason of any defect, error, informality, omission, irregular-

Assessment lien upon land.

When action to foreclose is defeated by error.

ity, or illegality in any assessment hereafter to be made and issued, or in the recording thereof, or in the return thereof made to, or recorded by, said superintendent of streets, or county surveyor, any person interested therein may, at any time within three months after the entry of said final judgment, apply to said superintendent of streets, or county surveyor, who issued the same, or to any superintendent of streets, or county surveyor, in office at the time of said application, for another assessment to be issued in conformity to law; and said superintendent of streets, or county surveyor, shall, within fifteen days after the date of said application, make and deliver to said applicant a new assessment, diagram, and warrant in accordance with law; and the acting mayor of the municipality, or president of the board, shall countersign the same as now provided by law, which assessment shall be a lien for the period of two years from the date of said assessment, and be enforced as provided in section nine of this act.

SEC. 12. The contractor, or his assigns, or some person in his, or their behalf, shall call upon the persons assessed, or their agents, if they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made the contractor, his assigns, or some person in his or their behalf, shall receipt the same upon the assessment in presence of the person making such payment, and shall also give a separate receipt if demanded. Whenever the persons so assessed, or their agents, can not conveniently be found, or whenever the name of the owner of the lot is stated as "unknown" on the assessment, then the said contractor, or his assigns, or some person in his or their behalf, shall publicly demand payment on the premises assessed. The warrant shall be returned to the superintendent of streets, or county surveyor, within thirty days after its date, with a return indorsed thereon, signed by the contractor, or his assigns, or some person in his or their behalf, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid, in whole or in part, and the amount thereof. Thereupon the superintendent of streets, or county surveyor, shall record the return so made, in the margin of the record of the warrant and assessment, and also the original contract referred to therein, if it has not already been recorded at full length in a book to be kept for that purpose in his office, and shall sign the record. The said superintendent of streets, or county surveyor, is authorized at any time to receive the amount due upon any assessment list and warrant issued by him, and give a good and sufficient discharge therefor; *provided*, that no such payment so made after suit has been commenced, without the consent of the plaintiff in the action, shall operate as a complete discharge of the lien until the costs in the action shall be refunded to the plaintiff; and he may release any assessment upon the books of his office, on the payment to him of the amount of the assessment against any lot with interest, or on the production

Contractor
demands
payment.

Demand-
ing pay-
ment on
premises.

Return of
warrant.

Superin-
tendent of
streets
may receive
payments.

Failure to
return
warrant.

Interest on
delinquent
amount.

Owners
feeling ag-
grieved
may ap-
peal to
council

Notice of
hearing
published.

Decisions
of council
final.

to him of the receipt of the party or his assigns to whom the assessment and warrant were issued; and if any contractor shall fail to return his warrant within the time and in the form provided in this section he shall thenceforth have no lien upon the property assessed: *provided, however*, that in case any warrant is lost, upon proof of such loss a duplicate can be issued, upon which a return may be made, with the same effect as if the original had been so returned. After the return of the assessment and warrant as aforesaid, all amounts remaining due thereon shall draw interest at the rate of ten per cent per annum until paid.

SEC. 13. The owners, whether named in the assessment or not, the contractor, or his assigns, and all other persons directly interested in any work provided for in this act, or in the assessment, feeling aggrieved by any act or determination of the superintendent of streets, or county surveyor, in relation thereto, or who claim that the work has not been performed according to the contract in a good and substantial manner, or having or making any objection to the correctness or legality of the assessment or other act, determination, or proceedings of the superintendent of streets, or county surveyor, shall, within thirty days after the date of the warrant, appeal to the council, or board, by briefly stating their objections in writing, and filing the same with the clerk of said council, or board. Notice of the time and place of the hearing, briefly referring to the work contracted to be done, or other subject of appeal, and to the acts, determinations or proceedings objected to or complained of, shall be published for five days. Upon such appeal, the said council, or board, may remedy and correct any error or informality in the proceedings, and revise and correct any of the acts or determinations of the superintendent of streets, or county surveyor, relative to said work; may confirm, amend, set aside, alter, modify, or correct the assessment in such manner as to them shall seem just, and require the work to be completed according to the directions of the council, or board; and may instruct and direct the superintendent of streets, or county surveyor, to correct the warrant, assessment, or diagram in any particular, or to make and issue a new warrant, assessment, and diagram, to conform to the decisions of said council, or board, in relation thereto, at their option. All the decisions and determinations of said council, or board, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appeal under the provisions of this section, as to all errors, informalities, and irregularities which said council, or board, might have remedied and avoided; and no assessment shall be held invalid, except upon appeal to said council, or board, as provided in this section for any error, informality, or other defect in any of the proceedings prior to the assessment, or in the assessment itself, where notice of the intention of the council, or board, to order the work to be done, for which the assessment is made, has been actually published in any designated newspaper of said city for the length of time

prescribed by law, before the passage of the resolution ordering the work to be done.

SEC. 14. At any time after the period of thirty-five days from the date of the warrants, as herein provided, or if an appeal is taken to said council, or board, as provided in section thirteen of this act, at any time after five days from the decision of said council, or board, or after the return of the warrant or assessment, after the same may have been corrected, altered, or modified, as provided in said section thirteen (but not less than thirty-five days from the date of the warrant), the contractor or his assignee may sue, in his own name, the owner of the land, lots, or portions of lots, assessed on the day of the date of the recording of the warrant, assessment, and diagram, or any day thereafter during the continuance of the lien of said assessment, and recover the amount of any assessment remaining unpaid, with interest thereon at the rate of ten per cent per annum until paid. And in all cases of recovery under the provisions of this act, the plaintiff shall recover the sum of fifteen dollars, in addition to the taxable cost as attorney's fees, but not any percentage upon said recovery. And when suit has been brought, after a personal demand has been made and a refusal to pay such assessment so demanded, the plaintiff shall also be entitled to have and recover said sum of fifteen dollars, as attorney's fees, in addition to all taxable costs, notwithstanding that the suit may be settled or a tender may be made before a recovery in said action, and he may have judgment therefor. Suit may be brought in the superior court of the county within whose jurisdiction the said work has been done, and in case any of the assessments are made against lots, portions of lots, or lands the owners thereof can not, with due diligence, be found, the service in each of such actions may be had in such manner as is prescribed in the codes and laws of this state. The said warrant, assessment, certificate, and diagram, with the affidavit of demand and non-payment, shall be held prima facie evidence of the regularity and correctness of the assessment and of the prior proceedings and acts of the superintendent of streets, or county surveyor, and council, or board, upon which said warrant, assessment, and diagram are based, and like evidence of the right of the plaintiff to recover in the action. The court in which said suit shall be commenced shall have power to adjudge and decree a lien against the premises assessed, and to order such premises to be sold on execution, as in other cases of the sale of real estate by the process of said courts; and on appeal, the appellate courts shall be vested with the same power to adjudge and decree a lien and to order such premises to be sold on execution or decree as is conferred on the court from which an appeal is taken. Such premises, if sold, may be redeemed as in other cases. In all suits now pending, or hereafter brought to recover street assessments, the proceedings therein shall be

Contractor
may sue.

Attorney's
fees.

Suit
brought in
superior
court.

Premises
may be
ordered
sold.

Act to be
liberally
construed.

governed and regulated by the provisions of this act. and also, when not in conflict herewith, by the codes of this state. This act shall be liberally construed to effect the ends of justice.

Assess-
ment
before
completion
of im-
provement.

SEC. 15. The council, or board, instead of waiting until the completion of the improvement, may, in its discretion, and not otherwise, upon the completion of two blocks or more of any improvement, order the street superintendent, or county surveyor, to make an assessment for the proportionate amount of the contract completed, and thereupon proceedings and rights of collection of such proportionate amount shall be had as provided herein.

Records of
superin-
tendent of
streets.

SEC. 16. The records kept by the superintendent of streets, or county surveyor in conformity with the provisions of this act, and signed by him, shall have the same force and effect as other public records, and copies therefrom, duly certified, may be used in evidence with the same effect as the originals. The said records shall, during all office hours, be open to the inspection of any citizen wishing to examine them, free of charge.

Service of
notices in
writing.

SEC. 17. Notices in writing which are required to be given by the superintendent of streets, or county surveyor, under the provisions of this act, may be served by any person with the permission of the superintendent of streets, or county surveyor, and the fact of such service shall be verified by the oath of the person making it, taken before the superintendent of streets, or county surveyor, who for that purpose, and for all other purposes, and in all cases where a verification is required under the provisions of this act, is hereby authorized to administer oaths, or other persons authorized to administer oaths, or such notices may be delivered by the superintendent of streets, or county surveyor, himself, who must also verify the service thereof, and who shall keep a record of the fact of giving such notices, when delivered by himself personally, and also of the notices and proof of service when delivered by any other person.

Streets
accepted
by council.

SEC. 18. Whenever any street, or portion of a street, has been or shall hereafter be fully constructed to the satisfaction of the superintendent of streets or county surveyor, and of the council, or board, and is in good condition throughout and a sewer, gas pipes, and water pipes are laid therein, under such regulations as the council, or board, shall adopt, the same shall be accepted by the council, or board, by ordinance, and thereafter shall be kept in repair and improved by the said municipality or county as herein directed; *provided*, that the council, or board, may partially or conditionally accept any street, or portion of a street, without a sewer, or gas pipes, or water pipes therein, if the ordinance of acceptance expressly states that the council, or board, deems such sewer, or gas pipes, or water pipes to be then unnecessary, but the lots of land previously, or at any time, assessable for the cost of constructing a sewer shall remain and be assessable for such cost, and for the cost of repairs and restoration of the street damaged in the said construction, whenever said council, or board, shall

Lands
may be
assessed to
construct
sewer.

deem a sewer to be necessary, and shall order it to be constructed, the same as if no partial or conditional acceptance had ever been made. The superintendent of streets, or county surveyor, shall keep in his office a register of all streets accepted by the council, or board, under this section, which register shall be indexed for easy reference thereto.

SEC. 19. The council, or board, shall have full power and authority to construct sewers, gutters, and manholes and provide for the cleaning of the same, and culverts or cesspools, or crosswalks or sidewalks, or any portion of any sidewalk upon or in any of such streets, avenues, lanes, alleys, courts or places, and also for drainage purposes over or through any right of way obtained or granted for such purposes, with necessary and proper outlet or outlets to the same, of such materials, in such a manner and upon such terms as it may be deemed proper.

Council has authority to construct sewers, etc.

SEC. 20. The said council, or board, may, in its discretion, order by resolution that the whole or any part of the cost and expenses of any of the work mentioned in this act be paid out of the treasury of the municipality, or county, from such fund as the council, or board, may designate. Whenever the work to be done is situated partly within and partly without the municipality, both the council and the board may, in their discretion, order, by resolution, that the whole, or any part of the costs and expenses of the work mentioned in this act be paid out of the treasury of said municipality, or county, or both, and when the whole or a portion thereof is to be paid out of both, each shall pay such proportion thereof, as may be agreed upon, from such funds as the said council or board may designate.

Costs may be paid from treasury.

SEC. 21. Whenever a part of such cost and expenses is so ordered to be paid, the superintendent of streets, or county surveyor, in making up the assessment heretofore provided for such cost and expenses, shall first deduct from the whole cost and expcuse such part thereof as has been so ordered to be paid out of the municipal treasury or county treasury, as the case may be, and shall assess the remainder of said cost and expense proportionately upon the lots, parts of lots, and lands fronting on the streets where said work was done, or liable to be assessed for such work, and in the manner heretofore provided.

Assessment when improvements are partly within city.

SEC. 22. The city engineer, or where there is no city engineer, or the proceedings hereunder are before the board of supervisors, the county or city and county surveyor shall be the proper officer to do the surveying and other engineering work necessary to be done under this act, and to survey and measure the work to be done under contracts for grading and macadamizing streets, and to estimate the costs and expenses thereof; and every certificate signed by him in his official character shall be prima facie evidence in all courts in this state of the truth of its contents. He shall also keep a record of all surveys made under the provisions of this act, as in other cases.

Proper officer to do surveying, etc.

SEC. 23. The term "incidental expenses," as used in this

"Incidental expenses" defined.

act, shall include the compensation of the city engineer or county surveyor for work done by him to be fixed by said council or board; also the cost of printing and advertising as provided in this act, and not otherwise. All demands for incidental expenses mentioned in this section shall be presented to the street superintendent, or county surveyor, by itemized bill, duly verified by oath of the demandant.

Publication of notices, etc.

SEC. 24. The notices, resolutions, orders or other matter required to be published by the provisions of this act, shall be published in a daily newspaper, in municipalities where such there is, and where there is no daily newspaper, in a semi-weekly or weekly newspaper, to be designated by the council, or board, as often as the same is issued, and no other statute shall govern or be applicable to the publications herein provided for; *provided, however,* that only in case there is no daily, semi-weekly or weekly newspaper printed or circulated in any such municipality then such notices, resolutions, orders or other matters as are herein required to be published in a newspaper, shall be posted and kept posted for the same length of time as required herein for the publication of the same in a daily, semi-weekly or weekly newspaper, in three of the most public places in such municipality. Proof of the publication or posting of any notice provided for herein shall be made by affidavit of the owner, publisher or clerk of the newspaper, or of the poster of the notice. No publication or notice, other than that provided for in this act, shall be necessary to give validity to any of the proceedings provided for herein.

Proof of publication.

Definitions: "Council."

SEC. 25. Whenever the words "council" or "board" are used herein only that word applying to the body before which the proceedings are pending shall be used in the reading and construction of the provisions of this act in relation to proceedings before such body. The word "council" is hereby declared to include any body or board which, under the law is the legislative department of the government of any municipality. The word "board" is hereby declared to include the board of supervisors of any county, or city and county.

"Board."

"Superintendent of streets."

SEC. 26. The words "superintendent of streets," "street superintendent" or "city engineer" used herein, shall be used in the application and construction of this act only when the resolution of intention and the proceedings are under the jurisdiction of the council of the municipality, and this act shall then be read and construed as if the words "or county surveyor," were not incorporated herein, and when the resolution of intention and the proceedings are under the jurisdiction

"County surveyor."

of the board of supervisors, the county surveyor shall perform all of the acts and duties herein required of the superintendent of streets and city engineer, and this act shall be read and construed, when said proceedings are under the jurisdiction of the board of supervisors, as if the said words "street superintendent," "superintendent of streets" and "city engineer" were not incorporated herein, and the words "county surveyor" only were used.

SEC. 27. The words "work," "improved" and "improvement," as used in this act shall include all work mentioned in this act, and also the construction, reconstruction and repairs of all or any portion of said work. "Work."
"Im-
proved."

SEC. 28. The word "municipality," as used in this act, shall be understood and so construed as to include and is hereby declared to include, all corporations heretofore organized and now existing, and those hereafter organized, for municipal purposes. "Municipality."

SEC. 29. The words "paved" or "repaved," as used in this act, shall be held to mean and include pavement of stone, whether paving blocks or macadamizing, or of bituminous rock or asphalt, or of iron, wood or other material, whether patented or not, which the council or board shall by ordinance adopt. "Paved."

SEC. 30. The word "street," as used in this act, shall be deemed to, and is hereby declared to, include avenues, highways, lanes, alleys, crossings, or intersections, courts and places, and the term "main street" means such actually opened street or streets as bound a block; and the word "blocks" whether regular or irregular, shall mean such blocks as are bounded by main streets, or partially by a boundary line of the municipality. "Street."
"Blocks."

SEC. 31. The terms "street superintendent" and "superintendent of streets," as used in this act, shall be understood and so construed as to include, and are hereby declared to include, any person or officer whose duty it is, under the law, to have the care or charge of the streets, or the improvement thereof in any municipality. In all those municipalities where there is not a street superintendent or superintendent of streets the council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of street superintendent, or superintendent of streets; and all provisions hereof applicable to the street superintendent, or superintendent of streets shall apply to such person so appointed. "Street
superin-
tendent."

SEC. 32. The term "clerk," as used in this act, is hereby declared to include any person or officer who shall be clerk of the said council, or board. "Clerk."

SEC. 33. The term "quarter block" as used in this act as to irregular blocks, shall be deemed to include all lots or portions of lots having any frontage on either intersecting street halfway from such intersection to the next main street or, when no main street intervenes within six hundred feet of such intersection, only those lots or portions of lots or lands within a distance of three hundred feet therefrom shall be considered as being within the quarter block. "Quarter
block."

SEC. 34. The term "one year," as used in this act, shall be deemed to include the time beginning with January first and ending with the thirty-first day of December of the same year. "One
year."

SEC. 35. That said act shall take effect and be in force immediately upon its passage.

CHAPTER 497.

An act making an appropriation for furnishing and equipping the exposition building at Los Angeles.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation: Los Angeles exposition building.

SECTION 1. Of the balance now remaining in the appropriation made by chapter 699, approved April 22, 1909, entitled "An act to provide for an exposition building at Los Angeles in Agricultural Park for the use of all of the counties of this state, for the purpose of maintaining permanent exhibits therein of the resources of the different counties, and to make an appropriation for the construction of said exposition building," there is hereby reappropriated and made available for the purpose of equipping and furnishing the exposition building at Los Angeles, California, the sum of twenty-five thousand dollars.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrants in favor of the board of directors of the sixth district agricultural association for the amounts herein made payable as provided in section one hereof, and the state treasurer is hereby authorized to pay the same.

SEC. 3. This act shall be exempt from the provisions of section six hundred seventy-two of the Political Code of California.

CHAPTER 498.

An act declaring a state highway from the Shasta county line through Lassen county to the Modoc county line, and making an appropriation for its improvement and maintenance.

[Approved April 22, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Lassen state highway.

SECTION 1. That certain highway known as the county road, and beginning on the boundary line between Shasta and Lassen counties in the northeast corner of township 37 north, range 6 east, and running and extending through township 38 north, range 6 east, township 38 north, range 7 east, township 38 north, range 8 east, to the Modoc county line, a distance of twenty-nine miles, is hereby declared to be, and the same is, a state highway and shall be designated and known as the Lassen State Highway.

Engineering department to control.

SEC. 2. The said road hereby constituted a state highway is hereby placed under the supervision and control of the department of engineering of the State of California.

SEC. 3. The department of engineering is hereby authorized to construct, repair and maintain said highway when appropriations are available therefor, and to modify grades thereon wherever necessary.

SEC. 4. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five thousand dollars to be expended under the supervision of said department, for the construction, repair and maintenance of said highway and modification of grades thereon. Of the sum hereby appropriated three thousand dollars thereof shall be available on the first day of July, 1911, and the remaining two thousand dollars thereof shall be available on the first day of July, 1912. Appropriation.

SEC. 5. The controller of the State of California is hereby authorized and directed to draw his warrant on the state treasurer for the said amounts and the state treasurer is hereby directed to pay the same.

CHAPTER 499.

An act regulating the placing, erection, use and maintenance of electric poles, wires, cables and appliances, and providing the punishment for the violation thereof.

[Approved April 22, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. No commission, officer, agent or employee of the State of California, or of any city and county or city or county or other political subdivision thereof, and no other person, firm, or corporation shall

(a) Run, place, erect or maintain any wire or cable used to conduct or carry electricity, on any pole, or any crossarm, bracket or other appliance attached to such pole, within a distance of thirteen (13) inches from the center line of said pole; *provided*, that the foregoing provisions of this paragraph (a) shall be held not to apply to telephone, telegraph or other "signal" wires or cables which are attached to a pole to which is attached no wire or cable other than telephone, telegraph or other "signal" wire or cable, except within the corporate limits of any city or town which shall have been incorporated as a municipality, nor shall the foregoing provisions be held to apply to such wires or cables in cases where the same are run from underground and placed vertically on poles, nor to "bridle" or "jumper" wires on any pole which are attached to telephone, telegraph or other "signal" wires on the same pole, nor to any "aerial" cable, as between such cable and any pole on which it originates or terminates, nor to wires run from

Provisions not applicable to telephone wires, etc.

"lead" wires to arc lamps or to transformers placed upon poles, nor to any wire or cable where the same is attached to the top of a pole, as between it and the said pole, nor to any "aerial" cable containing telephone, telegraph or other "signal" wires where the same is attached to a pole on which no other wires or cables than wires continuing from said cable are maintained: *provided*, that electric light or power wires or cables are in no case maintained on the same side of the street or highway on which said "aerial" cable is placed.

Electric
wire within
thirteen
inches of
pole.

(b) Run, place, erect or maintain in the vicinity of any pole (and unattached thereto) within the distance of thirteen (13) inches from the center line of said pole, any wire or cable used to conduct or carry electricity, or place, erect or maintain any pole (to which is attached any wire or cable used to conduct or carry electricity) within the distance of thirteen (13) inches (measured from the center of such pole) from any wire or cable used to conduct or carry electricity; *provided*, that as between any wire or cable and any pole, as in this paragraph (b) named, only the wire, cable or pole last in point of time run, placed or erected, shall be held to be run, placed, erected or maintained in violation of the provisions of this paragraph: *and further provided*, that the provisions of this paragraph (b) shall not be held to apply to telephone, telegraph or other "signal" wires or cables on poles to which are attached no other wires, as between such wires and poles to which are attached no other wires or cables than telephone, telegraph or other "signal" wires; *provided*, such wires, cables and poles are not within the corporate limits of any town or city which shall have been incorporated as a municipality.

Last wire,
etc., run in
violation.

Wires
within
four feet
of each
other.

(c) Run, place, erect or maintain, above ground, within the distance of four (4) feet from any wire or cable conducting or carrying less than six hundred volts of electricity, any wire or cable which shall conduct or carry at any one time more than six hundred volts of electricity, or run, place, erect or maintain within the distance of four (4) feet from any wire or cable which shall conduct or carry at any one time more than six hundred volts of electricity any wire or cable conducting or carrying less than six hundred volts of electricity; *provided*, that the foregoing provisions of this paragraph (c) shall be held not to apply to any wires or cables attached to a transformer, within a distance of four (4) feet, (measured along the line of said wire or cable) from the point where such wire or cable is attached to such transformer, nor to wires or cables within buildings or other structures, nor to wires or cables where the same are run from underground and placed vertically on poles, nor to any "lead" wires or cables between the point where the same are made to leave any pole for the purpose of entering any building or other structure, and the point at which they are made to enter such building or structure: *and provided, further*, that as between any two wires or cables, or any wire or any cable run, placed, erected or maintained in violation of the provisions of this paragraph (c),

only the wire or cable last in point of time run, placed or erected shall be held to be run, placed, erected or maintained thus in violation of said provision; *and further provided*, that where no more than one crossarm is maintained on a pole, all the wires or cables conducting or carrying at any one time more than six hundred volts of electricity shall be placed on the crossarm on one side of the pole, and all the wires or cables conducting or carrying less than six hundred volts of electricity shall be placed on the crossarm on the other side of the pole; *and further provided*, that the space between any wire or cable carrying or conducting at any one time more than six hundred volts of electricity and any wire or cable carrying less than said voltage shall be at least thirty-six (36) inches clear measurement in a horizontal line; *and further provided*, that where two or more systems for the distribution of electric light or power occupy the same poles with wires or cables, all wires or cables conducting or carrying at any one time more than six hundred volts of electricity shall be placed on the crossarms on one side of the pole, and all wires or cables conducting or carrying less than said voltage shall in such case be placed on the crossarms on the other side of the pole; *and further provided*, that the space between any wire or cable conducting or carrying at any one time more than six hundred volts of electricity and any wire or cable conducting or carrying less than said voltage shall be at least thirty-six (36) inches in measurement in a horizontal line; *and further provided*, that in such construction all crossarms shall be at least thirty-six (36) inches apart in a vertical line.

Two systems occupying same poles.

(d) Run, place, erect or maintain any wire or cable, which shall conduct or carry at any one time more than six hundred volts of electricity, without causing each crossarm, or such other appliance as may be used in lieu thereof, to which such wire or cable is attached to be kept at all times painted a bright yellow color; or, on such crossarm, or other appliance used in lieu thereof, shall be placed enamelled iron signs, providing, in white letters on a green background, the words "High voltage," and these letters shall be not less than three (3) inches in height, said signs shall be securely fastened on the face and back of each crossarm. The provisions of this paragraph (d) shall not be held to apply to crossarms to which are attached wires or cables carrying or conducting more than ten thousand volts of electricity, and which are situated outside the corporate limits of any town or city which shall have been incorporated as a municipality.

Crossarms holding wire carrying more than 600 volts to be painted yellow.

(e) Run, place, erect or maintain any "guy" wire or "guy" cable attached to any pole or appliance to which is attached any wire or cable used to conduct or carry electricity, without causing said "guy" wire or "guy" cable to be effectively insulated at all times at a distance of not less than four (4) feet nor more than eight (8) feet (measured along the line of said wire or cable) from the upper end thereof, and at a point not less than eight (8) feet vertically above the ground

Guy wires to be insulated.

from the lower end thereof; *and further provided*, that whenever two or more "guy" wires or "guy" cables are attached to a pole there shall be at least one foot, vertical space, between the points of attachment; *and further provided*, that no insulation shall be required at the lower end of a "guy" wire or "guy" cable where the same is attached to a grounded anchor; none of the provisions of this paragraph (e) shall be held to apply to "guy" wires or "guy" cables attached to poles carrying no wire or cable other than telephone, telegraph or other "signal" wire or cable, and which are situated outside the corporate limits of any town or city which shall have been incorporated as a municipality.

Vertical wires to be insulated.

(f) Run, place, erect or maintain, vertically on any pole, any wire or cable used to conduct or carry electricity, without causing such wire or cable to be at all times wholly encased in casing equal in durability and insulating efficiency to a wooded casing not less than one and one half inches thick. The provisions of this paragraph (f) shall not be held to apply to vertical telephone, telegraph or other "signal" wires or cables on poles where no other than such wires or cables are maintained, and which are outside the corporate limits of any town or city which shall have been incorporated as a municipality.

All lamps may not be placed on poles with transformers.

(g) Place, erect or maintain on any pole, or on any crossarm or other appliance on said pole, which carries or upon which is placed an electric arc lamp, any transformer for transforming electric currents.

Wires carrying more than 15,000 volts.

(h) Run, place, erect or maintain any wire or cable carrying more than fifteen thousand volts of electricity across any wire or cable carrying less than said voltage or across any public highway, except on poles of such height and so placed at each crossing that under no circumstances can said wire or cable of said voltage higher than fifteen thousand volts in case of breakage thereof or otherwise, come in contact with any wire or cable of less than said voltage, or fall within a distance of ten (10) feet from the surface of any public highway; or in lieu thereof double strength construction may be installed, in which case the wires carrying a voltage higher than fifteen thousand volts shall, between the points of crossing, be of a cross-section area equal to at least twice that used in the line outside of such crossing, except where the conductor used is equal to four naught (0000) Brown and Sharpe gauge or greater, in which case the wires or cables will be considered as complying with the law.

Safety bolts for suspension wires.

(i) Run, place, erect or maintain any suspension wire to which is attached any "aerial" cable of "seventy-five pair number nineteen Brown and Sharpe gauge" or over, or of "one hundred pair number twenty-two Brown and Sharpe gauge" or over, suspended from a crossarm (or from any other structure or appliance from which said suspension wire is hung) by a single bolt and clamp without at the same time attaching said suspension wire to said crossarm, structure or appliance by an

additional "safety" bolt and clamp (or other "safety" appliance for thus attaching said suspension wire) of tensile strength equal to the first herein said bolt and clamp.

SEC. 2. None of the provisions of the preceding section shall be held to apply to "direct current" electric wires or cables having the same polarity, nor to "signal" wires when no more than two (2) of such "signal" wires are attached to any one pole; *provided*, that none of such "direct current" or "signal" wires shall in any case be run, placed, erected or maintained within the distance of thirteen (13) inches from the center line of any pole (other than the pole or poles on which said wires or cables are carried) carrying electric wires or cables: *and provided, further*, that as between any two wires, or cables, or any wire or cable run, placed, erected or maintained in violation of the provisions of this section 2 only the wire or cable last in point of time run, placed, erected or maintained shall be held to be run, placed, erected or maintained thus in violation of said provisions.

Preceding
not appli-
cable to
direct
current
wires, etc.

SEC. 3. No commission, officer, agent or employee of the State of California, or of any city and county or city or county or other political subdivision thereof, and no other person, firm or corporation shall run, place, erect or maintain any "span" wire attached to any wire or cable used to conduct or carry electricity, without causing said "span" wire to be at all times effectively insulated between the outer point at which it is in any case fastened to the pole or other structure by which it is hung or supported, and at the point at which it is in any case thus attached; *provided*, that such insulation shall not in any case be placed less than two (2) feet nor more than four (4) feet from said point at which said "span" wire is so attached, and that when in any case such "span" wire is attached along its length to any two (2) such wires or cables, conducting or carrying electricity and extending parallel to each other, not more than ten (10) feet apart, such insulation shall not be required therein at any point between such parallel wires or cables: none of the provisions of this section (3) shall be held to apply where "feeder" wires are used in place of "span" wires.

Span wires.

SEC. 4. Any violation of any provision of this act shall be deemed to be a misdemeanor, and shall be punishable upon conviction by a fine of not exceeding five hundred dollars (\$500.00) or by imprisonment in a county jail not exceeding six (6) months or by both such fine and imprisonment.

Penalty
for
violation.

SEC. 5. All acts or parts of acts which are in conflict with the, or with any of the provisions of this, act are hereby repealed.

SEC. 6. This act shall take effect six months from the date of its passage in so far as it relates to new work, and a period of five years shall be allowed in which to reconstruct all existing work and construction to comply with the provisions of this act.

CHAPTER 500.

An act to regulate the construction and maintenance of subways, manholes, and underground rooms, chambers, and excavations, used to contain, encase, cover, or conduct wires, cables, or appliances to conduct, carry, or handle electricity, and providing the punishment for the violation thereof.

[Approved April 22, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. No commission, officer, agent, or employee of the State of California or of any city and county or city or county or other political subdivision thereof, and no other person, firm or corporation, shall build or rebuild or cause to be built or rebuilt within the State of California:

Dimen-
sions of
electric
wire
subways.

(a) Any subway, manhole, chamber, or underground room used or to be used to contain, encase, cover or conduct any wire, cable, or appliance, to conduct, carry or handle electricity, unless such subway, manhole, chamber or underground room shall have an inside measurement of not less than four (4) feet at the maximum points between the side walls thereof, and between the end walls thereof, and not less than five (5) feet at all points between the floor thereof, and the top or ceiling thereof, or if circular in shape, at least four (4) feet diameter inside measurement, and not less than five (5) feet at all points between the floor and ceiling thereof; *provided, however*, that this paragraph shall not be held to apply to any such subway, manhole, chamber or underground room, within which it is not intended or required that any human being perform work or labor or be employed: *further provided*, that the provisions of this paragraph (a) shall not be held to apply where satisfactory proof shall be submitted to the proper authorities, that it is impracticable or physically impossible to comply with this law within the space or location so designated by the proper municipal authorities.

Openings
to outer
air.

(b) In any subway, manhole, chamber or underground room used or to be used to contain, encase, cover or conduct any wire, cable or appliance to conduct, carry or handle electricity, any opening to outer air which is less than twenty-six (26) inches if circular in shape, or less than twenty-four (24) inches by twenty-six (26) inches clear measurement if rectangular in shape.

Openings
to be not
less than
three feet
from
street-car
track.

(c) In any subway, manhole, chamber or underground room, used or to be used to contain, encase, cover or conduct any wire, cable or appliance to conduct, carry or handle electricity, any opening which is at the surface of the ground, within the distance of three (3) feet at any point from any rail or any railway or street-car track; *provided*, that the provisions of this paragraph (c) shall not be held to apply where satisfactory proof shall be submitted to the proper authorities that it is impracticable or physically impossible to comply with this

law within the space or location so designated by the proper municipal authorities.

(d) Any subway, manhole, chamber or underground room, used or to be used to contain, encase, cover or conduct any wire, cable, or appliance to conduct, carry, or handle electricity, unless the floor of such subway, manhole, chamber or underground room is made of stone, concrete, brick, or other similar material not subject to decomposition; *provided*, that this paragraph (d) shall not be held to apply to any such subway, manhole, chamber or underground room within which it is not intended or required that any human being perform work or labor or be employed.

Floor of subway to be of concrete, etc.

(e) Or maintain any subway, manhole, chamber or underground room, used, or to be used, to contain, encase, cover or conduct any wire, cable or appliance to conduct, carry or handle electricity, unless such subway, manhole, chamber or underground room is kept at all times in a sanitary condition, and free from stagnant water, or seepage, or other drainage, or any offensive matter dangerous to health, either by sewer connection or otherwise; *provided*, that this paragraph (e) shall not be held to apply to any such subway, manhole, chamber or underground room, within which it is not intended or required that any human being perform work or labor or be employed.

Subways to be kept free from seepage, etc.

SEC. 2. Any violation of any provision of this act shall be deemed a misdemeanor, and shall be punishable upon conviction by a fine not exceeding five hundred (500) dollars, or by imprisonment in a county jail not exceeding six (6) months, or by both such fine and imprisonment.

Penalty for violation.

SEC. 3. None of the provisions of subdivisions *a*, *b*, *c*, and *d*, of section one of this act shall be so construed as to be retroactive or apply to works already constructed, and all acts or parts of acts which are in conflict with this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after the date of passage.

CHAPTER 501.

An act making an appropriation for the care and custody of the custom house at Monterey, California.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. That the sum of five hundred dollars be appropriated for the care and custody of the custom house at Monterey.

Appropriation: care of Monterey custom house.

SEC. 2. That the said money is to be expended by and under the direction of the board of Monterey custom house trustees, as created under an act entitled "An act to provide

for the appointment of a board of Monterey custom house trustees and for the acquisition and control of the Monterey custom house property, and providing for an appropriation for the preservation, protection and improvement of said property," approved March 16, 1901.

SEC. 3. That the controller is hereby authorized to draw his warrant in favor of said board for the money herein made payable, and the treasurer is directed to pay the same.

CHAPTER 502.

An act to provide for the continuation of the construction of the highway known as Kings river highway, and to make an appropriation therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation: state highway

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of twenty-five thousand dollars to continue and complete the state highway now partially completed by the State of California from the General Grant National Park to the floor of the Kings river canyon.

SEC. 2. The money appropriated under the provisions of this act is hereby made available as follows: On May 1, 1911, twelve thousand five hundred dollars, and on July 1, 1912, twelve thousand five hundred.

SEC. 3. The state controller is hereby authorized to draw his warrants at such times and in such sums as the state department of engineering shall present claims for, and the state treasurer is authorized to pay the same.

SEC. 4. This act shall be in effect from and after its passage and approval.

CHAPTER 503.

An act to make an appropriation for the maintenance of the state highway from Emigrant Gap, Placer county, to the west end of Donner Lake, Nevada county.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation: state highway.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five thousand dollars (\$5,000.00) for the maintenance and upkeep of the state highway from Emigrant Gap, Placer county, to the west end of Donner Lake in Nevada county. Two thousand five hundred dollars (\$2,500.00) shall be avail-

able on the first day of May, 1911, and two thousand five hundred dollars (\$2,500.00) shall be available on the first day of May, 1912.

SEC. 2. The state controller is hereby directed to draw his warrants in such sums and at such times as the state engineer may present claims therefor, and the state treasurer is directed to pay the same.

CHAPTER 504.

An act providing for the improving and caring for the grounds of the Fresno State Normal School and making an appropriation therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose of improving and caring for the grounds of the Fresno State Normal School. Appropriation: Improving grounds, Fresno Normal.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants for the amount herein appropriated in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 505.

An act making appropriation for the installation of irrigating pipe lines at the Napa State Hospital.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the moneys in the state treasury, not otherwise appropriated, to be used for the installation of irrigating pipe lines at the Napa State Hospital. Appropriation: Irrigating pipe lines, Napa Hospital.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1912.

CHAPTER 506.

An act to provide for the building, equipping and purchasing of machinery for an ice and cold storage plant on the grounds of the Napa State Hospital, and to make appropriation for the same.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation, cold storage plant, Napa Hospital

SECTION 1. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be used for the building, equipping, and purchasing of machinery for an ice and cold storage plant on the grounds of the Napa State Hospital.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrants in favor of the officer or officers authorized by law to receive the same for the amount herein made payable, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1911.

CHAPTER 507.

An act providing for plumbing at the Veterans' Home of California, located at Yountville, Napa county, California, and making an appropriation therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation, plumbing Veterans' Home.

SECTION 1. The sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for plumbing at the Veterans' Home of California, located at Yountville, Napa county, California.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable, in favor of the officer or officers authorized by law to receive the same, in such amounts and at such times as may be approved by the state board of examiners, and the state treasurer is directed to pay the same.

SEC. 3. This act shall take effect from and after July 1st, 1912.

CHAPTER 508.

An act to provide for certain necessary improvements to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa county, and making an appropriation therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of twenty-five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of making necessary improvements to the grounds and appurtenances of the Veterans' Home, Napa county, California.

Appropriation: Improving grounds, Veterans' Home.

SEC. 2. Fifteen hundred dollars of the money appropriated shall be available on and after July 1, 1911, and the remaining one thousand dollars of the money hereby appropriated shall be available from and after July 1, 1912.

CHAPTER 509.

An act to provide for general repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa county, California, and to make an appropriation therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for general repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa county, California.

Appropriation: repairs, Veterans' Home.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the officer or officers authorized by law to receive the same, in such amounts and at such times as may be approved by the state board of examiners, and the state treasurer is directed to pay the same.

SEC. 3. This act shall take effect from and after July 1st, 1912.

CHAPTER 510.

An act to provide for the construction of an additional building at the Veterans' Home, Napa county, California, and to make an appropriation therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
building,
Veterans'
Home.

SECTION 1. The sum of thirty-five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa county, California, to be used as a dwelling for the surgeon of said veterans' home.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable, in favor of the officer or officers authorized by law to receive the same, in such amounts and at such times as may be approved by the state board of examiners, and the state treasurer is directed to pay the same.

SEC. 3. This act shall take effect from and after July 1st, 1911.

CHAPTER 511.

An act making an appropriation to repair and renovate the cottages of company "C," at the Veterans' Home of California, located at Yountville, Napa county, California.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
repairing
cottages,
Veterans'
Home.

SECTION 1. The sum of five thousand five hundred dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose of repairing and renovating the cottages of company "C," at the Veterans' Home of California, located at Yountville, Napa county, California.

SEC. 2. Three thousand dollars of the money appropriated shall be available from and after July 1, 1911, and the remaining twenty-five hundred dollars of the money hereby appropriated shall be available from and after July 1, 1912.

CHAPTER 512.

An act to appropriate money for the purchase of dormitory and school furniture for the California Polytechnic School.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of eight thousand dollars, or so much thereof as may be necessary, to be paid to the order of the board of trustees of the California Polytechnic School for the purpose of purchasing dormitory and school furniture for said school.

Appropriation, dormitory, California Polytechnic School.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same. Of the amount hereby appropriated, one thousand dollars shall be available on and after the passage and approval of this act. Four thousand dollars of the money hereby appropriated shall be available on and after July 1, 1911, and the remaining three thousand dollars shall be available on and after July 1, 1912.

CHAPTER 513.

An act to provide for building a barn and workshop on the grounds of the state pathological laboratory at Whittier, and making an appropriation therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of one thousand dollars (\$1,000) is hereby appropriated for building a barn and workshop on the grounds of the state pathological laboratory at Whittier.

Appropriation, barn, state pathological laboratory.

SEC. 2. All money appropriated under this act shall be paid to the regents of the University of California and expended by them for the purposes herein named. The state controller is hereby authorized and directed to draw his warrant for the same payable to the regents of the University of California, out of funds of the State of California not otherwise appropriated, and the treasurer of the state is hereby directed to pay such warrants.

CHAPTER 514.

An act to provide a heating furnace for the state pathological laboratory building at Whittier, and making an appropriation therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation: furnace, state pathological laboratory.

SECTION 1. The sum of four hundred dollars (\$400) is hereby appropriated for a heating furnace at the state pathological laboratory building at Whittier.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for the same payable to the regents of the University of California, out of funds of the State of California not otherwise appropriated, and the treasurer of the state is hereby directed to pay such warrant.

CHAPTER 515.

An act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor and prescribing the duties of the controller and treasurer in relation thereto.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

University to do experiment work in viticulture.

SECTION 1. The regents of the University of California are hereby directed to cause to be prosecuted with all possible diligence, in connection with and in addition to the work heretofore carried on by the agricultural experiment station, experiment and research work in viticulture, including both cultural and industrial processes. They are directed to ascertain the adaptations of the various kinds of vines to the several climatic and soil conditions of the state, with the special reference to stocks resistant to the phylloxera and to further their utility as grafting stocks for wine, raisin and table grapes. They are directed to ascertain the best methods of grafting and propagating said stocks and vines, together with the most important methods of vinification and of the preparation, manufacture and application of yeasts in vinification and distillation. They are further directed to report upon the handling, packing and transportation of table grapes, the preparation and curing of raisins, the utilization of the by-products of the vineyard and winery, the study and treatment of vine

Handling, etc.

diseases, and all matters appertaining to the viticultural industry pertinent to the successful conduct of the business that may be of general public interest, use and profit. They are further directed to publish the result of said experiments and investigations in form of bulletins from time to time, as may seem advisable, and not less than two bulletins showing the progress and result of the work shall be issued in any fiscal year. The director of the agricultural experiment station shall obtain and establish such assistants, equipment, materials, appliances, apparatus and other incidentals as may be necessary to the successful prosecution of the work, within the appropriation specified.

Publish results.

Assistants, equipment.

SEC. 2. There is hereby appropriated for the use of said experiment station, for the purpose set forth in this act for the sixty-third and sixty-fourth fiscal years, the sum of fifteen thousand dollars (\$15,000), and the said appropriation shall thereafter be carried in the general appropriation bill for each succeeding biennial period, and the state controller is hereby authorized and directed to draw his warrant for the same, and the treasurer of the state is hereby directed to pay such warrant.

Appropriation.

SEC. 3. All money appropriated under this act shall be paid to the regents of the University of California, and expended under the direction of the director of the agricultural experiment station of said university for the specific purpose herein named.

SEC. 4. This act is hereby exempted from the provisions of section 672 of the Political Code.

CHAPTER 516.

An act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The governor of the State of California is hereby directed, and it is hereby made his duty to cause to be made under the supervision and direction of the director of the agricultural experiment station of the University of California, such investigations and experiments as he may deem best for the purpose of discovering and making known such improved methods of cereal culture in the State of California as will increase the yield of cereals in said state, and increase the percentage of gluten in said cereals, or otherwise improve the quality thereof. The said governor shall have the exclusive charge and control of all moneys appropriated hereby, to be used in employing such expert and scientific assistants as he

University to make experiments for improvement of cereals.

Results to
be pub-
lished.

may deem necessary, and for the paying of the expenses of carrying on the experiments herein provided for. He shall from time to time publish the results of such experimental and investigational work as may have been done, for general distribution.

Appropriation.

SEC. 2. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the governor to be used for the purpose of this act. one half thereof to be expended during the sixty-third fiscal year, and one half thereof to be expended during the sixty-fourth fiscal year, and the controller is hereby directed to draw his warrant on the general fund from time to time for such proportion of said sum of fifteen thousand dollars, and in favor of such persons as the governor shall direct; and the state treasurer is hereby empowered and directed to pay the same.

SEC. 3. This act is exempted from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 4. This act shall take effect and be in force from and after the date of its passage.

CHAPTER 517.

An act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the state not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

University
to main-
tain lab-
oratory
for inves-
tigating
diseases of
trees and
plants.

SECTION 1. The regents and the president of the University of California are hereby directed to maintain, in connection with the agricultural experiment work of the university in those portions of the state not benefited by the Southern California Pathological Laboratory, a scientific station or laboratory with the necessary equipment for the investigation of the nature and means of control of injurious and destructive diseases of cultivated trees, plants and crops.

Pear
blight, etc.

SEC. 2. They are directed to make or cause to be made investigations of such troubles as pear blight, peach blight, olive knot, apricot failures, pear scab, apple diseases, root rot, root knot, diseases of tomatoes, potatoes, asparagus, onions, and other vegetables, and such other plant diseases as may be called to their attention. They shall also furnish information and practical demonstration to the growers of these crops as to the best means of control of such diseases.

Informa-
tion to
growers.

Appropriation

SEC. 3. The sum of fifteen thousand dollars is hereby appropriated out of any money in the state treasury not otherwise

appropriated, to be expended by the regents of the University of California in carrying out the purposes of this act, and the state controller is hereby authorized and directed to draw his warrant for the same, payable to the regents of the University of California, and the treasurer of the state is hereby directed to pay such warrant.

SEC. 4. This act is hereby exempted from the provisions of section 672 of the Political Code.

CHAPTER 518.

An act to appropriate the sum of sixty-two thousand dollars for the use and benefit of the University of California, and specifying the duties of the controller and treasurer of state in relation thereto.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of sixty-two thousand dollars (\$62,000.00) is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to replace and restore income of the University of California lost through disaster and fire. Appropriation: restore income of University.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrants for the same, payable to the order of the treasurer of the University of California, and the treasurer of state is hereby directed to pay such warrants.

SEC. 3. This act is hereby exempted from the provisions of section 672 of the Political Code.

SEC. 4. This act shall take effect and be in force immediately upon its passage.

CHAPTER 519.

An act authorizing and directing the reflooring of the manse and main building at the Sonoma State Home, and making an appropriation therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of seven thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose of reflooring the buildings known as "manse" and "main building" at the Sonoma State Home. Appropriation: repairs, Sonoma State Home.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the officer or officers authorized by law

to receive the same for the amount appropriated by section one of this act, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1911.

CHAPTER 520.

An act to provide for the improvement of the campus of the state normal school at San Diego, California, and making an appropriation therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation: improving campus, San Diego Normal.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five thousand dollars, to be expended by the board of trustees of the state normal school at San Diego, California, in making additional improvements of the campus on the grounds surrounding the state normal school at San Diego, belonging to the State of California. Said improvements shall include all necessary sidewalking, cross walks, roadways, piping for water, tree planting, lawns, athletic grounds, and all other necessary improvements.

SEC. 2. The state controller is hereby directed to draw his warrants in favor of the board of trustees of said state normal school, for the money herein appropriated, and the state treasurer is hereby directed to pay said warrants.

SEC. 3. All bills for material and labor in carrying out the provisions of section one of this act shall be first audited by the board of trustees of said state normal school, and approved by the state board of examiners before being paid.

SEC. 4. This act shall take effect immediately.

CHAPTER 521.

An act to provide for the completion of septic tank and the relaying of mains and laterals leading thereto and therefrom at the Veterans' Home of California, located at Yountville, Napa county, and making an appropriation therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation: septic tank, Veterans' Home.

SECTION 1. The sum of five thousand two hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated for the completion of the septic tank and relaying of

mains and laterals leading thereto and therefrom, at the Veterans' Home of California, located at Yountville, Napa county, California.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same. Of the amount hereby appropriated three thousand five hundred dollars shall be available on and after July 1, 1911, and the remaining one thousand seven hundred dollars shall be available on and after July 1, 1912.

CHAPTER 522.

An act appropriating the sum of twenty-five thousand dollars for the purpose of improving the grounds of the state capitol at Sacramento.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of twenty-five thousand dollars for the purpose of improving the grounds of the state capitol at Sacramento. Appropriation: Improving capitol grounds.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 523.

An act to provide for further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and the Blind at Berkeley, repairing the reservoirs thereon, and improving the plumbing in the buildings of said institution, and to make an appropriation therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of four thousand dollars, or as much thereof as may be necessary, is hereby appropriated, out of any moneys in the state treasury, not otherwise appropriated, to be expended as follows: For the purpose of further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and the Blind at Berkeley, repairing the reservoirs on said grounds, and improving the plumbing in the buildings of said institution. Appropriation: water supply. California Institution for Deaf and Blind.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrants in favor of officer or officers

authorized by law to receive the same for the money hereby appropriated, and the treasurer is hereby directed to pay said warrants.

SEC. 3. All bills for material and labor, incurred in carrying out the provisions of section 1 of this act, and all bills for payment, in whole, or in part, of any contract made to carry out the provisions of section 1 of this act, shall be first audited by the board of directors of said institution and approved by the state board of examiners before being paid.

SEC. 4. This act shall take effect immediately.

CHAPTER 524.

An act making an appropriation for a new heating plant for the state normal school at San Diego, California.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
heating
plant, San
Diego
normal.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five thousand dollars, to be expended by the board of trustees of the state normal school at San Diego, California, or by any other officer of the state authorized by law to expend the same, for the purpose of providing a new heating plant for the state normal school at San Diego, California.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant or warrants in favor of the person or persons, officer or officers authorized by law to receive the same and the state treasurer is hereby authorized and directed to pay said warrants.

CHAPTER 525.

An act making an appropriation for repairing the buildings of the state normal school at San Diego, California.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
repairs,
San Diego
normal.

SECTION 1. There is hereby appropriated, out of any money in the state treasury not otherwise appropriated, the sum of ten thousand dollars, to be expended by the board of trustees of the state normal school at San Diego, California, or by any other officer of the state authorized by law to expend the same, for the purpose of repairing the school buildings of the state normal school at San Diego, California.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant or warrants in favor of the person or persons, officer or officers, authorized by law to receive the same and the state treasurer is hereby authorized and directed to pay said warrants.

CHAPTER 526.

An act to appropriate money to protect the banks of Mad river from erosion by means of brush and rock work along the banks thereof.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any money in the state treasury of the State of California, not otherwise appropriated, to be used for the purpose of making a survey, estimate, plans, and specifications preliminary to the construction of brush and rock work along the banks of Mad river between the east boundary line of section nine, township six north, range one east, Humboldt meridian, and the mouth of said river, in Humboldt county, State of California, for the protection of said banks, said work to be of the character of such work last performed by the property owners along said river, and of constructing such work along said banks in accordance with said survey, estimate, plans and specifications when the same shall have been completed as herein provided for and filed in the office of the department of engineering of the State of California.

Appropriation: survey, etc., along Mad river.

SEC. 2. The survey, estimate, plans and specifications herein provided for shall be made under the direction of the department of engineering of the State of California, and the construction of such work as said survey, estimate, plans and specifications shall call for, shall also be under the direction of said department of engineering.

Under direction of engineering department.

SEC. 3. The department of engineering of the State of California is hereby authorized to locate the points on said Mad river between the east boundary line of section nine, township six north, range one east, Humboldt meridian, and the mouth of said river, where such protection to said banks shall be constructed, to make the survey, estimate, plans and specifications herein provided for, and to supervise the construction of the work in accordance therewith.

SEC. 4. The money hereby appropriated shall be made available and paid out of the state treasury upon warrants drawn therefor in favor of the department of engineering of the State of California to be expended for the purposes herein named, as follows: The whole sum of fifteen thousand dollars to be available on the first day of July, 1911. The said work

When available.

shall be commenced as soon as the money appropriated is available and completed as fast as possible.

Expenditures to equal sums given by interested parties.

SEC. 5. Whenever the parties benefited by the protection of the banks of said Mad river shall deposit to the credit of the department of engineering any sum of money for the purpose of undertaking the said survey and work, along said river, there shall be expended out of the money herein appropriated, and under the direction of the said department, a like sum to be used for the said work.

SEC. 6. The state controller is hereby authorized to draw his warrants in favor of the department of engineering of the State of California for the amount hereby appropriated at the time provided herein for the payment of the same, and the state treasurer is hereby directed to pay the same.

CHAPTER 527.

An act making an appropriation to pay the claim of the San Diego Union Company.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation from State of San Diego Union Company.

SECTION 1. The sum of one hundred and thirty-six dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of the San Diego Union Company against the State of California, and the state controller is hereby directed to draw his warrant in favor of the San Diego Union Company for said sum of one hundred and thirty-six dollars, and the state treasurer is hereby directed to pay the same.

CHAPTER 528.

An act making an appropriation to complete the work of replacing and reconstructing for the accommodation and treating of patients at Agnews State Hospital buildings destroyed April 18, 1906, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, authorizing and directing the state controller to draw his warrants for the sum appropriated, and the state treasurer to pay the same.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of one hundred eleven thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury,

not otherwise appropriated, for the purpose of completing the work of replacing and reconstructing at the grounds of the state hospital near Agnew, California, buildings destroyed April 18, 1906, consisting of two buildings for administration, treatment, and the occupancy of patients, employees and officers.

Appropriation:
buildings,
Agnew
State
Hospital.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants for the amount herein appropriated, in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. The limitation upon the cost of buildings provided in section 2151 of the Political Code shall not apply to any construction authorized and directed by this act.

SEC. 4. Of the moneys herein appropriated thirty-one thousand five hundred dollars shall be available on and after July 1, 1911, and eighty thousand dollars thereof on and after July 1, 1912.

SEC. 5. This act shall take effect and be in force from and after its passage and approval.

CHAPTER 529.

An act to provide for the construction of buildings and structures and repairs to the same on the university farm at Davis, and appropriating money therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of sixty-five thousand dollars is hereby appropriated to be paid to or upon the order of the regents of the University of California and to be used by them to construct or repair or to pay for the construction or repair of buildings and structures on the university farm at Davis.

Appropriation:
buildings,
University
farm.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same. Of the amount hereby appropriated thirty-five thousand dollars shall be available on and after July 1, 1911, and the remaining thirty thousand dollars shall be available on and after July 1, 1912.

CHAPTER 530.

An act to provide for the purchase of an additional lot for the use of the state normal school at San Francisco, and to make an appropriation for the same.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation: lot, San Francisco Normal.

SECTION 1. The sum of sixty thousand dollars (\$60,000) or so much thereof as may be necessary is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of trustees of the state normal school at San Francisco to be used in the purchase of a lot, 137' 6" x 275' lying adjacent to the site of the state normal school at San Francisco and at present owned by the San Francisco Protestant Orphan Asylum Society.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrant in favor of the said board of trustees for the amount hereby appropriated, and the treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1911.

CHAPTER 531.

An act authorizing and directing the directors of the State Agricultural Society to complete the construction of the building on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the manufacturers' building, and making an appropriation therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Agricultural Society to complete manufacturers' building.

SECTION 1. The directors of the State Agricultural Society are hereby authorized and directed to make the necessary arrangements, either by day's work or by contract, subject to the approval of the state engineer and pursuant to the general law governing such work, for completing the building on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the manufacturers' building.

Appropriation.

SEC. 2. For the purpose of carrying out the provisions of this act, the sum of five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, and the state controller is hereby directed to draw his warrant from time to time to the full amount of this appropriation, in favor of the person or persons authorized by

law to receive the same, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 532.

An act providing for the erection of a grandstand on the state fair grounds at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to erect a grandstand on the state fair grounds at Agricultural Park, near the city of Sacramento, State of California.

Appropriation:
grandstand,
state fair grounds.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for said sum of ten thousand dollars in favor of the person or persons authorized by law to receive the same, and the state treasurer is hereby authorized and directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 533.

An act authorizing and directing the directors of the State Agricultural Society to plow, check and plant the infield, grade and gravel walks and drives, park the grounds, improve the system of fire protection, and construct public conveniences on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The directors of the State Agricultural Society are hereby authorized and directed to make the necessary arrangements, either by day's work or by contract, subject to the approval of the state engineer and pursuant to the law governing such work, for plowing and checking what is known as the infield, or the ground inside of the race course, at Agricultural Park, near the city of Sacramento, State of California, and planting same with some suitable forage that will remain green; for grading and graveling suitable walks and drives in

Agricultural Society to make improvements.

said Agricultural Park; for planting trees and lawns, and caring for the same; for improving the system of fire protection, and for the erection of public conveniences and generally improving and beautifying said grounds for the accommodation and attraction of the visiting public, all within the limit of the fund available.

Appropriation.

SEC. 2. For the purpose of carrying out the provisions of this act, the sum of ten thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, and the state controller is hereby directed to draw his warrant from time to time to the full amount of this appropriation, in favor of the person or persons authorized by law to receive the same, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 534.

An act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a dairy building and dairy barns, providing for their equipment and making an appropriation therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Agricultural Society to erect dairy building.

SECTION 1. The directors of the State Agricultural Society are hereby authorized and directed to make the necessary arrangements, either by day's work or by contract, subject to the approval of the state engineer, and pursuant to the general law governing such work, for the erection on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, of a structure to be known as the dairy building, the same to be designed and equipped so as to accommodate the display of all dairy machinery, dairy appliances and dairy products, and for the erection at said park of barns suitable for the display or exhibition of dairy cattle, all to have such facilities and accommodations as will render them suitable and convenient for the purpose intended, and all within the limit of the fund available.

Appropriation.

SEC. 2. For the purpose of carrying out the provisions of this act, the sum of thirty thousand (\$30,000.00) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, and the state controller is hereby directed to draw his warrant from time to time to the full amount of this appropriation, in favor of the person or persons authorized by law to receive the same, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 535.

An act to provide an appropriation for grading, terracing, building drives, paths, laying gas, water and sewer mains, planting and improving the grounds of the Santa Barbara State Normal School of Manual Arts and Home Economics site.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of five thousand (5,000.00) dollars for the purpose of grading, terracing, building drives, paths, laying gas, water and sewer mains, planting and improving the grounds of the Santa Barbara State Normal School of Manual Arts and Home Economics site.

Appropriation, improving grounds, Santa Barbara Normal.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of the officer or officers authorized by law to receive the same for the money herein appropriated, at such times and in such manner as the expenditure of the same shall be required, and the state treasurer is hereby directed to pay said warrant.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 536.

An act to provide an appropriation for the equipment of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of one thousand (1,000.00) dollars for the purpose of equipping a reception and lunch room building for the Santa Barbara State Normal School of Manual Arts and Home Economics.

Appropriation, lunch room, Santa Barbara Normal.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of the board of trustees of said state normal school for the money herein appropriated, at such times and in such manner as the expenditure of the same shall be required, and the state treasurer is hereby directed to pay said warrants.

SEC. 3. This act shall take effect and be in force from and after July 1, 1912.

CHAPTER 537.

An act to provide for the preparation and distribution of serums or vaccines for the prevention of the disease known as cholera in hogs in the State of California, making an appropriation therefor and prescribing the duties of the controller and treasurer in relation thereto.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

University
to prepare
hog
cholera
serums.

SECTION 1. The regents of the University of California are hereby directed to cause to be prosecuted with all possible diligence, through the agricultural experiment station, the preparation of serums or vaccines that will produce immunity in hogs against the disease known as cholera.

Serums to
be fur-
nished
free.

SEC. 2. The regents of the University of California are hereby further authorized and directed to furnish such serums or vaccines, in quantities not exceeding five hundred cubic centimeters, as soon as possible after this act takes effect free of charge to any bona fide resident of the State of California who is engaged in the raising of hogs, upon application by such resident hog raiser.

In excess
of 500 cubic
centimeters
at cost.

SEC. 3. The regents of the University of California are also hereby further authorized and directed to furnish to any bona fide resident of this state, who is engaged in the raising of hogs, such serums or vaccines in quantities in excess of five hundred cubic centimeters, upon the applicant paying therefor the actual cost of the production of such serums or vaccines.

To owners
only whose
hogs are
sick or in
danger.

SEC. 4. It is herewith provided that no serums or vaccines shall be furnished free of charge to anyone unless the applicant shall have first furnished sufficient evidence that the disease known as cholera exists among his hogs or among the hogs in his immediate neighborhood, and in such latter case evidence shall be furnished by said applicant that there is danger of the disease being communicated to the applicant's hogs.

Selling,
etc., a
misdeme-
anor.

SEC. 5. Any person who shall sell, give away or misuse any of the serums so furnished shall, upon conviction thereof, be deemed guilty of a misdemeanor, and be punished as in such cases provided by law.

Assistance,
etc.

SEC. 6. The director of the agricultural experiment station shall obtain and establish such assistance, equipment, materials, appliances, apparatus and other necessary incidentals as may be necessary to the successful prosecution of this work within the appropriation herein specified.

Appropriation.

SEC. 7. The sum of sixteen thousand (\$16,000.00) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, six thousand (\$6,000.00) dollars of which shall be available for the balance of the sixty-second fiscal year and ten thousand (\$10,000.00) dollars of which shall be available during the sixty-third and sixty-fourth fiscal

years for the use of said experiment station to be expended by the regents of the University of California in carrying out the purposes of this act, and the state controller is hereby authorized and directed to draw his warrant for the same, and the state treasurer is hereby directed to pay such warrant.

SEC. 8. All money appropriated under this act, and all money received for the sale of said serums or vaccines as provided for in section three of this act, shall be paid to the regents of the University of California, and shall be expended under the direction of the director of the agricultural experiment station of said university for the specific purposes herein named.

Disposition of funds.

CHAPTER 538.

An act appropriating money to be used in the purchase of pianos, furniture and sewing machines for the girls' cottage of the Whittier State School.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be expended in the purchase of pianos, furniture and sewing machines for the girls' cottage of the Whittier State School.

Appropriation: pianos, etc., Whittier State School.

SEC. 2. The state controller is hereby directed to draw his warrant in favor of the board of trustees of the Whittier State School for the amount herein appropriated, and the state treasurer is hereby directed to pay the same.

CHAPTER 539.

An act to provide for improvements and repairs to the buildings and grounds of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of two thousand dollars is hereby appropriated to be paid to the directors of the Woman's Relief Corps Home Association, to be used by said board for necessary repairs and improvements on the buildings and grounds of the Woman's Relief Corps Home.

Appropriation: repairs, Woman's Relief Corps Home.

SEC. 2. The controller of the state is hereby authorized and

directed to draw his warrant or warrants in favor of the board of directors of said Woman's Relief Corps Home upon requisition of said board for the amount of money appropriated by section one of this act, and the state treasurer is hereby ordered and directed to pay such warrants out of said appropriation.

CHAPTER 540.

An act to provide for nurses and for medical attendance for the inmates of the Woman's Relief Corps Home, located at Evergreen, Santa Clara county, and appropriate money therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
nurses,
Woman's
Relief
Corps
Home.

SECTION 1. The sum of fifteen hundred dollars is hereby appropriated to be paid to the directors of the Woman's Relief Corps Home Association, to be used in providing trained nurses, when necessary, and skilled medical attendance for the members of said home.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrant or warrants in favor of the board of directors of said Woman's Relief Corps Home upon requisition of said board for the amount of money appropriated by section one of this act, and the state treasurer is hereby ordered and directed to pay such warrants out of said appropriation.

CHAPTER 541.

An act to appropriate the sum of one hundred and twenty-five dollars to pay the claim of A. S. Mann.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
claim,
A. S.
Mann.

SECTION 1. The sum of one hundred and twenty-five dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to pay the claim of A. S. Mann.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of A. S. Mann in the sum of one hundred and twenty-five dollars, and the state treasurer is directed to pay the same.

CHAPTER 542.

An act to provide for the construction of a barn on the premises of the state forestry station at Chico, California, and making an appropriation therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of five hundred dollars, for the purpose of constructing a barn on the premises of the state forestry station at Chico, California. Appropriation:
barn,
Chico
forestry
station.

SEC. 2. The controller is hereby authorized and directed to draw his warrants for the same payable to the order of the regents of the University of California, and the treasurer of state is hereby directed to pay such warrants.

CHAPTER 543.

An act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats "David Scannell" and "Dennis Sullivan" shall be borne and paid by the State of California out of the general fund in the state treasury and making an appropriation therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The State of California shall pay one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats "David Scannell" and "Dennis Sullivan," owned by the city and county of San Francisco, which shall not exceed in the aggregate the sum of fifty thousand dollars per annum and which shall be paid out of the general fund in the state treasury for the use thereof while said fire boats remain in commission and are used on the bay of San Francisco and tributary waters and said boats shall be used for protection against fires to wharves, shipping and the property of the state on the water front of San Francisco and elsewhere without any further cost to the State of California. State to
pay half
cost of
maintain-
ing fire
boats
"David
Scannell"
and
"Dennis
Sullivan."

SEC. 2. The board of fire commissioners of the city and county of San Francisco may, each month, present to the state board of examiners an itemized account of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of said fire boats for the preceding month. The state Monthly
statement
of ex-
penses.

board of examiners shall thereupon audit and approve one half of said cost and expense as disclosed by said itemized account.

Appropriation.

SEC. 3. There is hereby appropriated out of the general fund in the state treasury the sum of one hundred thousand dollars to be expended in the manner herein specified.

SEC. 4. The controller of state is hereby authorized and directed to draw his warrant in favor of the city and county of San Francisco, each month for the amount audited by the state board of examiners, and the treasurer is directed to pay the same.

CHAPTER 544.

An act to provide for the enlargement and alteration of the state pathological laboratory building at Whittier, and making an appropriation therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation, altering pathological laboratory building at Whittier.

SECTION 1. The sum of four thousand dollars is hereby appropriated for the purpose of altering and enlarging the state pathological laboratory building at Whittier.

SEC. 2. All money appropriated under this act shall be paid to the regents of the University of California and expended by them for the purposes herein named. The state controller is hereby authorized and directed to draw his warrant for the same payable to the regents of the University of California, out of funds of the State of California not otherwise appropriated, and the treasurer of the state is hereby directed to pay such warrant.

CHAPTER 545.

An act to provide equipment for the state pathological laboratory at Whittier, and making an appropriation therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation, equipment, pathological laboratory at Whittier.

SECTION 1. The sum of two thousand dollars (\$2,000) is hereby appropriated for the purchase of scientific apparatus and equipment for the state pathological laboratory at Whittier.

SEC. 2. All money appropriated under this act shall be paid to the regents of the University of California and expended by them for the purposes herein named. The state controller is hereby authorized and directed to draw his warrant for the same payable to the regents of the University of California.

out of funds of the State of California not otherwise appropriated, and the treasurer of the state is hereby directed to pay such warrant.

CHAPTER 546.

An act to provide an appropriation for the erection of a building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of one hundred thousand dollars for the purpose of erecting a building on the Santa Barbara State Normal School of Manual Arts and Home Economics site. Said building shall be used for the purpose of giving instruction and training in the profession of teaching such subjects as pertain to manual arts and home economics.

Appropriation:
building.
Santa
Barbara
Normal.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of the person or persons authorized by law to receive the same for the money herein appropriated, at such times and in such manner as the expenditure of the same shall be required, and the state treasurer is hereby directed to pay said warrants.

SEC. 3. Of the money hereby appropriated, the sum of fifty thousand dollars shall become available on and after the first day of July, 1911, and the sum of fifty thousand dollars shall become available on and after the first day of July, 1912.

CHAPTER 547.

An act to provide an appropriation for the erection of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of nine thousand dollars for the purpose of erecting a reception and lunch room building for the Santa Barbara State Normal School of Manual Arts and Home Economics.

Appropriation:
lunch
room.
Santa
Barbara
Normal.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of the person or persons authorized by law to receive the same for the money herein appropriated, at such times and in such manner as the expenditure of the same shall be required, and the state treasurer is hereby directed to pay said warrants.

SEC. 3. The money herein appropriated shall become available on and after July 1, 1912.

CHAPTER 548.

An act to appropriate money for making repairs and improvements on buildings, structures, and equipment of the California Polytechnic School.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
repairs,
California
Poly-
technic
School.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of five thousand dollars, or so much thereof as may be necessary, for the purpose of making repairs and improvements on the buildings, structures, and equipment of the California Polytechnic School. The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same. The amount hereby appropriated shall be available July 1, 1911.

CHAPTER 549.

An act appropriating money to purchase cement and the necessary material for laying concrete floor in the basement of the refectory building under officers' and boys' dining-room at the Preston School of Industry.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
concrete floor,
Preston
School.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of three thousand dollars, to be used for the purchase of the necessary cement and material for laying the concrete floor in the basement of the refectory building under the officers' and boys' dining-room at the Preston School of Industry.

SEC. 2. The state controller is hereby authorized and di-

rected to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the state board of examiners and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect July 1, 1911.

CHAPTER 550.

An act requiring the compilation and publication of reports of the financial transactions of the several counties and municipalities of the state, and making an appropriation therefor.

[Approved April 21, 1911.]

1937-187-462

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The state controller is hereby directed to compile and publish annually reports of the financial transactions of each county and municipal corporation within the state, together with such other matter as said controller may deem to be of public interest. Such reports shall be made in the time, form and manner prescribed by the said controller.

Controller to compile annual financial reports of counties and cities.

SEC. 2. It shall be the duty of the officers of each county and municipal corporation having charge of the financial records thereof to furnish to the controller in the time, form and manner required by him, full and true reports of all the financial transactions of such county or municipal corporation during the fiscal year next preceding the time of the making of such reports.

County and city officers to furnish reports.

SEC. 3. Any officer who shall knowingly make a false report or who shall refuse to make the reports required shall be guilty of a misdemeanor.

False report a misdemeanor.

SEC. 4. In case reports are not made in the time, form and manner required or there is reason to believe that any report is false or incorrect, the controller shall appoint some qualified accountant to make an investigation thereof, and to obtain the information required. The accountant appointed shall report to the controller the results of investigation and a copy thereof shall be filed with the legislative body of the county or municipal corporation, the accounts of which were so investigated. In case a similar investigation has to be made of the accounts of any county or municipal corporation for two successive years, a certified copy of the results of the investigation last made shall be transmitted to the grand jury of the county so investigated or in which the municipal corporation so investigated is situated.

Controller to appoint accountant to investigate false reports.

SEC. 5. The sum of two thousand dollars, or so much thereof as may be necessary is hereby appropriated out of any moneys not otherwise appropriated, to be expended by the controller for the purpose of carrying out the provisions of this act.

Appropriation.

CHAPTER 551.

An act appropriating money to be expended by and under the direction of the department of engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin and Feather rivers, and other river channels of the state, and improving the navigability of such streams and for acquiring land for necessary rights of way.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
improving
Sacramento, San
Joaquin, and
Feather
rivers.

SECTION 1. The sum of two hundred thousand dollars is hereby appropriated out of moneys in the state treasury not otherwise appropriated, to be expended by the department of engineering for the purpose of rectifying and improving the channels of the Sacramento, San Joaquin and Feather rivers, and such other river channels of the state as the department of engineering may determine, and to improve the navigability of said streams, and for acquiring land for necessary rights of way for such improvement: *provided, however*, that before any expenditure shall be made or contracts awarded by said department, the work to be done shall be approved by the proper officers of the government of the United States having charge of river work in California.

SEC. 2. All expenditures hereunder for rights of way, labor, materials, machinery, or in payment, in whole or in part, of any contract shall, before being paid, be audited by the state board of examiners as provided by law.

SEC. 3. Of the sum of money herein appropriated fifty thousand dollars thereof shall become available on the first day of July, 1911, and the remaining one hundred and fifty thousand dollars thereof on the first day of July, 1912.

CHAPTER 552.

An act making an appropriation to pay the claim of Geo. W. Bush against the State of California.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
claim
Geo. W.
Bush.

SECTION 1. The sum of four hundred fifty-three and 96-100 dollars is hereby appropriated out of the money in the state treasury, not otherwise appropriated, to pay the claim of Geo. W. Bush against the State of California.

SEC. 2. The state controller is hereby authorized to draw his warrant for the sum herein made payable and the state treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 553.

An act to provide for the repair of the hospital building at the Los Angeles department of the college of medicine of the University of California, and the construction of an addition thereto, and the purchase of such equipment as is necessary for the operation of the same, and for the expense of moving, improving and changing the present buildings on the property of the said Los Angeles department of the college of medicine of the University of California, and making an appropriation therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the regents of the University of California, to be by them expended as follows: For the repair of the hospital buildings for the Los Angeles department of the college of medicine of the University of California and for the construction of an addition to the same, on the property held by the regents of the University of California and situated on North Broadway and Castelar street, between Ord and Alpine streets, in the city of Los Angeles, county of Los Angeles, State of California, and purchasing such equipment, apparatus, furnishings and supplies as are necessary for the operation of the same, and for the expense incurred in the moving, changing and improving of the buildings at present located on said property.

Appropriation
for repairs,
etc., Los
Angeles
depart-
ment,
college of
medicine.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of the said regents of the University of California for the money herein appropriated, at such time and in such manner as the expenditure of the same shall be required, and the state treasurer is hereby directed to pay said warrants.

CHAPTER 554.

An act to provide for the reforestation, the cutting of fire lanes and fire trails on the Angeles national forest, and to make an appropriation therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, which

Appropriation: fire lanes, Angeles national forest.

Examiners to let contract.

money shall be used and expended for the purpose of cutting fire lanes and fire trails to protect the timber now standing or that may be planted upon the Angeles national forest, in the State of California.

SEC. 2. The state board of examiners are hereby empowered to enter into a contract or contracts with the forest service of the United States government for the purpose of cutting fire lanes and fire trails for the protection of the forest and brush specified in section one of this act; *provided, however*, that these expenditures for such purposes shall not be in excess of the amount or amounts to be expended by the forestry department of the federal government in collaboration with the specific work named above: *and provided, further*, that in case the forestry department of the federal government above mentioned does not contribute the fund for said coöperation, that the state board of examiners shall not have power to enter into such contract or contracts with the said department for the expenditure of the said money.

SEC. 3. Of the money herein appropriated the sum of two thousand five hundred dollars shall become available on and after July 1, 1911, and the sum of two thousand five hundred dollars shall become available on and after July 1, 1912.

CHAPTER 555.

An act to appropriate the sum of twelve thousand three hundred and forty-four dollars eighty-seven cents for the use and benefit of the University of California, to supply a deficiency in the appropriation for the university farm at Davis for the fiscal years 1907 and 1909 necessitated by the finishing and preparing buildings for the opening of the university farm school.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation: deficiency, university farm.

SECTION 1. The sum of twelve thousand three hundred and forty-four dollars eighty-seven cents is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to supply a deficiency in the appropriation for the university farm at Davis for the fiscal years 1907, 1908 and 1909, necessitated by the finishing and preparing buildings for the opening of the university farm school.

SEC. 2. This act shall take effect and be in force immediately upon its passage.

CHAPTER 556.

An act to provide for the purchase of live stock for and for the use of the university farm and agricultural school at Davis, and appropriating money therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of twelve thousand dollars is hereby appropriated, to be paid to the regents of the University of California, and to be used by them in and for the purchase of live stock; horses, cattle, sheep, hogs and poultry, for use at, on and upon the university farm and agricultural school at Davis. Appropriation: live stock, university farm.

SEC. 2. The controller is hereby directed to draw his warrant or warrants in favor of the said regents, and the treasurer is directed to pay the same. Of the moneys herein appropriated, the sum of six thousand dollars shall be available July 1, 1911, and the sum of six thousand dollars shall be available July 1, 1912.

CHAPTER 557.

An act to provide for a high pressure pumping plant for fighting fire, and the extension of the light, heating, power, water and sewer systems at the university farm and agricultural school at Davis, and appropriating money therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid to the regents of the University of California and to be used by them in erecting, constructing and paying for a high pressure pumping plant for fighting fire and for an extension of the light, heating, power, water and sewer system of and at the university farm and agricultural school at Davis. Appropriation: pumping plant, university farm.

SEC. 2. The controller is hereby directed to draw his warrant or warrants in favor of the said regents, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1911.

CHAPTER 558.

An act to provide for the purchase of supplies, apparatus, equipment and furnishing of buildings, class rooms and laboratories on the university farm at Davis, and appropriating money therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation
equip-
ment,
etc., uni-
versity
farm.

SECTION 1. The sum of eleven thousand dollars is hereby appropriated, to be paid to the regents of the University of California and to be used for the purchase of equipment, apparatus, furnishings and supplies for buildings, class rooms and laboratories on or to be erected or constructed upon the university farm at Davis.

SEC. 2. The controller is hereby directed to draw his warrant or warrants in favor of the said regents, and the treasurer is directed to pay the same. Of the moneys hereby appropriated five thousand dollars shall be available July 1, 1911, and six thousand dollars July 1, 1912.

CHAPTER 559.

An act to provide for the purchase of farm machinery, tools, wagons and harness for the university farm and agricultural school at Davis, and appropriating money therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
machin-
ery, uni-
versity
farm.

SECTION 1. The sum of two thousand five hundred dollars is hereby appropriated, to be paid to the regents of the University of California and to be used by them in and for the purchase of farm machinery, tools, implements, wagons and harness for and to be used at and on the university farm and agricultural school at Davis.

SEC. 2. The controller is hereby directed to draw his warrant or warrants in favor of the said regents, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1911.

CHAPTER 560.

An act authorizing the state veterinarian to employ throughout the sixty-third and sixty-fourth fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected and exposed to the disease known as scabies; providing for the compensation and expenses of such inspectors, and making an appropriation therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The state veterinarian of the State of California is hereby authorized to employ such inspectors, from time to time, throughout the sixty-third and sixty-fourth fiscal years, as he may deem necessary for the purpose of inspecting and supervising the dipping of sheep exposed to and infected with the disease known as scabies. Such inspectors shall be subject to removal at any time by said state veterinarian. The said state veterinarian shall fix the compensation of such inspectors which shall on no account exceed the sum of four dollars per day, exclusive of their necessary and actual expenses. Such compensation and necessary expenses shall be allowed and paid out of the appropriation herein made.

State veterinarian to employ sheep inspectors.

Compensation.

SEC. 2. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of ten thousand dollars, or such portion of same as may be necessary, to be used in paying the wages and necessary actual expenses of the inspectors herein provided for, six thousand dollars of which shall be available during the sixty-third fiscal year, and four thousand dollars of which shall be available during the sixty-fourth fiscal year; and the state controller is directed to draw his warrants in favor of the person or persons entitled to the same, and the state treasurer is directed to pay the same.

Appropriation.

CHAPTER 561.

An act making an appropriation for furnishing and equipping two buildings at the Agnews State Hospital.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of six thousand eight hundred seventy-five dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury,

Appropriation: furnishings, Agnews Hospital.

not otherwise appropriated, to be paid to the board of managers of the Agnews State Hospital, to be by them expended as follows: For furnishing assembly hall and cottage for convalescent patients to be erected at the Agnews State Hospital.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrants for the amount herein made payable, in favor of the board of managers of the Agnews State Hospital, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1912.

CHAPTER 562.

An act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building, and stables, at the state prison at San Quentin, the installation and equipment of an electric light and power plant at state prison, and providing for additional accommodations for the prisoners at said prison and to provide for other expenditures incidental or relating thereto.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation, cells, electric light plant, etc., San Quentin.

SECTION 1. The sum of three hundred eighteen thousand two hundred seventy dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be expended for the objects hereinafter specified, to wit: Completion of cells now in process of construction at the state prison at San Quentin, construction of new cells at said prison, the installation and equipment of an electric light and power plant at said prison, and the construction of walls, chapel, domestic building and stables, at said prison, and for the purchase of the necessary tools, material, and supplies, in connection therewith.

SEC. 2. Of the amount herein appropriated the sum of sixty-five thousand and ten dollars shall become available on and after the passage of this act; the sum of one hundred twenty-six thousand six hundred and thirty dollars shall become available on and after July 1, 1911, and the sum of one hundred twenty-six thousand six hundred and thirty dollars shall become available on and after July 1, 1912. The state controller is hereby authorized and directed to draw his warrants for the amounts herein made payable in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the state board of examiners, and the state treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 563.

An act making an appropriation of one hundred twenty-four and 36/100 dollars to pay the claim of F. P. Sawyer against the State of California.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of one hundred twenty-four and 36/100 dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay and discharge the claim of F. P. Sawyer against the State of California. Appropriation: claim, F. P. Sawyer.

SEC. 2. The sum hereby appropriated shall be in full payment, satisfaction and acquittance of the said claim of F. P. Sawyer and the controller of the State of California is hereby authorized and directed to draw his warrant for the said sum and the treasurer of the State of California is hereby authorized and directed to pay the same and thereupon the said F. P. Sawyer shall make and deliver unto the controller a full receipt and release of his said claim against the State of California.

CHAPTER 564.

An act making an additional appropriation for the support of the Preston School of Industry for the sixty-second fiscal year.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used for the support of the Preston School of Industry, in addition to the amount already appropriated for that purpose, for the sixty-second fiscal year. Appropriation: support, Preston School.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable and the state treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 565.

An act to provide for the purchase of filing cases in the office of the department of engineering and making an appropriation therefor.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
filing
cases, en-
gineering
depart-
ment.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one thousand dollars for the purpose of purchasing filing cases in the office of the department of engineering.

SEC. 2. The state controller is hereby directed to draw his warrant for the money herein appropriated in favor of the department of engineering, and the state treasurer is hereby directed to pay the same.

CHAPTER 566.

An act providing for the acquisition of a site for an armory and state arsenal for the national guard, at the city of Sacramento, California; providing for the appointment of a commission to select and acquire by donation said site, and providing for the erection of an armory and arsenal on said site, and appropriating money therefor.

[Approved April 22, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Commis-
sion to
select site
for Sacra-
mento
armory.

SECTION 1. A commission is hereby appointed to consist of four persons who shall be known as the "commissioners for the selection and acquisition by donation of a site for and the erection of an armory and state arsenal for the national guard, at Sacramento, California," and said commission shall consist of the following persons, each of whom shall be and is hereby appointed as a member of said commission, viz.: the governor of the State of California, who shall be the president of said commission; the secretary of state; the attorney general of the state, and the adjutant general of the state; said adjutant general shall be secretary of said commission. Said commissioners shall hold office until they have performed the duties hereinafter provided for. They shall receive no compensation.

Selection
of site.

SEC. 2. Immediately after the appointment of said commissioners they shall organize and proceed to select and receive by donation a site in the city of Sacramento, State of California, for an armory and state arsenal for the use of the national guard. Said site shall be of such size as in the judgment of such commissioners may be necessary for the purposes desired:

provided, however, that it shall be not less than the area of two full city lots of said city.

SEC. 3. The deed for said site shall, when the said site shall be received by said commission, be taken in the name of, and the deed shall be to the State of California. Deed.

SEC. 4. Immediately upon obtaining possession of said site, said commission shall proceed in accordance with "An act to regulate contracts on behalf of the state in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road or other state improvement of any kind" approved March 22d, 1909, and acts amendatory thereof and supplemental thereto, to have constructed thereon an arsenal and armory for the use of the national guard, of such size and arrangement as in the judgment of said commission shall be deemed best; *provided, however,* that said building must contain a drill room at least seventy-five feet wide by one hundred and forty feet long, and said building shall also be used as a state arsenal. The expense of constructing said building shall be paid out of the sum hereby appropriated, upon claims presented by said commission to and allowed by the said board of examiners, and warrants for such claims, when allowed, shall be drawn by the said controller payable out of the sum hereby appropriated and shall be paid by the state treasurer. Construction of armory.

SEC. 5. The sum of one hundred thousand dollars is hereby appropriated out of any moneys in the general fund of the state treasury, not otherwise appropriated, for the purposes of this act. The commission hereinabove provided for is hereby authorized to use any balance remaining in said fund, after the construction of said armory and state arsenal thereon, in the furnishing of said armory. Appropriation.

SEC. 6. This act shall take effect and be in force from and after its passage.

CHAPTER 567.

An act to amend section 4242 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the thirteenth class.

[Approved April 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4242 of the Political Code of the State of California is hereby amended to read as follows:

4242. In counties of the thirteenth class, county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit: Salaries of officers in counties of thirteenth class.

1. The county clerk, two thousand five hundred dollars per annum, and the sum of five hundred dollars for making the

County
clerk.

great register, and ten cents for each person registered, and such fees as may be allowed by law for issuing hunting or fishing licenses; and there shall be and there is hereby allowed to the county clerk in addition, one chief deputy, to be appointed by the county clerk, who shall be paid a salary of one thousand two hundred dollars per annum, and two additional deputies, who shall be paid the sum of one thousand dollars per annum each, the said salaries to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid.

Sheriff.

2. The sheriff, three thousand three hundred dollars per annum, and all commissions, fees and mileage for the service of papers or process coming from courts other than those of his own county; *provided*, that in counties of this class there shall be and is hereby allowed to the sheriff one under-sheriff, whose salary is hereby fixed at the sum of twelve hundred dollars per annum, and one deputy, who shall be jailer, whose salary is hereby fixed at the sum of one thousand dollars per annum, said deputies to be appointed by the sheriff and their salaries shall be paid by the county in equal monthly installments as other salaries are paid.

Recorder.

3. The recorder, twelve hundred dollars per annum and six cents per folio for each instrument of any character transcribed by him or his deputies and five cents for each name indexed, which said amount shall be paid out of the county treasury, and which payment shall be in full for all services including the recording of mining claims; *provided*, that on and after the first day of January, 1915, the recorder shall receive five cents for each instrument of any character transcribed by him or his deputies; and two and one half cents for each name indexed, payable in the same manner as hereinbefore provided.

Auditor.

4. The auditor, two thousand seven hundred dollars per annum; and there shall be and there is allowed to the auditor in addition, one deputy, to be appointed by the auditor, who shall be paid a salary of nine hundred dollars per annum; said salary to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid. The county auditor shall charge and collect for the clerical labor of making estimates of tax sales, provided for in section 3817 of this code, the sum of twenty-five cents for each tax sale, if the property is delinquent for more than two years. If said estimates are returned to the auditor and redemption made within twenty days from the date of issue and prior to the change of penalties, as provided in section 3817 of this code, the amounts charged for making said estimates shall be refunded to the redemptioner; if redemption is not made as herein provided, then the sums charged for making the estimates shall be retained by the auditor for his services of making said estimates.

Treasurer.

5. The treasurer, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be

and there hereby is allowed to the treasurer one deputy, to be appointed by him, who shall receive from the county a salary of seventy-five dollars per month to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the treasurer.

6. The tax collector, twenty-five hundred dollars per annum; *provided*, that in counties of this class, there shall be and there hereby is allowed to the tax collector as an employee of the county, a stenographer, to be appointed by the tax collector, at a salary of one hundred dollars per month, to be paid monthly out of the county treasury in monthly payments in the same manner as the county officers are paid. This provision as to stenographer shall go into effect on the approval of this act. Tax collector.

7. The assessor, forty-eight hundred dollars per annum, which shall be in full for all work in his office and for his field deputies; *provided, however*, he shall be allowed a stenographer to be paid sixty dollars per month for six months each year to be paid monthly out of the county treasury in the same manner as other county officers are paid. Assessor.

8. The district attorney, twenty-five hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney as an employee of the county a stenographer, to be appointed by the district attorney, at a salary of sixty dollars per month, to be paid monthly out of the county treasury in monthly payments in the same manner as the county officers are paid. This provision as to stenographer shall go into effect on the approval of this act. District attorney.

9. The coroner, such fees as are now or may hereafter be allowed by law. Coroner.

10. The public administrator, such fees as are now or may hereafter be allowed by law. Administrator.

11. The superintendent of schools, two thousand dollars per annum. His office shall be kept open on all business days from nine A. M. to five P. M. He shall be allowed his actual traveling expenses when visiting the schools of his county; *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools one deputy to be appointed by him who shall receive from the county a salary of eighty-five dollars per month, to be paid by said county in monthly installments in the same manner and out of the same fund as the salary of the superintendent of schools. Superintendent of schools.

12. The surveyor, one thousand five hundred dollars per annum, and in addition thereto all necessary field assistants; *provided*, that in counties of this class there shall be and there hereby is allowed to the surveyor, two deputies, who shall be appointed by the surveyor of said county, and shall be paid salaries as follows: One deputy at a salary of one hundred and twenty-five dollars per month; one deputy at a salary of seventy-five dollars per month. The salaries of said surveyor and said deputies herein provided for, shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the Surveyor.

county surveyor is paid. All necessary expenses for field assistance shall be paid by county and the actual cost of preparing assessors' maps whenever a complete set of such maps is ordered prepared by the board of supervisors. Said cost of preparing said assessors' maps not to exceed the sum of one thousand eight hundred dollars.

Justices of
the peace.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of eight thousand or more, seventy-five dollars per month; in townships having a population of six thousand and less than eight thousand, fifty dollars per month; in townships having a population of four thousand and less than six thousand, twenty-five dollars per month; in townships having a population of two thousand and less than four thousand, twenty-five dollars per month; in townships having a population of one thousand and less than two thousand, ten dollars per month; in townships having a population of less than one thousand, five dollars per month: *provided*, that in all townships having an area equal to or exceeding one thousand square miles, such salary shall not be less than fifty dollars per month. Each justice must pay into the county treasury, once a month, all fines collected by him in criminal cases, and the auditor shall withhold warrant for salary until a sworn statement has been filed with him of all criminal cases tried and fines collected and paid into the county treasury. In addition to the monthly salary allowed herein, each justice may receive for his own use in civil cases the fees allowed by law. For all services appertaining to the coroner's office which the coroner is unable to attend to, the justice of the peace shall receive the same fees as are allowed the coroner in similar cases.

Con-
stables.

14. Constables shall receive the following monthly salaries to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of eight thousand or more, seventy-five dollars per month; in townships having a population of six thousand and less than eight thousand, fifty dollars a month; in townships having a population of four thousand and less than six thousand, twenty-five dollars a month; in townships having a population of two thousand and less than four thousand, fifteen dollars a month; in townships having a population of one thousand and less than two thousand, ten dollars a month; in townships having a population of less than one thousand, five dollars a month; *provided*, that in all townships having an area equal to or exceeding one thousand square miles, such salary shall not be less than fifty dollars per month: *provided, further*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for service of a warrant of arrest or any other paper in a criminal case, both going and returning, ten cents per mile; for each mile traveled out of his county,

both going and returning from the place of arrest or other service, five cents per mile. For transporting prisoners to the county jail, the actual cost of such transportation. In addition to the monthly salary allowed him, each constable shall receive for his own use in civil cases the fees allowed by law.

15. The population of the several judicial townships, for the purpose of fixing the compensation of township officers, shall be ascertained and declared by the board of supervisors, on the first Monday after the first day of January, 1910, and on the first Monday after the first day of January every succeeding two years thereafter. Popula-
tion of
townships.

16. Each supervisor, one thousand dollars per annum, and fifteen cents per mile one way for traveling from his residence to the county seat; *provided*, that no more than four mileages shall be allowed in any one month. When serving as road commissioner he shall receive the sum of five dollars per day. Super-
visor.

CHAPTER 568.

An act to amend sections sixteen hundred and fifty-eight, sixteen hundred and sixty-one and sixteen hundred and sixty-five of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons.

[Approved April 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section sixteen hundred and fifty-eight of the Code of Civil Procedure is hereby amended to read as follows:

1658. At any time after the lapse of four months from the issuing of letters testamentary or of administration, any heir, devisee, legatee (or his assignee, grantee or successor in interest) may present his petition to the court for the legacy or share of the estate to which he is entitled, or any portion thereof, to be given to him upon his giving bonds, with security, for the payment of his proportion of the debts of the estate. Payment
of legacies.

SEC. 2. Section sixteen hundred and sixty-one of said code is hereby amended to read as follows:

1661. If, at the hearing, it appears that the estate is but little indebted, and that the share of the party applying may be allowed to him without loss to the creditors of the estate, the court must make an order in conformity with the prayer of the applicant, requiring: Prayer of
applicant
granted.

1. Each heir, legatee, devisee (or his assignee, grantee, or successor in interest) obtaining such order, before receiving his share or any portion thereof, to execute and deliver to the executor or administrator, a bond, in such sum as may be desig- Legatee's
bond.

nated by the court, or a judge thereof, with sureties to be approved by the judge, payable to the executor or administrator, and conditioned for the payment, whenever required, of his proportion of the debts due from the estate, not exceeding the value or amount of the legacy or portion of the estate to which he is entitled. Where the time for filing or presenting claims has expired, and all claims that have been allowed, have been paid, or are secured by mortgage upon real estate sufficient to pay them, and the court is satisfied that no injury can result to the estate, the court may dispense with the bond:

Executor
to deliver
heir's
portion.

2. The executor or administrator to deliver to the heir, legatee, devisee (or his assignee, grantee or successor in interest), the whole portion of the estate to which he may be entitled, or only a part thereof designating it.

If, in the execution of the order, a partition is necessary between two or more of the parties interested, it must be made in the manner hereinafter prescribed. The costs of these proceedings must be paid by the applicant, or if there are more than one, must be apportioned equally among them.

SEC. 3. Section sixteen hundred and sixty-five of said code is hereby amended to read as follows:

Final dis-
tribution
of estate.

1665. Upon the final settlement of the accounts of the executor or administrator, or at any subsequent time, upon the application of the executor or administrator, or of any heir, legatee, devisee (or his assignee, grantee or successor in interest), the court must proceed to distribute the residue of the estate in the hands of the executor or administrator, if any, among the persons who by law are entitled thereto; and if the decedent has left a surviving child, or the issue of a deceased child, and any of them, before the close of the administration, have died while under age and not having been married, no administration on such deceased child's estate is necessary, but all the estate which such deceased child was entitled to by inheritance must, without administration, be distributed as provided in the Civil Code. A statement of any receipts and disbursements of the executor or administrator, since the rendition of his final account, must be reported and filed at the time of making such distribution; and a settlement thereof, together with an estimate of the expenses of closing the estate, must be made by the court, and included in the order or decree, or the court or judge may order notice of the settlement of such supplementary account, and refer the same as in other cases of the settlement of accounts.

CHAPTER 569.

An act providing for the supervision and control by the state board of charities and corrections of the placing of dependent children into homes and for the supervision of all societies or organizations engaged in such work and known as children's home finding societies.

[Approved April 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. It shall hereafter be unlawful for any organization, society or persons to engage in the work of placing dependent children into homes in this state without first obtaining a permit therefor, duly executed in writing, from the state board of charities and corrections.

Unlawful to place dependent children in homes without permit.

SEC. 2. The said state board of charities and corrections may investigate, or cause to be investigated, the books, records, and methods of such organizations, societies, or persons, and the disposition of the children coming into their custody; and it may make such rules and regulations as it may deem best for the government and regulation of such societies or persons, and may require such reports as it may desire.

Board of charities may investigate societies.

SEC. 3. The said state board of charities and corrections is hereby authorized and empowered to withdraw and cancel any permit to engage in the work of placing children into homes for any failure to observe the rules and regulations established for their government, or the failure to report as required, or for any failure on their part to perform their work as required by the best interests of the state, but no permit shall be canceled or withdrawn without due notice and hearing.

Permit may be withdrawn.

SEC. 4. It is hereby made a misdemeanor for any person or persons, either as individuals or officers of any association or society, to engage in the work of placing children into homes, or the soliciting of funds therefor, in this state without a permit duly executed in writing by the state board of charities and corrections, authorizing said persons or such association or society to engage therein, or to engage in such work after any permit has been canceled.

Misdemeanor to engage in work without permit.

SEC. 5. This act shall not be construed as applying to any regularly established orphan home or any officer or official thereof acting for or on behalf of such home receiving aid from the state for the care of orphans, half-orphans or abandoned children in any effort such institution or its officers may make to procure the adoption into homes or any officer or official thereof acting for or on behalf of such home of any such children.

Not applicable to orphan home.

SEC. 6. This act shall take effect immediately.

CHAPTER 570.

An act to establish the California State Reformatory; to provide for purchase of land therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor.

[Approved April 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

California
State Re-
formatory.

SECTION 1. There is hereby established a reformatory for the confinement, discipline and instruction of prisoners committed thereto as hereinafter provided, to be known as the California State Reformatory.

Who may
be sent to
reformatory.

SEC. 2. Any male person not less than sixteen and not more than thirty years of age at the time of sentence, convicted of felony for the first time may be sentenced to confinement in said reformatory, when in the judgment of the court said person is capable of reformation and said sentence is compatible with the general welfare, and the sentence shall designate the minimum and maximum term prescribed by law for the particular offense, but shall fix no other term; *provided, however,* that if no minimum is fixed by law the court shall fix a minimum of one year. The provisions of sections 1588 of the Penal Code relating to credits for good conduct shall not apply to prisoners in the state reformatory.

Penal
Code, sec.
1588, not
applicable.

Prison
directors
to manage.

SEC. 3. The state board of prison directors shall manage and maintain said reformatory when ready for occupancy as hereinafter provided. Said board shall employ a superintendent, who shall be the executive head of said reformatory, and shall establish such other positions as the needs of the service may from time to time require. Such positions shall be filled by the superintendent in the manner provided by law. The board may consolidate or abolish such positions and may fix and change the salaries to be paid.

Superin-
tendent.

Rules.

SEC. 4. The board of prison directors shall establish the rules under which the reformatory shall be conducted for the purpose of reformation of those committed to it; and shall adopt such methods as the board may deem expedient to restore them to freedom as self-supporting and self-respecting members of the state. Such rules shall include provision for keeping records of the facts known of each prisoner on entrance and of his conduct and progress at such intervals as the board may fix. Each prisoner on entrance shall be thoroughly examined by a competent physician for physical or mental defects or abnormalities, and shall be provided such physical and surgical treatment as may be necessary to overcome such defects, so far as practicable.

Prisoners
examined.

SEC. 5. The board of prison directors shall, by rule, establish not less than three grades for the prisoners committed to the reformatory, one of which shall be the entering grade. The board shall so far as practicable establish rules by which each prisoner shall be promoted to a higher grade or reduced to a lower grade in accordance with his conduct.

Grades for prisoners.

SEC. 6. The board of prison directors shall make and enforce rules governing the release of prisoners on parole and their conduct while on parole and their final discharge, and it is hereby declared the policy of the law that prisoners in said reformatory shall be given their liberty whenever in the judgment of the said board such release is compatible with the public welfare, and said prisoner will conform to its rules concerning prisoners on parole and support himself by honest industry; *provided*, that no prisoner shall be released before the expiration of the minimum term fixed by law for the offense of which he was convicted, but nothing herein contained shall be construed to restrict the power of the governor to pardon any prisoner.

Parole.

SEC. 7. Whenever the governor of the state, the superintendent of said reformatory, or any member of the state board of prison directors is dissatisfied with the conduct of a paroled prisoner he may issue a written order, reciting the commitment and parole of said prisoner and his dissatisfaction with the conduct of said paroled prisoner, and directing his arrest and return to said institution, and said order shall be a sufficient warrant for any parole, probation or peace officer named therein to arrest and deliver said prisoner to any officer of said reformatory for return thereto, and it is hereby made the duty of all such officers to execute any such order in like manner as a warrant of arrest for felony. At the next meeting of said board it shall determine whether or not the order by which such prisoner was placed on parole shall be revoked. If any prisoner on parole shall leave the state without permission from said board he shall be held to be an escaped prisoner and shall be arrested as such.

Return of paroled prisoner whose conduct is not satisfactory.

SEC. 8. The board of prison directors may give a final release to any prisoner who has fulfilled the conditions required of him in the reformatory and upon parole, when in the judgment of the board he is fitted to take his place as a free citizen of the state, and shall have power, by so providing in the order of release, to restore said prisoner to all the rights of citizenship. When any prisoner shall have served the maximum term provided by law for the offense of which he was convicted he shall thereupon be discharged. No petition or other form of application for the parole or release of a prisoner shall be entertained by the board, except the application made by the prisoner himself.

Final release of prisoner.

SEC. 9. The board of prison directors may establish rules by which any prisoner appearing to be incorrigible may be removed to any one of the state prisons. Such prisoner shall serve the maximum term established by law for the offense of

Incorrigible prisoner may be removed to prison

of which he was convicted, including the time served in the reformatory, with such deductions for good conduct during his incarceration in such prison as the law and the rules of the prison may allow.

Prisoner
may be
transferred
from
prison to
reformatory.

SEC. 10. The board of prison directors may transfer from the state prisons to said reformatory any prisoner serving his first term for felony who in their judgment can be reformed and restored to a life of honest industry; *provided*, that the consent of the prisoner to be bound by the terms of this act, and for the maximum period fixed by law for the offense of which he was convicted unless sooner discharged, shall be first procured in writing. Said prisoner shall thereafter be treated in all respects as though originally committed to said reformatory.

Prison
laws appli-
cable to
reformatory.

SEC. 11. The laws governing the state prisons of this state in relation to expenses of transportation of prisoners to and from the same, escapes, prevention of escapes, suppression of riots, revolts, mutinies, or insurrections, and the punishment of crimes committed therein, are hereby made applicable to the reformatory.

Instruc-
tion in
reformatory.

SEC. 12. The discipline of the reformatory shall include instruction in the elementary school courses and in pursuits by which the prisoners may support themselves when released. Said instruction shall chiefly be given in agriculture and horticulture by the best methods as developed by the University of California and the department of agriculture of the United States. Instruction in other forms of labor may be established in the discretion of the board of prison directors; *provided*, that the prisoners shall be distributed among the various trades and employments so that no excessive number be directed to any trade or employment.

Disposi-
tion of
products.

SEC. 13. Products of said reformatory shall so far as possible be supplied for state, county, municipal, school or other public use, and the reformatory shall collect or be credited with the fair market price therefor. No manufactured product shall be supplied, sold, exchanged or given away for private use or profit.

Probation
officers to
co-operate
in getting
employ-
ment for
paroled
prisoners.

SEC. 14. The probation officers of the state shall cooperate with the state board of prison directors and the state parole officer, in procuring employment for and supervising paroled prisoners and the probation officers of each county shall act as parole officer for all prisoners on parole living within the limits of their county, under such general rules as may be established by the state board of prison directors and under the supervision of the state parole officer.

Earnings
of
prisoners.

SEC. 15. The board of prison directors may allow to prisoners such proportion of their earnings above the cost of their maintenance as the board may deem proper.

Commis-
sion to
locate
reformatory.

SEC. 16. A commission consisting of the governor of the State of California, the lieutenant governor of the state and three other persons, to be selected by the governor of the state, is hereby constituted a commission for the location and

construction of said reformatory as hereinafter more particularly provided. Said commission, as soon after the passage of this act as possible, shall select a suitable site for said reformatory of not less than six hundred acres. The said commission is directed to secure land susceptible of irrigation if necessary and suitable for the agricultural and horticultural work to be carried on by the prisoners. When a suitable site is selected by said commission they are hereby authorized and empowered to purchase the land so selected, together with water and water rights appertaining thereto, and if necessary shall purchase additional water rights or make provision for the development of water for use on said land. The purchase price of said land may be made payable in installments out of the appropriations hereinafter provided, as may be agreed between said commission and the owner or owners of said land. Title to the land shall be taken in the name of the State of California and first payment therefor shall be made at the time of the delivery of deed or deeds by the owner or owners to the governor of the State of California for and on behalf of the state. The said commission shall adopt plans for the buildings to be erected upon said land for said reformatory to accommodate not less than one thousand prisoners, and may employ architects or engineers or both in the preparation of said plans, and in the construction of said buildings. The said commission is authorized to employ and fix the compensation of such free labor and skilled assistants as may be needed in the erection of such buildings and shall so far as possible utilize the labor of prisoners in said construction as hereinafter provided.

Purchase
of land.

Buildings.

SEC. 17. The state board of prison directors shall on the request of the said commission furnish a list of not less than one hundred (100) nor more than three hundred (300) prisoners in San Quentin and Folsom state prisons, who would be available for use in the construction of said reformatory. In the selection of such men for said list the board of prison directors shall name those men who are skilled in building and who have shown themselves active and energetic, and so far as possible shall name those who under the rules of the said board of prison directors would be entitled to parole on or before the completion of the buildings of said reformatory, as estimated, and who would be suitable for transfer to said reformatory upon its completion. From this list so submitted as aforesaid, the state board of prison directors shall designate those to be employed in constructing the buildings of said reformatory, and upon such designation said board of prison directors shall cause to be transported to the location selected for said reformatory said prisoners in such numbers and at such times as may be required by said commission. Temporary buildings may be erected for housing said prisoners while engaged in said work of construction. The state board of prison directors is authorized and directed to employ a superintendent and necessary guards while engaged in said construction and particularly to have charge of them during the hours they are not actually en-

Prisoners
to aid in
construct-
ing re-
formatory.

Temporary
buildings.

Supervision of prisoners at work.

Compensation of prisoners.

Prison directors to provide food, etc.

Appropriation.

Governor to publish proclamation when reformatory is ready to receive prisoners.

Termination of commission.

gaged upon the buildings of the said reformatory. During the hours that said prisoners are actually engaged in work of construction of said building they shall be under the supervision and direction of those officers and foremen employed by said commission to erect said buildings. At any time during the progress of said work, prisoners engaged therein who have shown themselves unfit to work under the conditions herein provided, shall be returned to the state penitentiary on order of the board of prison directors, and any prisoner who makes his escape from such employment shall be returned to the state prison from which he was originally transferred. The state board of prison directors shall have the same jurisdiction to parole prisoners engaged in this work as any other prisoners in any other state prison, and shall make such rules concerning their custody and discipline while engaged in said work as may be necessary. The state board of prison directors may fix the compensation to be paid to said prisoners for their work while constructing said buildings, not to exceed twenty-five cents per day, such money to be paid to said prisoners upon their parole or final discharge, from the money hereinafter appropriated, unless the board declares said amount forfeited by bad conduct. The state board of prison directors shall provide the necessary food, clothing and transportation for said prisoners while engaged in said work, to be paid upon their order by the state board of examiners from the moneys herein appropriated for the construction of said reformatory buildings. There is hereby appropriated for the purpose of carrying into effect the provisions of this law the sum of one hundred and fifty thousand dollars; five thousand dollars to be available July 1, 1911, and one hundred and forty-five thousand dollars to be available July 1, 1912.

SEC. 18. Whenever the buildings are so far completed as in the judgment of said commission to be available to receive prisoners committed by the court, a proclamation to that effect shall be published by the governor and thereafter the courts may commit prisoners to the said reformatory in the manner hereinafter provided, and during the progress of said work shall be treated in the same manner as the prisoners transferred by [from] the state prisons as herein provided: *provided, further*, that on January 1, 1915, the commission hereinafter provided shall terminate. Thereupon the state board of prison directors shall take charge of said reformatory and be vested with the powers hereinafter conferred upon the said commission, and thereafter all further construction and expenditure shall be under their direction and control.

SEC. 19. This act shall take effect immediately.

CHAPTER 571.

An act to amend section four thousand three hundred and sixteen of the Political Code of the State of California, relating to sheriffs, clerks and constables, and their deputies.

[Approved April 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four thousand three hundred and sixteen of the Political Code of the State of California is hereby amended to read as follows:

4316. Sheriffs, clerks and constables, and their deputies, are prohibited from practicing law, or acting as attorneys or counselors at law, or as collectors or for any collection agency, in the counties where they reside and hold office, or from having as a partner a lawyer, or any one who acts as such, and no county officer, or his deputy, except district attorneys and treasurers, shall be eligible to the office of notary public, or perform the duties of the same.

Sheriffs, etc., may not practice law.

CHAPTER 572.

An act authorizing and empowering unincorporated, benevolent or fraternal societies to purchase, receive, manage and sell real estate without incorporating.

[Approved April 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. All unincorporated benevolent or fraternal societies or associations are and every lodge or branch of such society or association is hereby authorized and empowered, without incorporation, to purchase, receive, own, hold, mortgage, manage and sell all such real estate and other property as may be necessary for the business purposes and objects of the said society or association or lodge or branch, subject to the laws and regulations of said society or association or lodge or branch and of the grand lodge thereof; and also to take and receive by will or deed all property not so necessary, and to hold the same until disposed of within a period of ten years from the acquisition thereof; *provided*, that all conveyances transferring or in any manner affecting the title to real estate owned or held by said society or association shall be executed by its presiding officer and recording secretary under its seal after resolution duly adopted by said society or association authorizing such conveyance.

Benevolent societies may hold real estate necessary for business purposes.

CHAPTER 573.

An act to amend an act entitled "An act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this act," approved March 20, 1905, amended, approved June 13, 1906; amended, approved March 19, 1907; amended, approved March 20, 1907; amended, approved March 19, 1909, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said act may pay the same and be restored to their former rights.

[Approved April 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section six of an act entitled "An act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this act," approved March 20, 1905, amended, approved June 13, 1906, amended, approved March 19, 1907, amended, approved March 20, 1907, amended, approved March 19, 1909, is hereby amended so as to read as follows:

Section 6. Any corporation which failed to pay the license tax and penalty required by the act, or any amendment thereof, and of which this is amendatory, may pay all the said license taxes and penalties prescribed by section one of said act and the amendments thereto, and the license taxes and penalties that would have accrued if such corporation had not forfeited its charter or right to do business and any such corporation making such payment shall be relieved from the forfeiture prescribed by the act of which this act is amendatory, and all persons exercising the powers of any such corporation making such payment shall be relieved from the provisions of section nine of said act of which this act is amendatory, and the secretary of state shall immediately after the first day of December, 1911, transmit to the county clerk of each county in this state, a list of the corporations so paying pursuant to the provisions of this section, which list shall be by said county clerk filed in his office; *provided*, the rehabilitation of a corporation under the provisions of this act shall be without prejudice to any action, defense or right which accrued by reason of the original forfeiture; *and provided*, that in case the name of any corporation which has suffered the forfeiture prescribed by the act of which this act is amendatory, or a name so closely resembling the name of such corporation as will tend to deceive, has been adopted by any other corporation since the date of said forfeiture, then said corporation having suffered said forfeiture shall be relieved therefrom pursuant to the terms of this section of this act only upon the adoption by said corporation seeking

Rehabilitation of corporations which failed to pay license tax.

When business may not be carried on under old name.

revivor of a new name, and in such case nothing in this act contained shall be construed as permitting such corporation to be revived or carry on any business under its former name; and such corporation shall have the right to use its former name or take such new name only upon filing an application therefor with the secretary of state, and upon the issuing of a certification to such corporation by the secretary of state setting forth the right of such corporation to take such new name or use its former name as the case may be; *provided, however*, that the secretary of state shall not issue any certificate permitting any corporation to take or use the name of any corporation heretofore organized in this state and which has not suffered the forfeiture prescribed by the act of which this act is amendatory, or to make or use a name so closely resembling the name of such corporation heretofore organized in this state, as will tend to deceive. The provisions of title IX, part III of the Code of Civil Procedure in so far as they conflict with this section of this act are not applicable to corporations seeking revivor under this act.

SEC. 2. This act shall take effect immediately.

CHAPTER 574.

An act to amend sections 4097, 4101 and 4102 of the Political Code in relation to the duties of county auditors, county treasurers, district attorneys and chairmen of boards of supervisors.

[Approved April 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4097 of the Political Code of California is hereby amended so as to read as follows:

4097. The chairman of the board of supervisors, district attorney, and auditor must, at least once in each month, count the money in the county treasury, and make and verify, in duplicate, statements showing:

Monthly
count of
money in
county
treasury.

1. The amount of county money and the amount of the receipts for bank deposits that ought to be in the treasury.

2. The amount of money not the property of the county which has been paid into the treasury or ordered deposited with the treasurer, and which ought to be in the custody of the treasurer at such time.

3. The amount and kind of money and the amount of bank receipts for deposits which are actually in the treasury.

4. The amount of money other than county moneys actually in the treasury, or on deposit in the hands of the treasurer.

SEC. 2. Section 4101 of the Political Code of California is hereby amended so as to read as follows:

4101. The treasurer must:

1. Receive all moneys belonging to the county, and all other

Duties of
treasurer.

moneys by law directed to be paid to him, safely keep the same and apply and pay them out, rendering the account thereof as required by law.

2. File and keep the certificates of the auditor delivered to him when moneys are paid into the treasury.

3. Keep an account of the receipt and expenditure of all such moneys in books provided for the purpose, in which must be entered the amount, the time when, from whom, and on what account, all moneys were received by him; the amount, time when, to whom, and on what account all disbursements were made by him.

4. So keep his books that the amount received and paid out on account of separate funds or specific appropriations are exhibited in separate and distinct accounts, and the whole receipts and expenditures shown in one general or cash account.

5. Enter no moneys received for the current year on his account with the county for the past fiscal year, until after his annual settlement for the past year has been made with the county auditor.

6. Disburse the county moneys and all other moneys placed in his custody by official authority only on warrants issued by the county auditor.

7. Disburse the moneys in the treasury on such warrants only when they are based on orders of the board of supervisors, or upon order of the superior court, or as otherwise provided by law.

SEC. 3. Section 4102 of the Political Code of California is hereby amended so as to read as follows:

Auditor's
certificate
required.

4102. He must receive no money into the treasury, or for deposit with him as treasurer, unless accompanied by the certificate of the auditor, provided for in section four thousand and ninety-three.

CHAPTER 575.

An act to authorize the State of California to convey to the county of Sacramento the following described real property, to wit: All that real property situated in the county of Sacramento, State of California, and described as beginning at a point on the north line of section 17, said point being the northwest corner of the property decded to the board of supervisors of Sacramento county by James Lansing on April 8, 1869, and recorded in book 51 of deeds, page 633, on file in the office of the county recorder of Sacramento county, and described as "The west 17 chains of the east 22 chains of the north $\frac{1}{2}$ of the northeast $\frac{1}{4}$ of section 17, T. 8 N., R. 5 E., M. D. B. & M., and running thence from said point of beginning south 224.6 feet; thence S. 40° 56' W. 201.6 feet; thence S. 89° 22' W. 327.3 feet to the east line of the Wright & Kimbrough subdivision No. 14; thence north 380.5 feet along said east line to the northeast corner of said subdivision on the north line of section 17; thence east 461.2 feet

along said section line to the place of beginning, containing 3.78 acres. All the above described property lying in section 17, T. 8 N., R. 5 E., M. D. B. & M., and in Sacramento county, California; in consideration of the county of Sacramento conveying to the State of California the following described real property, to wit: All that real property situated in the county of Sacramento, State of California, and described as beginning at a point on the property line between the County Hospital grounds and the Elmhurst subdivision, said point being in section 17, T. 8 N., R. 5 E., M. D. B. & M., distant S. 0° 27' W. 215.7 feet from the north line of said section 17 at a distance of 330 feet west from the northeast corner thereof and running thence N. 71° 06' W. 621.2 feet; thence S. 89° 22' W. 178.3 feet; thence S. 84° 52' W. 54.7 feet; thence S. 80° 56' W. 65.3 feet; thence S. 73° 08' W. 56.3 feet; thence S. 66° 43' W. 64 feet; thence S. 57° 52' W. 42.6 feet; thence S. 55° 29' W. 69.7 feet; thence S. 49° 37' W. 119.7 feet; thence S. 40° 56' W. 15.6 feet to the property line between the County Hospital property and the property of the State Agricultural Society at a distance of 224.6 feet south along said property line from the northwest corner of the tract of land deeded by James Lansing to the board of supervisors of Sacramento county on April 8, 1869, and recorded in book 51 of deeds, page 633, on file in the office of the county recorder of Sacramento county, and described as "The west 17 chains of the east 22 chains of the north $\frac{1}{2}$ of the northeast $\frac{1}{4}$ of section 17, T. 8 N., R. 5 E., M. D. B. & M.," thence south 158 feet along the west line of said tract to the southwest corner thereof; thence east 1183 feet along the south line of said tract to the southeast corner thereof; thence north 167 feet along the east line of said tract to the point of beginning, containing 16.12 acres. All the above described land lying in section 17, T. 8 N., R. 5 E., M. D. B. & M., and in Sacramento county, California; the purpose of this act being to perfect of record the title of the county of Sacramento to the real property first above described and to perfect of record the title of the State of California to the real property last above described.

[Approved April 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. In consideration of the county of Sacramento executing and delivering to the State of California a good and valid conveyance conveying to it all its right, title and interest in and to the following described real property, to wit: All that real property situated in the county of Sacramento, State of California, and described as beginning at a point on the property line between the county hospital grounds and the Elmhurst subdivision, said point being in section 17, T. 8 N., R. 5 E., M. D. B. & M., distant S. 0° 27' W. 215.7 feet from the north line of said section 17 at a distance of 330 feet

Conveyance of certain real property in Sacramento county to perfect title.

Conveyance of certain real property in Sacramento county to perfect title.

west from the northeast corner thereof and running thence N. 71° 06' W. 621.2 feet; thence S. 89° 22' W. 178.3 feet; thence S. 84° 52' W. 54.7 feet; thence S. 80° 56' W. 65.3 feet; thence S. 73° 08' W. 56.3 feet; thence S. 66° 43' W. 64 feet; thence S. 57° 52' W. 42.6 feet; thence S. 55° 29' W. 69.7 feet; thence S. 49° 37' W. 119.7 feet; thence S. 40° 56' W. 15.6 feet to the property line between the county hospital property and the property of the State Agricultural Society at a distance of 224.6 feet south along said property line from the northwest corner of the tract of land deeded by James Lansing to the board of supervisors of Sacramento county on April 8, 1869, and recorded in book 51 of deeds, page 633, on file in the office of the county recorder of Sacramento county, and described as "The west 17 chains of the east 22 chains of the north $\frac{1}{2}$ of the northeast $\frac{1}{4}$ of section 17, T. 8 N., R. 5 E., M. D. B. & M.," thence south 458 feet along the west line of said tract to the southwest corner thereof; thence east 1183 feet along the south line of said tract to the southeast corner thereof; thence north 467 feet along the east line of said tract to the point of beginning, containing 16.12 acres. All the above described land lying in section 17, T. 8 N., R. 5 E., M. D. B. & M. and in Sacramento county, California; the governor of the State of California is hereby empowered, authorized and directed to make, execute and deliver to the county of Sacramento a good and valid conveyance, conveying to said county all the right, title and interest of the State of California in and to the following described real property, to wit: All that real property situated in the county of Sacramento, State of California, and described as beginning at a point on the north line of section 17, said point being the northwest corner of the property deeded to the board of supervisors of Sacramento county by James Lansing on April 8, 1869, and recorded in book 51 of deeds, page 633, on file in the office of the county recorder of Sacramento county, and described as "The west 17 chains of the east 22 chains of the north $\frac{1}{2}$ of the northeast $\frac{1}{4}$ of section 17, T. 8 N., R. 5 E., M. D. B. & M., and running thence from said point of beginning south 224.6 feet; thence S. 40° 56' W. 201.6 feet; thence S. 89° 22' W. 327.3 feet to the east line of the Wright & Kimbrough subdivision No. 14; thence north 380.5 feet along said east line to the northeast corner of said subdivision on the north line of section 17; thence east 464.2 feet along said section line to the place of beginning, containing 3.78 acres. All the above described property lying in section 17, T. 8 N., R. 5 E., M. D. B. & M., and in Sacramento county, California. The said deed shall be made in the name of the State of California, and signed and acknowledged by the governor thereof, and attested by the secretary of state of the State of California.

SEC. 2. The conveyance herein authorized to be made by said State of California is for the purpose of perfecting of record the title of the State of California in and to the property first described in section one hereof, and likewise for the purpose of perfecting of record the title of the county of Sacramento in and for the property last described in section one hereof.

CHAPTER 576.

An act to amend section 10, of an act entitled "An act to authorize the incorporation of rural cemetery associations," approved April 18, 1859, and all acts amendatory thereof.

[Approved April 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 10 of an act entitled "An act to authorize the incorporation of rural cemetery associations" approved April 18, 1859, and all acts amendatory thereof, is hereby amended so as to read as follows: Cemetery lands exempt from taxes.

Section 10. The cemetery lands and property of any association, formed pursuant to this act, shall be exempt from all public taxes, rates, and assessments, and shall not be liable to be sold on execution, or be applied in payment of debts due from any individual proprietors. But the proprietors of lots, or plots, in such cemeteries, their heirs, or devisees, may hold the same exempt therefrom, so long as the same shall remain dedicated to the purposes of a cemetery.

Sec. 2. This act shall take effect immediately.

CHAPTER 577.

An act providing for the removal of human remains from cemeteries in any city or city and county in this state and repealing all acts in conflict therewith.

[Approved April 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The governing or legislative body of any city, or city and county, in this state may, by ordinance duly passed, and under such lawful rules and regulations which it may adopt, provide for the exhuming, taking up, and removal from cemeteries within the boundary lines of such city, or city and county, or from cemeteries owned and controlled by such city, or city and county, that may have been located without its boundaries (and in which such cemeteries no interments of human remains have been made for a period of not less than five years), of any or all the human remains interred in such cemeteries. Trustees may order removal of human remains from cemeteries within city limits.

SEC. 2. Any person claiming ownership of any cemetery lot may file in the office of the county recorder, in which such cemetery is situated, a verified statement describing the lot so claimed by him, together with a statement of his name and of Owner of cemetery lot may file statement with county recorder.

the place at which the notice referred to in section three of this act may be served upon him. No fee shall be charged by the county recorder for filing such statement.

Notice to owner of lot before exhuming remains.

SEC. 3. In the rules and regulations provided for in section one of this act, it shall, among the other matters therein set forth, be provided that no human remains shall be exhumed, taken up, or removed from any such cemetery unless notice of the intended action shall have been given to the person claiming ownership of the cemetery lot in which said human remains are interred, by serving such notice upon him personally in the same manner as summons in a civil action is served.

Remains may be removed if owner of lot can not be found.

SEC. 4. If no person has filed the statement provided for in section two of this act, or if the person who has filed such statement can not be found at the place therein designated by him, or if said notice is served, and the person so notified does not within thirty days, after the service of said notice, complete the removal of said human remains, the persons in charge of said cemetery may without cost to the owner of said lot, remove said human remains and reinter the same in a careful and respectful manner, at a place to be designated in the rules and regulations aforesaid, and the remains of no more than one person shall be interred in one grave, and headboard shall be placed on said grave.

Record filed with coroner.

SEC. 5. Immediately after said remains are so interred, the person causing the same to be done shall file in the office of the coroner of said city and county, or of the county, in which said city is situated, a statement of the name of the person whose remains are so removed, together with all other data available concerning said remains, and also a description of the place where said remains are reinterred.

SEC. 6. Nothing herein contained shall authorize the taking of private property without due compensation first made.

SEC. 7. All acts or parts of acts in conflict herewith are hereby repealed.

CHAPTER 578.

An act relating to the opening of streets through cemeteries.

[Approved April 21, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Opening streets through cemeteries.

SECTION 1. No streets, alleys or roads shall be opened or laid out within the boundary lines of any cemetery located in whole or in part within the lines of any city or city and county of this state, where burials have been had within five years prior thereto, without the consent of the corporation or association owning and controlling such cemetery.

CHAPTER 579.

An act to establish a standard for evaporated milk and condensed milk.

[Approved April 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The standard of purity of condensed milk and evaporated milk shall be that proclaimed and established by the secretary of the United States department of agriculture. Standard of condensed milk.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAPTER 580.

An act to amend section four hundred and ninety-nine of the Civil Code of the State of California, relating to the use of the same street or tracks by two lines of street railway.

[Approved April 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four hundred and ninety-nine of the Civil Code of the State of California is hereby amended to read as follows:

499. The legislative body of any incorporated city, city and county, or town, may permit two or more lines of street railway to use the same portion of the same street or the same tracks upon such terms as may be agreed upon by the companies operating such railways; but no permission shall be granted to one company to use the same tracks or portions of the same street for a distance of more than five consecutive blocks, without the consent of the person or company occupying said portion of the street and then only upon payment of an equal portion of the cost of construction of the tracks and appurtenances used by such railways jointly; *provided*, that any incorporated city, city and county, or town may own and operate street railways within or without the municipal limits, and may occupy the same street or tracks occupied or used by any street railway within its limits for any number of blocks, upon payment to the owner thereof of an equal portion of the estimated cost of construction, at the time of such occupation, of such tracks or appurtenances as such city, city and county, or town may elect to use jointly with said street railway. Where such portion of such street shall be occupied by City trustees may permit two or more street railway lines to use same tracks.

a track or tracks of a different gauge from the track or tracks proposed to be constructed thereon by a line of street railway under a different management, such last-mentioned line of street railway may nevertheless construct its track or tracks, subject to the limitation before prescribed, over the same ground as may be occupied by such prior track or tracks; *provided*, the same can be so constructed as not to interfere with the operation of such prior track or tracks beyond such necessary interference therewith as shall be incident to such construction with reasonable skill, care and diligence.

CHAPTER 581.

An act to amend sections 3785 and 3786 of the Political Code, relating to tax deeds.

[Approved April 25, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3785 of the Political Code is hereby amended to read as follows:

Tax deeds made after five years.

3785. If the property is not redeemed within five years from the date of the sale to the state, the tax collector, or his successor in office, must make the state a deed of the property. Said deed shall be in substance and may be in form, as follows:

Form.

"This indenture, made the day of, 19.., between, tax collector of the county of, State of California, first party, and the State of California, second party, witnesseth:

That whereas the real property hereinafter described was duly assessed for taxation in the year 19.. to (stating name as on assessment roll) and was thereafter on the day of, 19.., duly sold to the State of California by, tax collector of said county of, for non-payment of delinquent taxes which had been legally levied in said year 19.., and were a lien on said real property, the total amount for which the same was sold being

And whereas the period of five years has elapsed since said sale and no person has redeemed the said property.

Now, therefore, the said first party in consideration of the premises, and in pursuance of the statute in such case made and provided, does hereby grant to the said second party that certain real property in the county of, State of California, more particularly described as follows, to wit: * *

In witness whereof, said first party has hereunto set his hand the day and year first above written.

.....
Tax Collector of the County of"

No other matters need be recited in the said deed than those provided for in the above form, whether the sale is made before or after this act takes effect. No charge shall be made by the tax collector for the making of any such deed, and the acknowledgment of all such deeds shall be taken by the county clerk free of charge. All such deeds shall be recorded in the office of the county recorder of the county wherein the property sold is situated, and said recorder shall make no charge therefor; *provided*, that in counties where the county recorders are paid no salaries, but fees only, such recorders shall receive for filing, recording and indexing each deed, the sum of seventy-five cents, payable out of the county treasury in the same manner that other claims are paid. The state controller shall provide uniform blank deeds, upon which all conveyances to the state under the provisions of this section shall be made. All such deeds, after being duly recorded, as herein provided, shall be forwarded by the county recorder to the controller. The controller shall record such deeds at length in a book to be provided for that purpose, in which book a marginal space shall be left to show the subsequent disposition of the property by the state; *provided, however*, that when state lands have been sold to the state upon which the full purchase price has not been paid, the deeds to the state, after being duly recorded, as herein provided, shall be forwarded by the county recorder to the surveyor general and remain on file in his office, and the state shall dispose of such lands in the manner provided in section three thousand seven hundred and eighty-eight; *provided, however*, that in all cases where land has been heretofore sold for delinquent taxes to purchasers other than the State of California, the deed therefor must have been made within the time allowed under the provisions of that certain act entitled "An act to amend section thirty-seven hundred and eighty-five of the Political Code of the State of California, relating to the issuance of tax deeds," approved March 23, 1907, and unless the deed has been so made, the purchaser shall be deemed to have relinquished all his rights under such sale.

No charge for deed.

Deed recorded.

Controller to furnish blank deeds.

State lands not fully paid for.

SEC. 2. Section three thousand seven hundred and eighty-six of the Political Code is hereby amended to read as follows:

3786. Such deed, duly acknowledged or proved, is primary evidence that:

Evidence of tax deed.

1. The property was assessed as required by law;
2. The property was equalized as required by law;
3. The taxes were levied in accordance with law;
4. The taxes were not paid;
5. At a proper time and place the property was sold as prescribed by law, and by the proper officer;
6. The property was not redeemed;
7. The person who executed the deed was the proper officer;
8. Where the real estate was sold to pay a poll tax or taxes on personal property, that the real estate belonged to the person liable to pay the tax.

CHAPTER 582.

An act to carry into effect the provisions of subdivision (e) of section fourteen of article thirteen of the constitution of the State of California as the said article was amended on the eighth day of November in the year one thousand nine hundred and ten, in so far as the same relates to the state university; and also to provide for the permanent support and improvement of the University of California; and to that end making a continuing appropriation and creating an annual fund therefor; and repealing an act entitled: "An act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor, and to repeal an act approved February 14, 1887, entitled: 'An act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor,' and also to repeal an act approved February 27, 1897, entitled 'An act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor,' " approved March 20, 1909.

[Approved April 25, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

State uni-
versity
fund
created.

SECTION 1. In order to carry into effect the provisions of subdivision (e) of section fourteen of article thirteen of the constitution of the State of California, as the said article was amended on the eighth day of November in the year one thousand nine hundred and ten, in so far as the same relates to the state university, and to provide for the permanent support and improvement of the University of California, there is hereby created an annual fund, to be called "the state university fund." Said fund for the sixty-third fiscal year shall be equal to but not more than seven per cent in excess of the amount received by the university under the provisions of chapter three hundred and twenty-nine of the statutes of nineteen hundred and nine for the fiscal year ending June thirtieth in the year one thousand nine hundred and eleven: and provided, further, that such fund for each of the sixty-fourth, sixty-fifth and sixty-sixth fiscal years shall be equal to but not more than seven per cent in excess of the amount received by the university under this act for the immediately preceding respective fiscal year.

Treasurer
to transfer
funds.

SEC. 2. The state treasurer shall each year transfer from the revenues from the taxes provided for in section fourteen of article thirteen of the constitution of this state as said article was amended on the eighth day of November in the year

one thousand nine hundred and ten, together with all other state revenues, to the separate fund created by section one of this act, to be called the "state university fund," the amount of money provided for under the provisions of this act.

SEC. 3. The money paid into the said "state university fund" is hereby appropriated, without reference to fiscal years, for the use and support of the University of California, and is exempted from the provisions of part three, title one, article eighteen, of an act entitled "An act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the board of examiners. When there is any money in the said fund, the same may be drawn out upon the order of the board of regents of the University of California, or such officers of the board as may be duly authorized thereto. Upon the receipt of the order, the controller must draw his warrant upon the state treasurer, payable to the order of the treasurer of the University of California, out of the said "state university fund."

Fund appropriated without reference to fiscal years.

SEC. 4. The money derived from said fund must be applied only to the support and permanent improvement of the University; *provided, however*, that not less than one fourth of the said "state university fund" shall, until the close of the seventy-first fiscal year, be placed in a fund to be known and designated as the permanent building fund and which said fund must be devoted solely to the purposes of buildings and providing permanent improvements for the university. The board of regents must include in its biennial report to the governor the statement of the manner and for what purpose all of the moneys referred to and raised under this act were expended.

Disposition of funds.

SEC. 5. An act entitled "An act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor, and to repeal an act approved February 14, 1887, entitled 'An act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor,' and also to repeal an act approved February 27, 1887, entitled 'An act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor,'" approved March 20, 1909, is hereby repealed. This act shall not be construed as in any way repealing or amending any other existing law which provides for the support, maintenance or improvement of the state university.

Repealed.

SEC. 6. This act shall take effect immediately.

CHAPTER 583.

An act to amend sections 8 and 9 of, and to add two new sections to be known as sections 8a and 8b to, an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as the title of said act was amended March 19, 1909.

[Approved April 25, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 8 of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as the title of said act was amended March 19, 1909, is hereby amended to read as follows:

Section 8. It shall be unlawful for any person, firm or corporation to sell, furnish or give away or offer to sell, furnish or give away or to have in their or his possession any cocaine, opium, morphine, codeine, heroin, alpha eucaine, beta eucaine, nova caine or chloral hydrate or any of the salts, derivatives or compounds of the foregoing substances or any preparation or compound containing any of the foregoing substances or their salts, derivatives or compounds, excepting upon the written order or prescription of a physician, dentist or veterinary surgeon licensed to practice in this state, which order or prescription shall be dated and shall contain the name of the person for whom prescribed, written in by the person writing said prescription, or if ordered by a veterinary surgeon it shall state the kind of animal for which ordered and shall be signed by the person giving the prescription or order. Such order or prescription shall be permanently retained on file by the person, firm or corporation who shall compound or dispense the articles ordered or prescribed and it shall not be again compounded or dispensed if each fluid or avoirdupois ounce contains more than eight grains of opium or one grain of morphine, or two grains of codeine, or one half grain of heroin, or one grain of cocaine, or one grain of alpha eucaine, or one grain of beta eucaine, or one grain of nova caine, or sixty grains of chloral hydrate, excepting upon the written order of the prescriber for each and every subsequent compounding or dispensing. No copy or duplicate of such written order or prescription shall be made or delivered to any person, but the original shall be at all times open to inspection by the prescriber and properly authorized officers of the law and shall be preserved for at least three years from the date of the filling thereof; *provided*, that the above provisions shall not apply to sales at wholesale by jobbers, wholesalers and manufacturers to pharmacies, as defined in section one of an act entitled "An act to regulate the practice

Drugs not to be sold except on physician's prescription.

Prescriptions permanently on file.

No copies to be made.

Not applicable to jobbers.

of pharmacy in the State of California and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, and acts amendatory thereof; or physicians, nor to each other, not to the sale at retail in pharmacies by pharmacists to physicians, dentists or veterinary surgeons duly licensed to practice in this state; *provided, further,* that all such wholesale jobbers, wholesalers and manufacturers, in this section mentioned, shall before delivery of any of the articles in this section enumerated make or cause to be made in a book kept for that purpose only, an entry of the sale of any such article stating the date of such sale and quantity and name of the article and form in which sold, the true name and true address of the purchaser, the name of the person by whom such entry and sale was made also a statement showing how delivery was had, whether delivered personally or forwarded by mail, express or by freight, which book shall be substantially as follows:

Record of sales.

Date of sale.	Quantity and name of article.	Name of purchaser.	How delivered.	Name of person selling.
---------------	-------------------------------	--------------------	----------------	-------------------------

And said book shall always be open for inspection by any peace officer or any member of the board of pharmacy or any inspector by them authorized and such book shall be preserved for at least five years after the date of the last entry therein. It shall be unlawful for any practitioner of medicine, dentistry or veterinary medicine to furnish to or to prescribe for the use of any habitual user of the same any cocaine, opium, morphine, codeine, heroin, or chloral hydrate, or any salt, derivative or compound of the foregoing substances or their salts, derivatives or compounds; and it shall also be unlawful for any practitioner of dentistry to prescribe any of the foregoing substances for any person not under his treatment in the regular practice of his profession, or for any veterinary surgeon to prescribe any of the foregoing substances for the use of any human being; *provided, however,* that the provisions of this section shall not be construed to prevent any duly licensed physician from furnishing or prescribing in good faith as their physician by them employed as such, for any habitual user of any narcotic drugs who is under his professional care, such substances as he may deem necessary for their treatment, when such prescriptions are not given or substances furnished for the purpose of evading the purposes of this act; *provided,* that the above provisions shall not apply to preparations sold or dispensed without a physician's prescription containing less than two grains of opium, or one fourth grain of morphine, or one half grain of codeine, or one sixth grain heroin, or one sixth grain cocaine, or one sixth grain eucaine, or one sixth grain nova caine or one sixth grain beta eucaine or ten grains chloral hydrate in one fluid ounce or, if a solid preparation, in one ounce, avoirdupois ounce.

Unlawful to prescribe for habitual users.

Not applicable to certain prescriptions.

SEC. 2. A new section, to be known as section 8a, is hereby added to said act, to read as follows:

Possession
of opium
pipes a
misdemeanor.

Section 8a. The possession of pipes used for smoking opium (commonly known as opium pipes) and the usual attachments thereto is hereby made a misdemeanor and upon conviction thereof shall be punishable by the penalties prescribed in section 7 of this act.

SEC. 3. A new section, to be known as section 8b, is hereby added to said act, to read as follows:

Drugs and
pipes to be
destroyed.

Section 8b. All narcotic drugs specified in section 8 and also all pipes used for smoking opium (commonly known as opium pipes) and the usual attachments thereto, seized under the provisions of this act shall be ordered destroyed by the judge of the court in which final conviction was had: said order or destruction shall contain the name of the party charged with the duty of destruction as herein required.

SEC. 4. Section 9 of said act is hereby amended so as to read as follows:

Sale of
carbolic
acid pro-
hibited.

Section 9. The sale or furnishing of carbolic acid (phenol) in quantities of less than one pound is prohibited unless upon the prescription of a physician, dentist or veterinary surgeon duly licensed to practice in this state, but this prohibition shall not apply to solutions of carbolic acid (phenol) containing not over ten per cent of the carbolic acid (phenol) and not less than ten per cent of ethyl alcohol. All sales of carbolic acid (phenol) thus diluted so as to contain no more than ten per cent of carbolic acid (phenol) may be made under the same conditions as the drugs enumerated in schedule "B" as found in section seven, but sales of carbolic acid (phenol) containing more than ten per cent of said acid shall be registered subject to the same regulations as the poisons enumerated in schedule "A" as found in section seven.

CHAPTER 584.

An act to provide for the collection, compilation and publication of agricultural and other industrial statistics for the State of California, and making an appropriation therefor.

[Approved April 25, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Agricultural
society to
publish
annually
agricul-
tural and
industrial
statistics.

SECTION 1. The board of directors of the state agricultural society are authorized, and it is hereby made their duty, to collect, compile and publish annually, on or before the 31st day of January in each year, statistics showing the yield of agricultural and other farm and industrial products of the State of California for each preceding year, and shall, as nearly as may be practicable, ascertain and publish each year the number of acres of land within the state that are

under irrigation, and the number, location and extent of any new irrigation enterprises, exclusive of individual pumping plants, that may have been started within the state during the preceding year.

SEC. 2. For the purpose of carrying out the provisions of this act, the sum of five thousand (\$5,000.00) dollars per annum is hereby appropriated out of any money in the state treasury not otherwise appropriated, and the controller is hereby authorized to draw his warrant from time to time up to the amount of said appropriation in favor of the board of directors of the state agricultural society, and the state treasurer is hereby authorized and directed to pay the same.

CHAPTER 585.

An act providing for the acquisition by the State of California for the United States of America of the right of way for cut-offs in rectification and improvement of the San Joaquin river, and appropriating fifteen thousand dollars for said purpose.

[Approved April 25, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. From any funds in the state treasury not otherwise appropriated, the sum of fifteen thousand dollars or so much thereof as may be necessary, there is hereby appropriated for the purpose of effectuating the conveyance by the present owners directly to the United States of America of the right of way for cut-offs or channels in rectification and improvement of the channel and navigation of the San Joaquin river, such cut-offs or channels being shown in and on house document No. 1124, sixtieth congress, second session.

SEC. 2. The governor of the State of California is hereby authorized to take and make such purchases, sales and conveyances of land as shall be necessary or convenient to the end of effectuating the aforesaid direct conveyance of such right of way to the United States of America, and the immediate return to the treasury of the State of California of the proceeds of the sale of any lands by him necessarily bought and thereafter sold on behalf of the State of California in the effectuation of the aforesaid purpose of acquiring said right of way for the United States of America; *provided*, that all and singular the said purchases and sales and all expenditures on account thereof be approved or audited by the state board of examiners.

SEC. 3. The controller of state is hereby authorized and directed to draw his warrant in favor of the governor of the

State of California for the amount herein made payable as provided herein and for the purposes hereof and the state treasurer is hereby directed to pay the same.

CHAPTER 586.

An act appropriating money to pay the expense of maintaining an exhibit of the products of the State of California at the Italian International Exposition, to be held in the city of Turin, kingdom of Italy, in the year 1911.

[Approved April 25, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
exhibit at
Italian
International Ex-
position.

SECTION 1. The sum of ten thousand dollars (\$10,000) is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the purpose of collecting, transporting and maintaining an exhibit of the products of the State of California at the Italian International Exposition to be held in the city of Turin, in the kingdom of Italy, in the year 1911, and the controller is hereby directed to draw his warrants on the general fund from time to time and for such portion of said sum of ten thousand dollars (\$10,000) and in favor of such persons as the governor of the State of California shall direct and the state treasurer is directed and empowered to pay the same.

SEC. 2. This act is exempt from the provisions of section 672 of the Political Code of the State of California.

SEC. 3. This act shall take effect immediately.

CHAPTER 587.

An act to repeal an act entitled "An act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof," approved March 7, 1887.

[Approved April 26, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. An act entitled "An act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof," approved March 7, 1887, is hereby repealed.

CHAPTER 588.

An act to amend an act entitled "An act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes," approved March 31st, 1897, by amending section 59 of said act, relative to the levying of assessments.

[Approved April 26, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 59 of the act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, is hereby amended so as to read as follows:

Section 59. The board of directors may, at any time, when in their judgment it may be deemed advisable, call a special election and submit to the qualified electors of the district the question whether or not a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes provided in this act. Such election must be called upon the notice prescribed, and the same shall be held and the result thereof determined and declared in all respects in conformity with the provisions of section 30 of this act. The notice must specify the amount of money proposed to be raised and the purpose for which it is intended to be used. At such elections the ballots shall contain the words "Assessment—Yes" or "Assessment—No." If two thirds or more of the votes cast are "Assessment—Yes," the board shall, at the time of the annual levy hereunder, levy an assessment sufficient to raise the amount voted; *provided, however*, that an assessment of not to exceed two per centum of the value of the assessable property within the district may be levied in any one year without such vote by the adoption of a resolution by at least four fifths of the members of the board of directors, such amount not, however, to exceed the sum of seventy-five thousand (\$75,000) dollars: *provided, further*, that if a petition signed by qualified voters in the district equal in number to fifteen per centum of the votes cast at the last preceding general election in such district, shall, within thirty days after the board shall by resolution have provided for the levying of such assessment, be filed with such board petitioning that an election relative to the levying of such assessment be held, such assessment shall not be levied without the election provided for in this section; *provided, further, however*, that in case of an unexpected emergency by which the flow of water in the canal is interrupted,

Directors may call election on question of special assessment.

Emergency indebtedness.

the amount of the indebtedness incurred in the repair of the works of said district, caused by such interruption, not to exceed in any one year forty thousand (\$40,000) dollars, may also, in addition to the assessments hereinbefore provided for, be levied by the adoption of a resolution by at least four fifths of the members of the board of directors, at the time of the levying of the annual assessment provided for in this act, without the submission of the question of such levy to a vote, as in this section hereinbefore provided.

CHAPTER 589.

An act to amend section 292 of the Civil Code of the State of California relating to the subscription and acknowledgment of articles of incorporation.

[Approved April 26, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 292 of the Civil Code of the State of California is hereby amended to read as follows:

Subscription and acknowledgment of articles of incorporation.

292. The articles of incorporation must be subscribed by three or more persons, a majority of whom must be residents of this state, and acknowledged by each before some officer authorized to take and certify acknowledgments or conveyances of real property. The signature of each person named in said articles of incorporation as directors of such corporation shall be affixed to said articles of incorporation and acknowledged by each before some officer authorized to take and certify acknowledgments of conveyances of real property.

CHAPTER 590.

An act to amend an act entitled "An act to provide for temporary floors in buildings more than three stories high in the course of construction and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders, and from falling bricks, rivets, etc., approved March 6, 1909, and to make the act apply to buildings more than two stories high in the course of construction.

[Approved April 26, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Any building more than two stories high in the course of construction shall have the joists, beams or girders of each and every floor below the floor or level where any work

is being done, or about to be done, covered with flooring laid close together, or with such other suitable material to protect workmen engaged in such building from falling through joists or girders, and from falling planks, bricks, rivets, tools, or any other substance whereby life and limb are endangered.

Temporary floors in buildings more than two stories high.

SEC. 2. Such flooring shall not be removed until the same is replaced by the permanent flooring in such building.

Not to be removed.

SEC. 3. It shall be the duty of the general contractor having charge of the erection of such building to provide for the flooring as herein required, or to make such arrangements as may be necessary with subcontractors in order that the provisions of this act may be carried out.

Duty of contractor.

SEC. 4. It shall be the duty of the owner or the agent of the owner of such building to see that the general contractor or subcontractors carry out the provisions of this act.

Duty of owner.

SEC. 5. Should the general contractor or subcontractors of such building fail to provide for the flooring of such building, as herein provided, then it shall be the duty of the owner or the agent of the owner of such building to see that the provisions of this act are carried out.

When contractor fails to provide.

SEC. 6. Failure upon the part of the owner, agent of the owner, general contractor, or subcontractors to comply with the provisions of this act shall be deemed a misdemeanor and shall be punishable as such.

Misdemeanor.

SEC. 7. This act shall take effect within sixty days.

CHAPTER 591.

An act to amend section four hundred and ten of the Civil Code of the State of California, relating to foreign corporations, and the penalty for failure to file certified copies of articles of incorporation by said foreign corporations.

[Approved April 26, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 410 of the Civil Code of the State of California is hereby amended to read as follows:

410. Every corporation organized under the laws of another state, or territory, or of a foreign country, which shall neglect or fail, within ninety days from the taking effect of this section, to comply with the conditions of sections four hundred and eight and four hundred and nine of this code, shall be subject to a fine of not less than five hundred dollars, to be recovered in any court of competent jurisdiction; and it is hereby made the duty of the secretary of state, as he may be advised that corporations are doing business in contravention of sections four hundred and eight and four hundred and nine of this code, to report the fact to the governor, who shall instruct

Foreign corporations failing to comply with law.

Proceedings to recover fine.

Corporations failing to comply may not maintain suits.

Corporations exempted.

(1) the district attorney of the county wherein such corporation has its principal place of business, or (2) the attorney general of the state, or both, as soon as practicable, to institute proceedings to recover the fine provided for in this section, and the amount so recovered must be paid into the state treasury to the credit of the general fund of the state; in addition to which penalty, no foreign corporation which shall fail to comply with sections four hundred and eight and four hundred and nine of this code can maintain any suit or action in any of the courts of this state, or acquire or convey any legal title to any real property within this state, until it has complied with said sections; *provided*, that any such corporation which, prior to the eighth day of March, nineteen hundred and one, shall have complied with the provisions of the act entitled "An act to amend 'An act in relation to foreign corporations.'" approved April first, eighteen hundred and seventy-two." approved March seventeenth, eighteen hundred and ninety-nine. is exempted from the provisions of this section and the two sections next preceding.

CHAPTER 592.

An act to amend sections 20 and 22 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor," approved March 11, 1907.

[Approved April 26, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 20 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor," approved March 11, 1907. is hereby amended to read as follows:

Misdemeanor to violate act.

Adulterated food to be destroyed.

Section 20. Any person, firm, company or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five dollars, nor more than five hundred dollars, or shall be imprisoned in the county jail for a term not exceeding six months, or by both such fine and imprisonment. Food found to be adulterated, mislabeled or misbranded within the meaning of this act may, by order of any court or judge, be seized and destroyed.

SEC. 2. Section 22 of said act is hereby amended to read as follows:

Section 22. No dealer shall be prosecuted under the provisions of this act, when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the United States from whom he purchased such article to the effect that the same is not adulterated, mislabeled or misbranded within the meaning of this act, designating it, and can also establish by satisfactory evidence that the article sold by him was mislabeled and that at the time of making such sale he was not aware of that fact. Said guaranty to afford protection must contain the name and address of the party or parties making the sales of such article to said dealer, and an itemized statement showing the articles purchased; or a general guaranty may be filed with the secretary of the United States department of agriculture by the manufacturer, wholesaler, jobber or other party in the United States and be given a serial number, which number shall appear on each and every package of goods sold under such guaranty with the words "guaranteed under the food and drugs act June 30, 1906." In case the wholesaler, jobber, manufacturer or other party making such guaranty to said dealer resides without this state, and it appears from the certificate of the director of the state laboratory that such article or articles were adulterated, mislabeled or misbranded, within the meaning of this act, or the national pure food act, approved June 30, 1906, the district attorney must forthwith notify the attorney general of the United States of such violation.

Dealer not to be prosecuted when he holds wholesaler's guaranty.

CHAPTER 593.

An act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public buildings, public work or property.

[Approved April 26, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. If, in consequence of the dangerous or defective condition of any street, highway, public building, public work or property, any person shall suffer injury to his person or property, no officer who has charge of, or whose duty it is to care for or repair, any street, highway, public building, public work or property, shall be liable for any injury to person or property arising from the dangerous or defective condition thereof or failure to repair the same, unless such officer shall have had actual notice of such defective or dangerous condition and shall have failed for a reasonable time after such actual notice to repair the same; *provided*, that such officer had authority to remedy such condition, or to

When officers are not liable for damages resulting from defects in streets, etc.

Damages
to be paid
from road
fund, etc.

make such repair at the expense of the state, or a political subdivision thereof, and funds were available for that purpose; and *provided, further*, that it shall further appear that such damage or injury was sustained while said street, highway, public building, public work, or property was being carefully used and that due care was exercised to avoid such danger, but in all such cases damage may be recovered against the county, city, or city and county as in ordinary actions for damages, and in cases of judgment recovered against the county the amount thereof and cost shall be paid out of the road district fund of the district where the accident occurred, and in all other cases the judgment must be paid out of the general fund of such county, city, or city and county.

CHAPTER 594.

An act to add a new section to the Political Code to be numbered 4264a relating to and fixing the compensation of grand and trial jurors in the counties of the thirty-fifth class.

[Approved April 26, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered and known as section forty two hundred and sixty-four "a" and to read as follows:

Compensation of
jurors in
counties of
thirty-fifth
class.

4264a. In counties of the thirty-fifth class, grand jurors and jurors in the superior court shall each receive for each day's attendance per day, the sum of three dollars and for each mile actually and necessarily traveled from their residence to the county seat, in going only, per mile, the sum of twenty-five cents; such mileage to be allowed but once during each session such jurors are required to attend.

CHAPTER 595.

An act to amend section 4282 of the Political Code providing for the compensation of officers in counties of the fifty-third class.

[Approved April 26, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Salaries of
officers in
counties of
fifty-third
class.

SECTION 1. In counties of the fifty-third class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, one thousand three hundred dollars per

annum; *provided*, that in years when a great register of voters is required by law to be made the county clerk shall receive in addition to his regular salary the sum of four hundred dollars for such services. County clerk.

2. The sheriff, two thousand five hundred dollars per annum, and twenty-five cents mileage, in going only. Sheriff.

3. The recorder, four hundred dollars per annum; *provided*, that the recorder may retain to his own use all fees paid him for recording and indexing notices of location of mining claims and affidavits of annual expenditures upon mining claims. Recorder.

4. The auditor, three hundred dollars per annum. Other officers.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, three hundred and fifty dollars per annum.

7. The assessor, one thousand six hundred dollars per annum.

8. The district attorney, one thousand dollars per annum, and his necessary traveling expenses, to be allowed by the board of supervisors.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, six hundred and twenty-five dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each supervisor, three hundred and fifty dollars per annum, and twenty cents per mile for traveling to and from his residence to the county seat at each session. Supervisors.

When traveling by order of the board upon county business, each supervisor shall be allowed his actual itemized expenses. For all services as road commissioner, each supervisor shall receive three dollars per day, but he shall not in any one year receive more than five hundred dollars as supervisor.

16. The license collector, such compensation as the board of supervisors shall fix.

17. For attending as a grand juror, or a trial juror in criminal cases only, in the superior court, for each day's attendance, three dollars; for each mile actually traveled one way as such grand juror, or trial juror in criminal cases, in the superior court, under summons or order of the court, twenty-five cents. The county clerk shall certify to the auditor the number of days' attendance, and the number of miles traveled by each juror and the auditor shall then draw his warrant therefor and the treasurer shall pay the same. Jurors.

CHAPTER 596.

An act to amend section 4243 of the Political Code of the State of California, providing for the salaries and fees of jurors and public officers in counties of the fourteenth class.

[Approved April 26, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4243 of the Political Code of the State of California is hereby amended to read as follows:

4243. In counties of the fourteenth class the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

Salaries of officers in counties of fourteenth class.

County clerk.

1. The county clerk, three thousand two hundred and fifty dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk one deputy, which office is hereby created, who shall be court room clerk, at a salary of one hundred dollars per month, and who shall be appointed by the county clerk. The salary of such deputy herein provided for shall be paid by said county in monthly installments, at the same time, and in the same manner and out of the same funds as the salary of the county clerk is paid; *and provided, further*, that in each year in which a new and complete registration of voters is required by law, said county clerk shall appoint an additional deputy or deputies, who shall receive the sum of seven and one half cents per name for taking the affidavits of registration outside of the office of said county clerk, and the claims for their services at said rate shall be presented to and allowed by the board of supervisors as other claims are presented and allowed.

Sheriff.

2. The sheriff, four thousand dollars per annum, and such mileage as is now allowed by law and also all fees for service of papers in actions arising outside of his county; *provided*, that in counties of this class there shall be and hereby is allowed to the sheriff one deputy, which office is hereby created, who shall be jailer, at a salary of one thousand dollars per year, and who shall be appointed by the sheriff. The salary of said deputy herein provided for shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

Recorder.

3. The recorder, fifteen hundred dollars per annum, and four and one half cents per folio for every instrument of any character transcribed by him or his deputies, which said amount shall be paid out of the county treasury, and which payment shall be in full for all services, including indexing.

Auditor.

4. The auditor, two thousand dollars per annum. In counties of this class the auditor may appoint assistant auditors,

which office is hereby created, and whose compensation shall not exceed the sum of twelve hundred dollars per annum in the aggregate for all assistants so employed; *and provided*, that the auditor shall file with the county clerk a verified statement, showing in detail the amounts paid and the persons to whom such compensation has been paid for such assistance as aforesaid. The salaries herein provided for shall be paid by the said county, at the same time, and in the same manner, and out of the same funds as the salary of the auditor.

5. The treasurer, fifteen hundred dollars per annum; *pro-* Treasurer.
vided, that in counties of this class, there shall be and there hereby is allowed to the treasurer one office deputy, which office is hereby created, at a salary of seventy-five dollars per month, and who shall be appointed by the treasurer. The salary of said deputy herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid.

6. The tax collector, two thousand dollars per annum; *pro-* Tax
vided, that in counties of this class there shall be and there collector.
is hereby allowed to the tax collector the following deputies, whose offices are hereby created, and who shall be appointed by the tax collector: One chief deputy, for a period not to exceed nine months in any one year, at a salary of seventy-five dollars per month, and such assistants as the tax collector may appoint; *provided*, that the compensation of such assistants shall not in the aggregate exceed the sum of twelve hundred dollars in any one year; *and provided*, that the tax collector shall file with the county auditor a verified statement, showing in detail the amounts and the persons to whom said compensation is paid. The salaries of the said deputy and assistants herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid.

7. The assessor, thirty-five hundred dollars per annum; Assessor.
provided, that in counties of this class there shall be eight field deputy assessors, who shall be appointed by the assessor of said county. One of said deputy assessors shall hold office for twelve months of each year, at a salary of one hundred dollars per month, whose duty it shall be to keep an account of all transfers of property in said county during the year, and to assist in the assessment of property; and seven of said field deputy assessors shall hold office from twelve o'clock meridian of the first Monday of March of each year up to twelve o'clock meridian of the first Monday of July of each year. The salaries of each of said seven field deputy assessors herein provided for is fixed at the sum of one hundred and thirty dollars per month, and to include horse hire and traveling expenses for each month during which they hold office, as herein provided; *and provided*, that the assessor may appoint assistant assessors, which office is hereby created, and whose compensation shall not exceed the sum of four hundred dollars per

annum, in the aggregate for all assistants so employed; *and provided*, that the assessor shall file with the county auditor a verified statement, showing in detail the amounts and persons to whom such compensation was paid, all of which said field deputy assessors and assistant assessors' salaries shall be paid by said county at the same time, and in the same manner and out of the same fund, as the salary of the assessor; *provided*, that all commissions shall be paid into the county treasury.

District
attorney.

8. The district attorney, twenty-five hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the district attorney one deputy, which office is hereby created, at a salary of one hundred dollars per month, and who shall be appointed by the district attorney. The salary of said deputy herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid.

Coroner.

9. The coroner, such fees as are now or may hereafter be allowed by law.

Adminis-
trator.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

Superin-
tendent of
schools.

11. The superintendent of schools, twenty-two hundred and fifty dollars per annum and actual traveling expenses when visiting the schools of the county; *provided*, that in counties of this class there shall be and there is hereby allowed to the superintendent of schools one office deputy, which office is hereby created, at a salary of fifty dollars per month, and who shall be appointed by the said superintendent of schools. The salary of said deputy herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

Surveyor.

12. The surveyor, eight dollars per day when actually employed by the county.

Justices of
the peace.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of more than eight thousand, seventy-five dollars per month; (2) In townships having a population of less than eight thousand and more than five thousand, fifty dollars per month; (3) In townships having a population of less than five thousand and more than two thousand, twenty-five dollars per month; (4) In townships having a population of less than two thousand, ten dollars per month. In addition to the compensation received in criminal cases, each justice of the peace shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

Con-
stables.

14. Constables shall receive the following monthly salaries to be paid each month and in the same manner and out of the same fund as county officers are paid, which shall be in full for

all services rendered by them in criminal cases: (1) In townships having a population of more than eight thousand, seventy-five dollars per month; (2) In townships having a population of less than eight thousand, and more than five thousand, fifty dollars per month; (3) In townships having a population of less than five thousand and more than two thousand, twenty-five dollars per month; (4) In townships having a population of less than two thousand, ten dollars per month; *provided*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail.

In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

15. Supervisors, five hundred dollars each per annum, and mileage at the rate of ten cents per mile in going to and coming from the place of meeting of the board, not more than four board meetings per month; and as road commissioner, four dollars per day, not to exceed six hundred dollars per annum in the aggregate. Super-
visors.

16. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be determined by the United States census taken in 1910; *provided*, that the board of supervisors of said county may each four years thereafter cause a census of any or all townships in the county to be taken for the purpose of determining the population of said township or townships upon which to base the salaries of justices of the peace and constables. Popula-
tion of
townships.

17. In counties of this class grand and trial jurors in superior courts shall receive for each day's attendance, per day the sum of two dollars. In justices' courts in civil cases jurors shall receive for each day's attendance per day the sum of two dollars. In justices' and recorders' courts in criminal cases jurors shall receive for each day's attendance per day the sum of one dollar and fifty cents. And all jurors shall receive for each mile actually and necessarily traveled from their residences to the place of service, in going only, the sum of fifteen cents per mile, such mileage to be allowed but once during any session of the court where such jurors serve; *provided*, that the fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid, and jurors in criminal cases in recorders' courts shall be paid by the municipality in which such court is or may be established. Jurors.

CHAPTER 597.

An act to amend section ten of the Code of Civil Procedure of the State of California relating to holidays.

[Approved April 26, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 10 of the Code of Civil Procedure of the State of California is hereby amended so as to read as follows:

Holidays.

10. Holidays within the meaning of this code, are every Sunday, the first day of January, twelfth day of February, to be known as Lincoln day, twenty-second day of February, thirtieth day of May, fourth of July, ninth day of September, first Monday in September, twelfth day of October, to be known as "Columbus day," twenty-fifth day of December, every day on which an election is held throughout the state, and every day appointed by the president of the United States or by the governor of this state for a public fast, thanksgiving or holiday. If the first day of January, twelfth day of February, twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the twelfth day of October or the twenty-fifth day of December falls upon a Sunday, the Monday following is a holiday. Every Saturday from twelve o'clock noon until twelve o'clock midnight is a holiday as regards the transaction of business in the public offices of this state, and also in political divisions thereof where laws, ordinances or charters provide that public offices shall be closed on holidays; *provided*, this shall not be construed to prevent or invalidate the issuance, filing, service, execution or recording of any legal process or written instrument whatever on such Saturday afternoons; *and provided, further*, that the public schools of this state shall close on Saturday, Sunday, the first day of January, the thirtieth day of May, the fourth day of July, the twenty-fifth day of December and on every day appointed by the president of the United States or the governor of this state for a public fast, thanksgiving or holiday. Said public schools shall continue in session on all other legal holidays and shall hold proper exercises commemorating the day. Boards of school trustees and city boards of education shall have power to declare a holiday in the public schools under their jurisdiction when good reason exists therefor.

CHAPTER 598.

An act to amend section 4254 of the Political Code of California, relating to salaries of officers of counties of the twenty-fifth class.

[Approved April 26, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4254 of the Political Code of California is hereby amended so as to read as follows:

4254. In counties of the twenty-fifth class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, two thousand two hundred dollars per annum; *provided*, that in counties of this class there shall be one deputy clerk, who shall be appointed by the county clerk and paid a salary of one thousand two hundred dollars per annum, in equal monthly installments, at the same time, in the same manner and out of the same fund as the salary of the county clerk is paid; and during each year in which a primary election is held throughout the state the county clerk shall be allowed to employ additional help at a total cost not to exceed three hundred dollars to be paid out of the same fund as the salary of the county clerk.

2. The sheriff, five thousand dollars per annum, and fees, commissions, and mileage for the service of papers or process coming from courts other than those of his own county.

3. The recorder, one thousand six hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be collected; *and provided*, that when the amount of said fees collected shall exceed two hundred and fifty dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, one half of all fees in excess of two hundred and fifty dollars in any month so collected.

4. The auditor, one thousand six hundred dollars per annum.

5. The treasurer, one thousand eight hundred dollars per annum, and the fees and commissions now or hereafter allowed by law.

6. The tax collector, one thousand two hundred dollars per annum, and the fees and commissions now or hereafter allowed by law.

7. The assessor, two thousand six hundred dollars per annum, and the fees and commissions now or hereafter allowed by law; *provided*, that in counties of this class there shall be allowed two deputies who shall be appointed by the assessor, one to receive a salary of one thousand three hundred eighty

dollars per annum and one to receive a salary of one thousand three hundred twenty dollars per annum in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid. It shall be the duty of said deputies, among other things, to make and correct all necessary plats, maps, and block books for the assessor's office; *provided, also*, that for each name upon the assessment roll, representing one or more statements in excess of four thousand five hundred, the assessor shall receive fifty cents.

District
attorney.

8. The district attorney, two thousand two hundred dollars per annum; *provided*, that in counties of this class there shall be allowed one deputy who shall be appointed by the district attorney, and who shall receive a salary of one thousand dollars per year, to be paid in equal monthly installments, out of the same fund, at the same time, and in the same manner as the salary of the district attorney is paid.

Coroner.

9. The coroner, such fees as are now or may hereafter be allowed by law.

Admini-
strator.

10. The public administrator, such fees as are [now] or may hereafter be allowed by law.

Superin-
tendent of
schools.

11. The superintendent of schools, two thousand dollars per annum. He shall also be allowed his actual traveling expenses when visiting the schools of the county, which expenses shall not exceed the sum of five hundred dollars in any one year. He shall receive nothing for his services as a member of the board of education. The superintendent of schools shall be allowed one deputy, to be appointed by the principal, which said deputy shall be allowed a salary of nine hundred dollars per annum, to be paid at the same time, in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

Surveyor.

12. The surveyor shall receive one thousand eight hundred dollars per annum, and in addition thereto actual traveling and other necessary expenses incurred in connection with field work. He shall have one deputy at a salary of one thousand five hundred dollars per annum; said deputy to be appointed by the principal and paid at the same time and in the same manner as other county officers. It shall be the duty of the surveyor among other things, to make all necessary county and road maps, and all necessary plans and specifications for bridge work and county buildings; *provided, however*, that when in the judgment of the board of supervisors of the county it is necessary to employ additional assistance for the performance of said work other than with regard to roads, the board of supervisors may allow the necessary and actual expense thereof; *provided*, he shall receive nothing for preparing any map or plat necessary to accompany reports made by him on road work, nor for preparing and keeping up the necessary and proper records of his office. He shall at all times be subject to the orders of the board of supervisors. The office of the surveyor shall be kept open for the accommodation of the pub-

lic with the surveyor, his deputy or a competent clerk in charge, from nine o'clock A. M. until five o'clock P. M. the same as other county offices, and the said county surveyor shall be allowed the sum of fifty dollars per month, or six hundred dollars per annum for the service of a competent clerk, which office is hereby created; said clerk to be appointed by the said surveyor and to be paid out of the same fund, at the same time and in the same manner as other county officers are paid.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to the population as shown by the census of 1910: (1) Townships having a population of five thousand or more shall belong to and be known as townships of the first class; (2) townships having a population of three thousand and less than five thousand shall belong to and be known as townships of the second class; (3) townships having a population of two thousand seven hundred and fifty and less than three thousand shall belong to and be known as townships of the third class; (4) townships having a population of two thousand five hundred and less than two thousand seven hundred and fifty shall belong to and be known as townships of the fourth class; (5) townships having a population of one thousand five hundred and less than two thousand five hundred shall belong to and be known as townships of the fifth class; (6) townships having a population of seven hundred and fifty and less than one thousand five hundred shall belong to and be known as townships of the sixth class; (7) townships having a population of less than seven hundred and fifty shall belong to and be known as townships of the seventh class; *providing*, that the board of supervisors of the county may, prior to any general election, consolidate one or more townships into one.

Classification of townships.

13a. Justices of the peace shall receive the following monthly salaries, to be paid each month as the county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases, to wit: In townships of the first class, ninety dollars; in townships of the second class, forty dollars; in townships of the third class, fifty dollars; in townships of the fourth class, forty dollars; in townships of the fifth class, forty dollars; in townships of the sixth and seventh class, twenty dollars. In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil cases; and justices of the first, second, and third class shall be allowed their office rent, not to exceed the sum of five dollars each, for any one month. Each justice must pay into the county treasury, once a month, all fines collected by him; *provided, also*, that in townships of the first class the justice may appoint a clerk who may issue and sign all attachments, summons, or other process and receive and file all pleadings and either the

Justices of the peace.

justice or his clerk shall be in the office for the time other county offices are required to be open.

Con-
stables.

14. Constables shall receive the following monthly salaries to be paid each month as the county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases, to wit: In townships of the first class, ninety dollars; in townships of the second class, fifty dollars; in townships of the third class, eighty dollars; in townships of the fourth class, fifty dollars; in townships of the fifth class, eighty dollars; in townships of the sixth and seventh class, thirty dollars; *provided*, that in townships of the first class the constable shall be allowed, when in the judgment of the board of supervisors it is deemed necessary, one deputy at a salary of twenty dollars per month. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now allowed or may hereafter be allowed by law for all services rendered by him in civil actions; and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which expense shall be audited and allowed by the board of supervisors and paid out of the county treasury; *provided, further*, that when any constable is required to go out of his own county to serve a warrant of arrest or any other paper in a criminal case, he shall be allowed mileage, outside of his own county, at the rate of twenty cents per mile necessarily traveled, for one way only.

Super-
visors.

15. Supervisors, each, the sum of six hundred dollars per annum, and mileage at the rate of ten cents per mile for each mile traveled in going to and from the meetings of the board; *provided*, that only one mileage at any one session of the board shall be allowed. They shall act as road commissioner in their respective districts, and shall thereafter receive for their services as such road commissioners mileage at the rate of twenty cents per mile each, one way, for all distances actually traveled by them in the discharge of their duties as such road commissioners; *provided*, that such mileage as road commissioner shall not, in any one year, exceed the sum of three hundred dollars for any one of the commissioners.

Witnesses.

16. Witnesses in criminal cases shall receive one dollar and fifty cents per day, and ten cents per mile for each mile actually traveled, one way only. The court shall make an order directing the auditor to draw his warrant on the county treasurer for the amount due, and the treasurer shall pay the same. The court may disallow any fee to a witness unnecessarily subpoenaed.

SEC. 2. This act shall take effect immediately after its passage.

CHAPTER 599.

An act to amend section 530 of an act entitled "An act to establish a Political Code," approved March 12, 1872, relating to the election, term of office and qualifications of the superintendent of state printing.

[Approved April 26, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 530 of an act entitled "An act to establish a Political Code" approved March 12, 1872, is hereby amended so as to read as follows:

530. The superintendent of state printing shall be appointed by the governor of the state, with the advice and consent of the senate and hold office at the pleasure of the governor. He shall be a competent practical printer, and before entering upon the discharge of the duties of his office shall give a good and sufficient bond to the people of the State of California in the sum of twenty-five thousand dollars, with two or more sufficient sureties, to be approved by governor, for the faithful performance of his duties, which bond shall be filed in the office of secretary of state. Nothing herein contained shall be construed as affecting the term of office of any person elected to the office herein mentioned prior to the adoption hereof.

Appoint-
ment of
superin-
tendent of
state
printing.

CHAPTER 600.

An act to amend sections 2319, 2319a, 2319b, 2319c, 2319d, 2319e, 2319f, 2319h, 2319j of the Political Code of the State of California, relating to the state commissioner of horticulture, and prescribing the powers, duties and compensation of said state commissioner of horticulture and the officers and employees appointed by said commissioner and providing methods, means and penalties for the enforcement of such powers and duties and providing for the appointment of additional officers, fixing their compensation and prescribing their duties.

[Approved April 26, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2319 of the Political Code is hereby amended so as to read as follows:

2319. The state commissioner of horticulture of California shall be a citizen and resident of this state, and his term

Commissioner of horticulture, appointment, term, etc.

shall be for four years, and until his successor is appointed and qualified. The governor may remove such commissioner from office at any time upon filing with the secretary of state a certificate of removal signed by the governor. In the case of vacancy in said office by death, resignation, removal from office, or other cause, the governor shall fill the vacancy for the unexpired term. In appointing such commissioner and his successor or successors, it shall be the duty of the governor to disregard political affiliations, and to be guided in his selection entirely by the professional and moral qualifications of the person so selected for the performance of the duties of said office. Said commissioner shall be a civil executive officer. The salary of said commissioner shall be four thousand dollars per annum, and he shall be allowed his traveling and incidental expenses necessary in the discharge of his duties. For the direction and accomplishment of his work the said commissioner may and is hereby empowered to appoint certain deputies, secretary, quarantine officers, superintendents, assistants, and clerk as hereinafter provided, who shall hold office at the pleasure of said commissioner and perform any and all duties pertaining to their office or employment which the said commissioner may require of each of them, and may be removed from office or position at any time by said commissioner filing with the secretary of state a certificate signed by said commissioner so removing such deputy, secretary, quarantine officer, superintendent, assistant, or clerk. The traveling and other necessary expenses incurred by the officers and employees herein provided for in the performance of their duties shall be paid from the funds appropriated for the support of the office of the state commissioner of horticulture. Said commissioner may arrange his office into three divisions, to wit: executive office, quarantine division, insectary and pathological division. Said commissioner may appoint a chief deputy who shall be an expert entomologist and horticulturist and shall have charge of the work in the field and shall represent the commissioner ex officio with the county horticultural commissioners when so authorized in accordance with the provisions of the law. Such chief deputy shall receive a salary of two thousand four hundred dollars per annum. Said commissioner may appoint a secretary, who shall be a civil executive officer. Said secretary shall be versed in horticulture and entomology and shall compile such bulletins and such publications as may issue from the office of said commissioner from time to time, and shall perform all other duties as may be required of him by said commissioner. Such secretary shall receive a salary of two thousand four hundred dollars per annum. Said commissioner may appoint a clerk whose salary shall be one thousand five hundred dollars per annum. The main office of such commissioner shall be at the city of Sacramento. The secretary of state shall furnish and set aside at the capitol a room or rooms suitable for offices for said com-

Salary.

Appointees.

Divisions of office.

Chief deputy.

Secretary.

Clerk.

Office.

missioner, and if the secretary of state shall make and file an affidavit with the said commissioner stating that it is not possible for him, as such secretary of state, to provide and set aside an office for said commissioner in the capitol or in any state building under his control, because there is no such office room or rooms available, then, and after the making and delivery of such affidavit to such commissioner, the said commissioner may rent rooms convenient and suitable for his offices at a rental not to exceed one thousand dollars per year. The office of said commissioner shall be kept open every day except holidays, and shall be in charge of the secretary, during the absence of the commissioner. Said commissioner may also keep and maintain an office in the city and county of San Francisco at a yearly rental not to exceed the sum of five hundred dollars. Said commissioner may appoint for the work of the quarantine division a chief deputy quarantine officer who shall be a skilled entomologist and particularly conversant with the nature of foreign insect pests and diseases and effective means of preventing their introduction, and shall have charge of the commissioner's San Francisco office provided for in this section of this act. Such chief deputy quarantine officer shall receive a salary of two thousand four hundred dollars per annum. Said commissioner may appoint a deputy quarantine officer who shall be a competent entomologist for the purpose of quarantine work. Such deputy quarantine officer shall receive a salary of one thousand eight hundred dollars per annum. Said commissioner shall also properly maintain and operate the state insectary located on the state capitol grounds in Sacramento from funds provided by law for such purpose, and shall appoint for the work of the insectary division a superintendent of the insectary, who shall be an expert entomologist able to perform all the necessary duties with reference to the importation, rearing and distribution of beneficial insects. The salary of the superintendent of the state insectary shall be two thousand four hundred dollars per annum. Said commissioner may appoint an assistant superintendent of the insectary, who shall be an economic entomologist, at a salary of one thousand eight hundred dollars per annum. Said commissioner may appoint a field deputy for the insectary division, who shall be a practical entomologist and whose salary shall be one thousand five hundred dollars per annum. The salaries of all the officers above mentioned shall be paid at the same time and in the same manner as the salaries of other state officers. Said commissioner may also appoint, by and with the approval of the governor, such temporary deputies from time to time as may be required and such temporary deputies shall receive such reasonable compensation per diem as may be fixed by said commissioner.

Quarantine officer.

Deputy quarantine officer.

Insectary.

Superintendent of insectary.

Assistant superintendent.

Field deputy.

Temporary deputies.

SEC. 2. Section 2319a of the Political Code is hereby amended so as to read as follows:

2319a. Such commissioner shall collect books, pamphlets

Duties of commissioner of horticulture.

and periodicals and other documents containing information relating to horticulture and shall preserve the same; collect statistics and other information showing the actual condition and progress of horticulture in this state and elsewhere; correspond with horticultural societies, colleges and schools, and with the county horticultural commissioners existing or that may exist in this state, and with all other persons necessary to secure the best results to horticulture in this state. He shall require reports from county horticultural commissioners in this state, and may print the same or any part thereof as he may select, either in the form of bulletins or in his annual reports or both, as he shall deem proper. He shall issue and cause to be printed and distributed to county horticultural commissioners in this state, and to such other persons as he may deem proper, bulletins or statements containing all the information best adapted to promote the interest and protect the business and development of horticulture in this state. Such commissioner shall be deemed to be the state horticultural quarantine officer mentioned in that certain act entitled, "An act for the protection of horticulture, and to prevent the introduction into this state of insects, or diseases, or animals injurious to fruit or fruit trees, vines, bushes or vegetables, and to provide for a quarantine for the enforcement of this act," which became a law under constitutional provisions without the governor's approval on March 11th, 1899, for the purposes of that act, and shall be empowered to perform the duties which under that act are to be performed by the state horticultural quarantine officer; *provided*, that in any case where it shall become necessary in the judgment of the state commissioner of horticulture to quarantine a county or district within the state against another or other county or counties or districts within the state, or to quarantine the state or a county or district of the state against another state or a foreign country or countries then it shall be necessary that said quarantine shall be made by and with the approval of the governor as provided in this chapter. The state commissioner of horticulture may issue commissions as quarantine guardians to the county horticultural commissioners, the deputies and inspectors appointed by them.

State horticultural quarantine officer.

SEC. 3. Section 2319*b* of the Political Code is hereby amended so as to read as follows:

Quarantine regulations.

2319*b*. Said commissioner may, by and with the approval of the governor, establish, maintain and enforce such quarantine regulations as may be deemed necessary to protect the nurseries, trees, shrubs, plants, vines, cuttings, grafts, scions, buds, fruit-pits, fruit, seeds, vegetables or other articles of horticulture, against contagion or infection by injurious disease, insects or pests, by establishing such quarantine at the boundaries of this state or elsewhere within the state, and he may make and enforce, with the approval of the governor, any and all such rules and regulations as may be deemed necessary to prevent any infected stock, tree, shrub, plant, vine, cutting, graft, scion, bud, fruit-pit, fruit, seeds, vege-

table or other article of horticulture, from passing over any quarantine line established and proclaimed pursuant to this act, and all such articles shall, during the maintenance of such quarantine, be inspected by such commissioner or by deputies appointed in writing by said commissioner, and he and the deputies so conducting such inspection shall not permit any such article to pass over such a quarantine line during such quarantine, except upon a certificate of inspection signed by such commissioner or in his name by such a deputy who has made such inspection. All approvals by the governor given or made pursuant to this act shall be in writing and signed by the governor in duplicate, and one copy thereof shall be filed in the office of the secretary of state and the other in the office of said commissioner before such approval shall take effect.

SEC. 4. Section 2319c of the Political Code is hereby amended so as to read as follows:

2319c. Upon information received by such commissioner of the existence of any infectious disease, insect or pest, dangerous to any article, or to the interests of horticulture within this state, or that there is a probability of the introduction of any such infectious disease, insect or pest into this state or across the boundaries thereof, he shall proceed to thoroughly investigate the same and may establish, maintain and enforce quarantine as hereinbefore provided, with such regulations as may be necessary to circumscribe and exterminate or eradicate such infectious diseases, insects or pests, and prevent the extension thereof, and is hereby authorized to enter upon any ground or premises, and inspect any stock, tree, shrub, plant, vine, cutting, graft, scion, bud, fruit-pit, fruit, seed, vegetable or other article of horticulture or implement thereof or box or package pertaining thereto, or connected therewith or that has been used in packing, shipping or handling the same, and to open any such package, and generally to do, with the least injury possible under the conditions to property or business, all acts and things necessary to carry out the provisions of this chapter.

Infectious diseases, etc.

May establish quarantine.

SEC. 5. Section 2319d of the Political Code is hereby amended so as to read as follows:

2319d. Upon the discovery of any infectious disease, insects or pests, such commissioner shall immediately report the same to such quarantine guardians, county horticultural commissioners or county boards of horticulture of such counties as are affected or liable to be affected by the disease, insect or pest, together with a statement as to the best known means or method for circumscribing, exterminating or eradicating the same, and shall state therein specifically what treatment or method should be applied in each case, as the matter may require, with a detailed statement or prescription as to the method of making or procuring and of applying any preparation or treatment so recommended therefor, and the time and duration for such treatment, and if chemicals or articles be required other than those usually obtainable in any town, the place or

Pests to be reported to county horticultural commissioners.

places where they are most readily to be obtained; and upon the receipt of such statement by any quarantine guardian, county horticultural commissioner or county board of horticulture, or any member thereof it shall be the duty of such quarantine guardian, county horticultural commissioner or county board of horticulture to distribute such statement in written or printed form to every person owning or having charge or possession of any orchard, nursery stock, tree, shrub, plant, fruits or article of horticulture within their county, where there may be or be likely to be any danger to the interests of horticulture, and such a statement must be served with or be a part of the notice to be given to the owner or owners or person or persons, in possession of any orchard, nursery, tree, shrub, plants, fruits or other articles of horticulture, referred to, provided for, and required to be served in and by section 2 of chapter 183 of the laws of 1897 or any amendments which have been or may be made thereto.

SEC. 6. Section 2319*e* of the Political Code is hereby amended so as to read as follows:

Duty of
commissioners.

State commissioner
to co-operate with
United States
authorities.

To notify
governor
of quarantine
lines.

2319*e*. Whenever it shall be necessary to establish quarantine under this chapter, if there be any authorities or officers of the United States having authority to act in such matter, or any part thereof, the said state commissioner of horticulture shall notify such authorities or officers of the United States, seeking their coöperation as far as possible wheresoever the jurisdiction of the United States extends and is being exercised. The said commissioner shall at once notify the governor of all quarantine lines established under or pursuant to this chapter, and if the governor approve or shall have approved of the same or any portion thereof the same shall be in effect and the governor may issue his proclamation proclaiming the boundaries of such quarantine and the nature thereof, and the order, rules or regulations prescribed for the maintenance and enforcement of the same, and may publish said proclamation in such manner as he may deem expedient to give proper notice thereof.

SEC. 7. Section 2319*f* of the Political Code is hereby amended so as to read as follows:

State commissioner
ex officio
county
commissioner.

2319*f*. The said state commissioner shall be ex officio a county commissioner of horticulture wherever such county commissioner has been appointed or may hereafter be appointed or exist in this state pursuant to law, whenever he is present and acting with said county horticultural commissioner within such county where such commissioner has been appointed.

SEC. 8. Section 2319*h* of the Political Code is hereby amended so as to read as follows:

Annual
report.

2319*h*. It shall be the duty of the state commissioner of horticulture to report in the month of January in each even-numbered year to the governor, and in each odd-numbered year to the legislature of this state the horticultural conditions of the state with statistics regarding the same, the efficiency of the work of the county horticultural commissioners

of the state and such other matters as he may deem expedient or as may be required either by the governor or legislature, and to include a statement of all the persons employed and moneys expended under this chapter by itemized statement thereof.

SEC. 9. Section 2319j of the Political Code is hereby amended so as to read as follows:

2319j. All moneys paid hereunder shall be paid by the state treasurer from moneys appropriated for the support of the office of state commissioner of horticulture, and expenses other than the salary of the commissioner, the compensation of his deputies, secretary, quarantine officers, superintendents, assistants, and clerk, as allowed and provided by this chapter, must be certified by the said commissioner and be approved by the state board of examiners before being audited and paid.

Payment
of ex-
penses.

CHAPTER 601.

An act to provide for the reimbursement of counties in this state, which sustain net loss of revenue by the withdrawal of railroad property from county taxation, under the provisions of section fourteen of article thirteen of the constitution of this state.

[Approved April 26, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, for each fiscal year hereafter to and including the fiscal year ending June thirtieth, one thousand nine hundred eighteen, the sum of one hundred and thirty thousand eight hundred and ninety-seven dollars for the purpose of reimbursement of counties in this state which sustain net loss of revenue by the withdrawal of railroad property from county taxation under the provisions of section fourteen of article thirteen of the constitution of this state, and as provided in section thirty of an act of the thirty-ninth session of the legislature entitled, "An act to carry into effect the provisions of section fourteen of article thirteen of the constitution of the State of California as said constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the state, all relating to revenue and taxation."

Appropriation: reimbursement of counties for loss of railroad taxes.

SEC. 2. The counties which sustain net loss of revenue, by the withdrawal of railroad property from county taxation under the provisions of section fourteen of article thirteen of the constitution of this state are the counties of Imperial, Madera, Nevada, Placer, San Bernardino, Siskiyou, and Yuba.

Counties.

and the amount of net loss of revenue which said counties sustain by the withdrawal of railroad property from county taxation is as follows: Imperial, twenty-one thousand fifty-four dollars; Madera, two thousand four hundred seventy-eight dollars; Nevada, five thousand eight hundred sixty-one dollars; Placer, thirty-six thousand three hundred four dollars; San Bernardino, fifty-two thousand nine hundred eighty-seven dollars; Siskiyou, five thousand forty-five dollars; Yuba, seven thousand one hundred seventy-two dollars.

SEC. 3. The controller is hereby directed to draw his warrant in favor of each of said counties for the amount of net loss of revenue to said counties respectively, in equal installments at the time and in the manner provided for settlement between treasurers of the counties or cities and counties and the state controller, by section three thousand eight hundred and sixty-six of the Political Code and as is required by the provisions of section thirty of an act of the thirty-ninth session of the legislature entitled "An act to carry into effect the provisions of section fourteen of article thirteen of the constitution of the State of California as said constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the state, all relating to revenue and taxation" and the state treasurer is directed to pay the same.

SEC. 4. This act shall take effect immediately.

CHAPTER 602.

An act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten which is provided in section fourteen of article thirteen of the constitution of this state and as provided in an act of the thirty-ninth session of the legislature entitled, "An act to carry into effect the provisions of section fourteen of article thirteen of the constitution of the State of California as said constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the state, all relating to revenue and taxation."

[Approved April 26, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money not otherwise appropriated the sum of one million five hundred thousand dollars for the purpose of payment of that part of

the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten, as is provided in section fourteen of article thirteen of the constitution of this state and as provided in an act of the thirty-ninth session of the legislature entitled "An act to carry into effect the provisions of section fourteen of article thirteen of the constitution of the State of California as said constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the state, all relating to revenue and taxation," and of said moneys hereby appropriated the sum of six hundred and fifty thousand dollars, or so much thereof as may be necessary, shall be available for the fiscal year ending June thirtieth nineteen hundred and twelve and the sum of eight hundred and fifty thousand dollars, or so much thereof as may be necessary, shall be available for the fiscal year ending June thirtieth one thousand nine hundred and thirteen.

Appropriation: principal and interest of bonded indebtedness.

SEC. 2. The state controller is hereby directed to draw his warrant for said sum, or so much thereof as may be necessary for said fiscal years, in the manner and at the times and as is required by the provisions of section twenty-nine of an act of the thirty-ninth session of the legislature, entitled "An act to carry into effect the provisions of section fourteen of article thirteen of the constitution of the State of California as said constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the state, all relating to revenue and taxation," and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 603.

An act to amend section one thousand eight hundred and eighty-one of the Code of Civil Procedure of the State of California, relating to confidential communications.

[Approved April 26, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one thousand eight hundred and eighty-one of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

1881. There are particular relations in which it is the policy of the law to encourage confidence and to preserve it

Cases in which witnesses may not be examined.

Husband and wife.

inviolate; therefore, a person can not be examined as a witness in the following cases:

1. A husband can not be examined for or against his wife without her consent; nor a wife for or against her husband, without his consent; nor can either, during the marriage or afterwards, be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceedings for a crime committed by one against the other; or in an action brought by husband or wife against another person for the alienation of the affections of either husband or wife or in an action for damages against another person for adultery committed by either husband or wife.

Attorney and client.

2. An attorney can not, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of professional employment; nor can an attorney's secretary, stenographer, or clerk be examined, without the consent of his employer, concerning any fact the knowledge of which has been acquired in such capacity.

Confessor and confessant.

3. A clergyman or priest can not, without the consent of the person making the confession, be examined as to any confession made to him in his professional character in the course of discipline enjoined by the church to which he belongs.

Physician and patient.

4. A licensed physician or surgeon can not, without the consent of his patient, be examined in a civil action as to any information acquired in attending the patient, which was necessary to enable him to prescribe or act for the patient; *provided, however,* that after the death of the patient, the executor of his will, or the administrator of his estate, or the surviving spouse of the deceased, or, if there be no surviving spouse, the children of the deceased personally, or, if minors, by their guardian, may give such consent, in any action or proceeding brought to recover damages on account of the death of the patient, caused by the negligent or wrongful act of another.

Public officer.

5. A public officer can not be examined as to communications made to him in official confidence, when the public interest would suffer by the disclosure.

SEC. 2. This act shall take effect immediately.

CHAPTER 604.

An act to amend sections seventeen hundred fifty-one, seventeen hundred fifty-six, seventeen hundred fifty-eight and seventeen hundred fifty-nine of the Political Code of the State of California, relating to the admission of pupils to high schools, and to the tuition of pupils of one county attending high schools in another county and providing for payment of same.

[Approved April 26, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1751 of the Political Code is hereby amended so as to read as follows:

1751. Any graduate of the elementary schools of this state and any other person who furnishes to the principal of the high school he desires to attend, and to the superintendent having jurisdiction over such high school, satisfactory evidence of his fitness for high school work, may attend any high school in this state: *provided*, that any person residing in a high school district may attend the high school in another high school district only upon such terms as may be agreed upon by the high school board of the two districts, or if such boards fail to agree, on such terms as the superintendent of schools having jurisdiction by the provisions of this article over the high school he desires to attend may prescribe; *and provided, further*, that any person not residing in a high school district or residing in a place which is subject to a county tax for the support of a county high school, or county high schools, and desiring to attend a high school in a high school district situate entirely outside the county in which such person resides may attend such high school only upon such terms as may be agreed upon by the high school board of the high school which he desires to attend and the superintendent of schools of the county in which he resides, or if they fail to agree on such terms as the superintendent of schools having jurisdiction by the provision of this article over the high school he desires to attend may prescribe. When terms have been made and agreed upon as provided for in this section, the superintendent of schools of the county in which such person resides is authorized and empowered to apportion and cause to be paid over to the high school which such person desires to attend such portion of the high school tuition fund of his county provided for by sections 1758 and 1759 of this code or such portion of the fund provided for the support of a county high school or county high schools as provided in sections 1756 and 1757 of this code, as may be equitable and as may be agreed to by the high school board of the high school such person desires to attend.

Admission
of pupils
to high
school.

SEC. 2. Section 1756 of the Political Code is hereby amended to read as follows:

Estimate
of tax for
main-
tenance.

1756. It shall be the duty of every high school board to make and file with the board of supervisors of each county in which any part of their high school district is situated, on or before the first Monday of September of each year, an estimate of the amount of money required for maintaining the high school for the current school year, including rent of temporary quarters, if any. The first such estimate after the formation of such district shall also, if temporary quarters have been secured for the high school, include the amount of money required to provide the necessary furniture and apparatus for such temporary quarters. Every county board of education acting as trustees of a county high school shall annually make and file with the board of supervisors of their county the estimate required by this section, and an estimate of the amount needed for the current year to pay for the education of all high school pupils residing in such county outside of a high school district and attending a high school in another county, such estimate to be based upon the report of the superintendent of schools of such adjoining county provided for by section 1758 of this code. Should the trustees of any county high school, or the high school board of any high school district, fail to make the estimate provided for by this section, it shall be the duty of the superintendent of schools of the county (or) having jurisdiction over such high school district, to make and file such estimate on or before the second Monday of September.

SEC. 3. Section 1758 of the Political Code of California is hereby amended so as to read as follows:

Special tax
for educa-
tion of
pupils not
residing in
a high
school
district.

1758. For the purpose of defraying the cost of educating high school pupils residing in any county and not in any high school district, a special tax shall be annually levied by the board of supervisors of each county in which there is no county high school upon all property in the county not situated in any high school district, in the manner hereinafter provided. Every superintendent of schools to whom any report is made under section seventeen hundred forty-three, shall verify each such report as to the new pupils therein mentioned as attending high school and residing in his county but not in any high school district, and shall compile a report showing the total number of such high school pupils residing in his county outside of any high school district, the net cost of educating each of such pupils, the total net cost for all of such pupils, and the total net cost to each high school district for all of such pupils attending therein; to be determined as hereinafter provided. The net cost in any year of educating a new pupil attending a high school and not residing in any high school district shall be the excess, if any, of the total cost for such year, of educating each high school pupil of the district maintaining such high school over the amount per pupil paid by the state to such high school district for that

Net yearly
cost.

year. If it shall appear to a superintendent of schools by the reports of the principals in the several high schools of his county that pupils living in an adjoining county are attending high school in his county, then said superintendent of schools shall compile a report showing the names of said pupils, the county from which they came and the net cost of educating each and the total cost of educating all of such pupils. Said report shall be forwarded by registered mail to the superintendent of schools of the county from which such pupils attend. to be by said superintendent of schools to whom such report is sent filed with the board of supervisors of such county on or before September first of each year. The cost of educating each high school pupil of any high school district shall be determined by dividing the total amount expended by the high school district for maintaining school during any school year, by the average daily attendance of pupils enrolled in the high schools of the district during the same school year. The amount paid per pupil by the state to any high school district in any one year shall be determined by dividing the high school district's income from the state high school fund for that year, by the average daily attendance of pupils enrolled in the high schools of the district for that year.

Method of
determin-
ing cost
per pupil.

SEC. 4. Section 1759 of the Political Code of California is hereby amended so as to read as follows:

1759. Not later than the first Monday in September of each year the superintendent of schools of each county in which there is not a county high school shall certify to the board of supervisor and to the county auditor of such county, the total net cost, for the preceding year, of educating all high school pupils residing in such county and not in any high school district, and the estimated amount needed for that purpose for the current year. The board of supervisors with whom such certificate is filed must, at the time of making the tax levy for that year for county purposes, levy a special tax upon all taxable property in the county not situated in any high school district, sufficient in amount to defray the net cost, for the current year, of educating all high school pupils residing in such county and not in any high school district. If it shall appear by the report of the superintendent of schools that pupils residing in one are attending high school in another county, the supervisors of the county in which said pupils live shall levy a tax as is provided by this section to pay the cost of educating such pupils. If the board of supervisors fail to make such tax levy the auditor of the county must make the same. Said tax when collected shall be paid into the county treasury and placed in a fund to be known as the high school tuition fund. The auditor shall, not later than the last Monday in December and the last Monday in May of each year, notify the superintendent of schools of the amount in such fund, and the superintendent of schools shall thereupon apportion the same to the several high school districts having territory in his county, or to high schools in adjoining counties as provided above, in proportion to the

Levy and
apportion-
ment.

total net cost to each of said districts of educating its high school pupils who reside in his county outside of any high school district, as shown in his report for the preceding school year compiled as directed in section seventeen hundred fifty eight, and certify such apportionment to the auditor. The amount so apportioned to each high school district shall be paid into the treasury of the county whose superintendent of schools has jurisdiction over such high school district, to the credit of the special fund thereof, and shall be used to maintain the high school, and paid out in the same manner as other high school funds. The superintendent of schools of a county having high school pupils attending high school in an adjoining county shall draw his order on the county auditor in favor of the superintendent of schools in which such pupils attend school, for any money belonging to any high school outside of his county as provided in this section. The county auditor of said county shall draw his warrant as directed by the superintendent of schools and the county treasurer shall pay the same. A superintendent of schools in whose favor such order is drawn shall pay the amount of said money into the county treasury to the credit of the high school or schools educating the children from the county paying such money.

Sec. 5. This act shall take effect July 1st, 1911.

CHAPTER 605.

An act to amend section 4259 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirtieth class.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4259 of the Political Code of the State of California is hereby amended to read as follows:

4259. In counties of the thirtieth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, to-wit:

1. The county clerk, three thousand dollars per annum; *provided*, that in counties of this class the county clerk is hereby allowed in addition to his salary, each year when a new registration is required, the sum of ten cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election, and be paid from the general fund of the county.

2. The sheriff, five thousand seven hundred dollars per annum. Also, the following, to be audited and paid as other

Salaries of officers in counties of thirtieth class.

County clerk.

Sheriff.

county charges: For every mile necessarily traveled in executing any warrant of arrest, twenty-five cents per mile; for taking prisoners to magistrate or jail, the actual cost of such transportation.

3. The recorder, three thousand dollars per annum.

Recorder.

4. The auditor, one thousand eight hundred dollars per annum.

Auditor.

5. The tax collector, two thousand dollars per annum: *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector a deputy, to be appointed by the tax collector, who shall receive a salary of sixty-five dollars per month for four months in the year, payable out of the same funds and in the same manner as is the tax collector.

Tax collector.

6. Assessor, three thousand six hundred dollars per annum.

Assessor.

7. The treasurer, two thousand dollars per annum.

Treasurer.

8. The district attorney, twenty-one hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney a deputy, who shall be appointed by the district attorney of said county, and whose salary is hereby fixed at the sum of seven hundred and eighty dollars per annum, which shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the district attorney; *provided, further*, that nothing herein contained shall be construed to prevent the board of supervisors of said counties of this class from employing special counsel when, in the judgment of said board, the interest of said counties requires it.

District attorney.

9. The coroner, such fees as are now or may hereafter be allowed by law.

Coroner.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

Administrator.

11. The superintendent of schools, twenty-one hundred dollars per annum. His office shall be kept open on all business days from nine A. M. to twelve M. and from one P. M. to four P. M. He shall be allowed his actual traveling expenses when visiting the schools of his county and such per diem as is now or may hereafter be allowed by law for services as a member of the county board of education; *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools a deputy, to be appointed by the superintendent of schools, who shall receive from the county a salary of sixty-five dollars per month, to be paid by the county in monthly installments at the same time and in the same manner and out of the same funds as is the salary of the superintendent of schools.

Superintendent of schools.

12. The county surveyor shall devote his entire time to the duties of his office and shall receive for said services the sum of twenty-one hundred dollars per annum, and the necessary cost of transportation to and from, and necessary expenses while in the field when engaged on public work; *provided*, that in counties of this class the board of supervisors may allow the surveyor additional help when in its judgment the work of the

Surveyor.

office demands it; the expense for such additional help to be paid out of the county treasury.

Board of
education.

13. In counties of this class, each member of the county board of education shall receive five dollars for each day the board of education is in session, not to exceed a total of three hundred and fifty dollars per annum. In addition each member shall receive the same mileage as is allowed the members of the board of supervisors of said county. Compensation of the members of the county board of education shall be payable out of the same funds and in the same manner as is the salary of the county superintendent of schools.

Justices of
the peace.

14. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered in criminal cases: In townships where the population is four thousand or more, eighty dollars per month, and said justices of the peace shall be furnished with offices and necessary supplies by the board of supervisors of the county; in townships where the population is two thousand and less than four thousand, sixty dollars per month; in townships where the population is one thousand and less than two thousand, forty dollars per month; in townships where the population is five hundred and less than one thousand, twenty dollars per month; in townships where the population is less than five hundred, ten dollars per month; *provided*, that each justice of the peace shall, before receiving his monthly salary, file with the auditor a statement of all fines received, together with the treasurer's receipt for the same. In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions. For the purposes of this section the population of townships shall be ascertained and determined by the board of supervisors by multiplying the vote for governor cast in each township at the general state election of 1910, by five.

Popula-
tion of
townships.

Con-
stables.

15. Constables shall receive the following monthly salaries, to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships where the population is four thousand or more, eighty dollars per month; in townships where the population is two thousand and less than four thousand, seventy dollars per month; in townships where the population is one thousand and less than two thousand, fifty dollars per month; in townships where the population is five hundred and less than one thousand, twenty-five dollars per month; in townships where the population is less than five hundred, ten dollars per month. For the purposes of this section the population of townships shall be ascertained and determined by the board of supervisors by multiplying the vote for governor cast in each township at the general state election of 1910, by five. In addition to the monthly salaries herein allowed, each constable may retain for his own use such fees as are now or may hereafter be allowed by law for all

services rendered by him in civil actions, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which said expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury.

16. Each supervisor, six dollars per day when the board is in session and twenty cents per mile for traveling from his residence to the county seat. For his services as road commissioner, three hundred dollars per annum, payable in monthly installments. Supervisors.

CHAPTER 606.

An act to amend section four thousand two hundred and sixty-four of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-fifth class.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four thousand two hundred and sixty-four of the Political Code of the State of California is hereby amended to read as follows:

4264. In counties of the thirty-fifth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Salaries of officers in counties of thirty-fifth class.

1. The county clerk, three thousand dollars per annum, and when a new great register of voters is required by law to be made, he shall receive five hundred dollars additional, which shall be in full for all services required in registering voters and making the great register. County clerk.

2. The sheriff, four thousand five hundred dollars per annum.

3. The recorder, two thousand five hundred dollars per annum. Other officers.

4. The auditor, two thousand dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, twelve hundred dollars per annum.

7. The assessor, three thousand dollars per annum and his actual and necessary traveling expenses, when engaged in assessing the property of his county; *provided*, that such traveling expenses shall not, in any one year, exceed the sum of three hundred dollars.

8. The district attorney, two thousand three hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand eight hun-

dred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The county surveyor, one thousand five hundred dollars per annum, he to furnish all necessary instruments; but transportation charges for field work shall be allowed him. He shall not be required to perform county work more than two thirds of the working days in any month, except on payment of fees now allowed by law.

Justices of
the peace.

13. Justices of the peace, the following monthly salaries, to be paid each month as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of twenty-five hundred and more, sixty-five dollars; in townships having a population of fifteen hundred and less than twenty-five hundred, forty dollars; in townships having a population of one thousand and less than fifteen hundred, twenty-five dollars; in townships having a population of less than one thousand, ten dollars. Each justice must pay into the county treasury, once a month, all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as are now or may hereafter be allowed by law, for all services performed by him in civil actions. In all townships having a population of less than twenty-five hundred if there be more than one justice, the compensation allowed herein shall be equally divided between them so that the sum total of their monthly compensation shall not exceed the salary allowed herein for a single justice in such township.

Con-
stables.

14. Constables, the following salaries, which shall be paid monthly as salaries of county officers are paid, and shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of twenty-five hundred or more, seventy dollars; in townships having a population of fifteen hundred and less than twenty-five hundred, forty-five dollars; in townships having a population of one thousand and less than fifteen hundred, thirty dollars; in townships having a population of less than one thousand, fifteen dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all the services performed by him in civil actions. In all townships having a population less than twenty-five hundred, if there be more than one constable, the compensation herein allowed shall be equally divided between them, so that the sum total of their monthly compensation shall not exceed the salary allowed herein for a single constable in such township.

The board of supervisors shall, during each and every year, ascertain and determine the population of the several townships of the county for the purposes of ascertaining the compensation of township officers regulated by this section, in proportion to their duties.

Super-
visors.

15. Each supervisor, twelve hundred dollars per annum for all services performed by him as supervisor, member of the board of equalization and road commissioner.

CHAPTER 607.

An act to add a new section to the Political Code of the State of California, to be numbered 2636, providing for the naming of highways and avenues.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code of the State of California to be numbered 2636 and to read as follows:

2636. The owners of land along any road, highway, avenue, or other public way may petition the board of supervisors of the county in which said road, highway, avenue, or other public way is located, to have a name adopted and applied to the same. The name and a description of the road, highway, or avenue to be named shall be set forth in the petition, which petition shall be signed by three fourths of the owners of land on said road, highway or avenue. The supervisors to whom such petition is presented shall examine the same, and if it conforms to the provisions of this act shall make an order in the minutes of the board granting the petition, and thereafter the said described road, highway or avenue, shall be known by said name.

Naming of highways.

CHAPTER 608.

An act to amend section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4246 of the Political Code of the State of California is hereby amended to read as follows:

4246. In counties of the seventeenth class the county officers shall receive as compensation for services required of them by law or by virtue of their offices, the following salaries, to wit:

Salaries of officers in counties of seventeenth class.

1. The county clerk, two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk the following deputies who shall be appointed by the county clerk and shall be paid salaries as follows: one chief deputy clerk, at a salary of one hundred dollars per month; one court room clerk at a salary of one hundred dollars per month. In each year in

County clerk.

which a new and complete registration of voters is required by law, said county clerk shall receive such additional amount as shall be deemed necessary by the board of supervisors for extra help in the office during such work, and also receive an additional sum of seven and one half cents per name for taking the affidavits of registration outside of the office by deputy registration clerks, the claims for which shall be presented to and allowed by the board of supervisors as other claims are presented and allowed. The salaries of the chief deputy and court room clerk herein provided for, shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid.

Sheriff.

2. The sheriff, six thousand dollars per annum.

Recorder.

3. The recorder, twenty-eight hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder the following deputies, who shall be appointed by the recorder and shall be paid salaries as follows: One chief deputy at a salary of ninety dollars per month; and one deputy at a salary of seventy-five dollars per month; said salaries to be paid by said counties in monthly installments at the same time and in the same manner and out of the same funds as the salary of the recorder is paid.

Auditor.

4. The auditor, twenty-two hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the county auditor one deputy, who shall be appointed by the county auditor and paid a salary of one hundred dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county auditor is paid.

Treasurer.

5. The treasurer, one thousand five hundred dollars per annum.

Tax collector.

6. The tax collector, two thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the tax collector one deputy for a period of six months during each fiscal year, who shall be appointed by said tax collector and be paid a salary of ninety dollars per month, said salary to be paid by said county in monthly installments, and at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid.

Assessor.

7. The assessor, twenty-five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor two deputies, one for a period of six months during each fiscal year, who shall be appointed by said assessor and be paid a salary of ninety dollars per month; and one for a period of six months during each fiscal year, who shall be appointed by said assessor and be paid a salary of seventy-five dollars per month; said salaries to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the assessor is paid.

8. The district attorney, two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the district attorney the following deputies, who shall be appointed by the district attorney and shall be paid salaries as follows: One chief deputy at a salary of seventy-five dollars per month; one deputy at a salary of fifty dollars per month; one deputy at a salary of twenty-five dollars per month; said salaries to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid. District attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law. Coroner.

10. The public administrator, such fees as are now or may be hereafter allowed by law. Administrator.

11. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting the schools of his county. Superintendent of schools.

12. The county surveyor shall receive fifteen hundred dollars per annum and necessary costs of transportation to and from, and necessary expenses in, the field while engaged on public work; *provided*, that whenever said surveyor is directed by the assessor to plat, trace, or otherwise prepare maps, plats, or block books for the use of the county assessor, he shall be allowed only the actual cost of preparing the same. Surveyor.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month in the same manner and at the same time and out of the same funds as other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than ten thousand, ninety dollars per month; in townships having a population of thirty-five hundred and not over ten thousand, seventy-five dollars per month; in townships having a population of two thousand and not over thirty-five hundred, forty dollars per month; in townships under two thousand population, twenty-five dollars per month; *provided*, that in townships where there have been no justices of the peace appointed or elected for two years preceding, justices of the peace shall be allowed such fees as are now or may hereafter be allowed by law in criminal cases. In addition to the above compensation received in criminal cases, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by them in civil cases. For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year A. D. 1910. Justices of the peace.

14. Constables shall receive the following monthly salaries, to be paid each month and in the same manner and at the same time and out of the same fund as other county officers are paid, which shall be in full for all services rendered by them in criminal cases; in townships having a population of more than ten thousand, seventy-five dollars per month; in townships having Constables.

a population of thirty-five hundred and not over ten thousand, seventy dollars per month; in townships having a population of two thousand and not over thirty-five hundred, forty dollars per month; in townships having a population of under two thousand, twenty-five dollars per month; *provided*, that in townships where there have been no constables appointed or elected for two years preceding, constables shall be allowed such fees as are now or may hereafter be allowed by law in criminal cases. In addition to the above compensation received in criminal cases, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases. Constables shall also be allowed all necessary expenses incurred in conveying prisoners. For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year A. D. 1910.

Super-
visors.

15. Each supervisor, six hundred dollars per annum and twenty cents per mile for traveling from his residence to the county seat; and as road commissioner, four dollars per day for not to exceed eighteen days in any one month; *provided*, that said supervisors shall receive no mileage when acting as road commissioner, but shall receive his actual traveling expenses while acting as such road commissioner, not to exceed the sum of two hundred dollars in any one year.

SEC. 2. This act shall take effect immediately.

CHAPTER 609.

An act amending section two of an act entitled, "An act authorizing the board of Sutter's Fort trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort and providing for the compensation of such gardener," approved March 21, 1907.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of an act entitled "An act for the appointment of a gardener for the grounds at Sutter's Fort, prescribing his duties and appropriating money therefor," approved March 21, 1907, is amended so as to read as follows:

Salary of
Sutter's
Fort
gardener.

SEC. 2. The gardener provided for in section one of this act shall receive an annual salary of one thousand two hundred dollars, to be paid at the same time and in the same manner as other state officers.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

CHAPTER 610.

An act to amend section four thousand two hundred and sixty-three of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-fourth class and adding a new section thereto to be numbered 4263a.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four thousand two hundred and sixty-three of the Political Code of the State of California is hereby amended to read as follows:

4263. In counties of the thirty-fourth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Salaries of officers in counties of thirty-fourth class.

1. The county clerk, three thousand dollars per annum, and when a great register of voters is required by law to be made, he shall receive six hundred and fifty dollars additional, which shall be in full for all services rendered in registering voters and making the great register; *provided*, that in any year when a primary election is held, he shall receive the sum of five hundred dollars additional, which shall be in full for all services rendered at said primary election.

County clerk.

2. The sheriff, six thousand dollars per annum. The sheriff shall also receive for his own use, for serving all papers issued from justices' courts, the same fees as are now or may be hereafter allowed by law to constables for like service.

Sheriff.

3. The recorder, three thousand two hundred dollars per annum.

Recorder.

4. The auditor, eight hundred dollars per annum.

Auditor.

5. The treasurer, two thousand five hundred dollars per annum.

Treasurer.

6. The tax collector, six hundred and fifty dollars per annum.

Tax collector.

7. The assessor, five thousand five hundred dollars per annum.

Assessor.

8. The district attorney, two thousand five hundred dollars per annum; and the district attorney may appoint one deputy, which office is hereby created, at a salary of six hundred dollars per annum. The deputy district attorney to hold office at the pleasure of the district attorney. The salary of such deputy to be paid monthly and in the same manner as salaries of county officers are now paid.

District attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Coroner.

10. The public administrator, four hundred dollars per annum.

Administrator.

11. The superintendent of schools, two thousand dollars per annum; and he shall receive and retain for his own use the sum of five dollars per diem for each and every day he attends

Superintendent of schools.

the meetings of the county board of education, and shall also be allowed his actual and necessary traveling expenses in visiting the schools of the county.

Surveyor. 12. The surveyor, such fees as are now or may be hereafter allowed by law.

Super-
visors. 13. Each member of the board of supervisors shall receive for his services the sum of nine hundred dollars per annum, and twenty cents per mile in traveling to and from his residence to the county seat; *provided*, that no more than one mileage at any regular session of the board shall be allowed, and that one fourth of the annual salary shall be paid at the close of each quarterly session of the board; *and provided, further*, they shall be reimbursed for necessary expenses actually incurred by attending any special session of the board. The road commissioner shall be reimbursed for all traveling, personal and other necessary expenses: said expenses not to exceed five dollars per day while actually engaged in the performance of their duties upon the roads; *provided*, that the full amount of expenses incurred shall not exceed seventy-five dollars in any one quarter, to be allowed as other claims by the board of supervisors.

Justices of
the peace. 14. Justices of the peace, such fees as are now or may be hereafter allowed by law; *provided*, that justices of the peace of townships containing four thousand five hundred inhabitants or more shall be allowed a salary of six hundred dollars per annum, payable monthly and in the same manner as salaries of county officers are paid, and shall be in full for all services rendered by him in criminal cases; *provided, further*, that justices of the peace shall, before receiving their monthly salary, file with the auditor a statement of all fines received, together with the treasurer's receipt for the same. All fines collected by justices of the peace shall be turned over to the county treasurer of said county within ten days after receipt of same; *provided*, that all fines collected for city offenses shall be turned over to the city treasurer of the city where the offense shall have been committed. In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may be hereafter allowed by law, for all services rendered by him in civil actions.

Con-
stables. 15. Constables, such fees as are now or may be hereafter allowed by law; *provided*, that constables of townships containing two thousand inhabitants or more shall be allowed a salary of four hundred and eighty dollars per annum, payable monthly and in the same manner as county officers are paid, and shall be in full for all services rendered by them in criminal cases; *provided, further*, that they shall be allowed all necessary expenses actually incurred in arresting and conveying prisoners to the county jail, which said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury; in addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now or may be hereafter allowed by

law, for all services rendered by him in civil actions. For the purpose of regulating salaries of justices and constables, townships in this class of counties are hereby classified according to their population as shown by the federal census of one thousand nine hundred.

16. In counties of this class the official reporter of the superior court shall receive such fees as are now or may be hereafter allowed by law, and when necessary for such reporter to travel away from the county seat in the performance of his duty he shall receive his actual and necessary traveling and personal expenses, to be allowed and paid by the board of supervisors as are other county charges. Reporter.

SEC. 2. Section 4250a of the Political Code of the State of California is hereby repealed.

SEC. 3. A new section is hereby added to the Political Code of the State of California, to be numbered 4263a, to read as follows:

4263a. In counties of the thirty-fourth class grand jurors and jurors in the superior court shall each receive for each day's attendance, per day, the sum of three dollars; and for each mile actually and necessarily traveled from their residences to the county seat, in going only, per mile, the sum of twenty-five cents; such mileage to be allowed but once during each session such jurors are required to attend; and provided, that no one mileage shall exceed the sum of fifteen dollars. Jurors.

CHAPTER 611.

An act to amend section 2643 of the Political Code relating to the powers of boards of supervisors relating to roads.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2643 of the Political Code is herein amended to read as follows:

2643. The boards of supervisors of the several counties of the state shall have general supervision over the roads within their respective counties. They must by proper order: Powers of supervisors over roads.

1. Cause to be surveyed, viewed, laid out, recorded, opened, and worked, such highways as are necessary to public convenience, as in this chapter provided.

2. Cause to be recorded as highways all highways which have become such by usage, dedication or abandonment to the public, or by any other means provided by law, and to prepare and record proper deeds and titles thereto.

3. Abolish or abandon such as are not necessary.

4. Acquire the right of way over private property for the use of public highways, and for that purpose require the dis- Right of way.

trict attorney to institute proceedings, under title VII, part III. of the Code of Civil Procedure, and to pay therefor from the general road fund or the district road fund of the county.

5. Levy a property tax for road purposes.

6. Cause to be erected and maintained, at the intersections and crossings of highways, guide posts, properly inscribed.

Apportionment of taxes.

7. Cause the road tax collected each year to be apportioned to the several road districts entitled thereto, and kept by the county treasurer in separate funds.

8. Audit all claims on the funds set apart for highway purposes, and specify the fund, or funds, from which the whole or any part of any claim, or claims, must be paid.

Gates.

9. In their discretion, they may provide for the establishment of gates on the public highways, in certain cases, to avoid the necessity of building road fences, and prescribe rules and regulations for closing the same, and penalties for violating said rules; *provided*, that the expense for the erection and maintenance of such gates shall in all cases be borne by the party or parties for whose immediate benefit the same shall be ordered.

Sprinkling.

10. For the purpose of sprinkling the roads in any part of the county with oil or water, the board of supervisors may erect and maintain waterworks and oil tanks and reservoirs, and for such purposes may purchase or lease real or personal property. The costs of such waterworks, oil tanks and reservoirs and the sprinkling of said roads with oil or water may be charged to the general county fund, the general road fund, or the district fund of the district or districts benefited. Whenever it is determined by a four-fifths vote of the board of supervisors of any county that the public convenience and necessity demand the acquisition or construction of a road in excess of three miles in length, the cost of which will be too great to pay out of any of the road funds of the county, the board of supervisors may, by resolution passed by a four-fifths vote of said board, determine to acquire or construct such road, and may, therefore, proceed to acquire or construct such road and if the cost of such road, when constructed, shall exceed five thousand dollars, such cost may be charged to the general county fund, the general road fund or the district fund of the district or districts benefited: *and provided*, however, that whenever it is determined by a four-fifths vote of the board of supervisors of any county that it will cost less to repair, reconstruct or rebuild any existing main line road in said county, which is in excess of three miles in length and the cost of the repairing, reconstruction or rebuilding of which will exceed five thousand dollars, than it will to acquire or construct a new road between the same points, the said board of supervisors may, by resolution passed by a four-fifths vote of said board, determine to repair, reconstruct or rebuild such road and the cost thereof may be charged to the general county fund, the general road fund or the district fund of the district or districts benefited.

Roads may be paid for out of general fund.

11. Whenever it shall be determined that any grading, graveling, macadamizing, ditching, sprinkling, or other work upon highways is necessary, and is to be done, and where the estimated cost of such work amounts to three hundred dollars, the board of supervisors must, by proper order, direct the county surveyor to make definite surveys of the proposed work, and to prepare profiles and cross-sections thereof, and to submit the same with the estimate of the amount or amounts of work to be done, and cost thereof, and with specifications thereof. Said report shall be prepared in duplicate, one copy to be filed in the surveyor's office, and the other to be filed with the clerk of the board of supervisors. The board upon receipt of such report must advertise for bids for the performance of the work specified. Such advertisement for bids must be published for two weeks in two newspapers, one published at the county seat and the other at a point nearest the proposed work.

Surveyor to submit estimates.

Advertising for bids.

Such advertisement must be in the following form :

“OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS.
 County,, 191...

Form of advertisement.

Sealed bids will be received by the clerk of the board of supervisors of county, at his office, until o'clock .. M.,, 191.., for, on, in district, in county.

Specifications for this work are on file in the office of the said board, to which bidders are hereby referred.

.....,
 Clerk of the board of supervisors of the county of

And such advertisement must also be posted, for at least two weeks prior to the opening of the bids for the proposed work, in three conspicuous places in the district or districts in which the proposed work lies, and one at the site of the proposed work. Bids must be included in sealed envelope, addressed to the clerk of the board of supervisors, and must be indorsed: “Bids for,” and must be delivered to said clerk prior to the hour specified in the advertisement. The board shall publicly open and read such bids as may be submitted, and must award the contract for the work to the lowest bidder; unless it shall appear to the board that the bids are too high, and the work can be done more cheaply by day labor, in which case the bids must be rejected, and the work ordered done by the road commissioner, or commissioners, in whose district or districts the work may be situated. In case the work shall be let by contract, monthly or quarterly payments may be made thereon upon the receipt of a certified estimate by the county surveyor of the amount of work done during the preceding month or quarter, to the extent of seventy-five per cent of the value of said work, the remaining twenty-five per cent being due on the completion of the work. The services of the surveyor in making such partial estimates must be paid for by the contractor. Upon the completion of the work, the county surveyor must examine the same, and if

Notice posted.

Contractor to pay surveyor.

completed in accordance with the specifications thereof, he must submit to the board of supervisors a certificate over his signature and official seal to the effect that such work by the contractor therefor, has been completed in accordance with the specifications therefor, and recommending its acceptance. The board shall thereupon audit the same and direct its payment out of the proper fund or funds.

Side paths. 12. In their discretion they may set apart on any public road or highway a strip of land for a side path, and make an order designating the width of such path and cause the lines separating the path from the road to be located and marked by stakes or posts, placed at such distances apart as they shall deem proper. After said paths have been set apart, and the lines separating the same from the road have been located and marked, as aforesaid, the use of the same is hereby restricted to pedestrians and riders of bicycles and other vehicles propelled solely by the power of the rider. Expense of erecting and maintaining such path may be charged to the general county fund, the general road fund, and the district fund of the district or districts benefited.

CHAPTER 612.

An act relating to lakes and streams, the waters of which contain minerals in commercial quantities; withdrawing state lands within the meander lines thereof from sale; prescribing conditions for taking such minerals from said waters and lands, and providing for the leasing of lands uncovered by the recession of the waters of such lakes and streams.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Waters containing minerals withdrawn from sale.

SECTION 1. There is hereby withdrawn from selection and sale all of the lands embraced within the original meander lines of streams and lakes belonging to the state, the waters of which contain minerals in commercial quantities, and all such lands which may hereafter inure to the state by virtue of its sovereignty, excepting such lands now contracted to be sold under sections 3493^m to 3493^t, both inclusive, of the Political Code.

Water may be taken only under this act.

SEC. 2. No person, firm or corporation shall take water from such streams or lakes containing minerals and extract from such waters such minerals, except under the terms and conditions of this act; and no person, firm or corporation may lease any land herein referred to and extract therefrom minerals deposited therein or thereon, except under the terms and conditions of this act.

SEC. 3. Every person, firm or corporation taking from the

waters of such stream, lakes or lands any minerals, shall file, on or before the last Monday in January of each year, with the county assessor of the county in which any such stream or lake is situated, and also with the state controller, a written statement, duly verified, showing in tons of two thousand pounds, the amount of mineral taken by such person, firm or corporation from such water or land during the year ending December 31st last preceding and sold by said person, firm or corporation during the said year preceding. Any such person, firm or corporation neglecting or refusing to furnish such statement shall be subject to a fine of one hundred dollars for each day after the said last Monday in January such person, firm or corporation shall fail to furnish such statement, and, in addition to said fine, shall forfeit all leases granting the right to extract such minerals from said water and said land. Any person who shall, either on behalf of himself or any firm or corporation, verify any such statement which shall be untrue in any material part, shall be deemed guilty of a misdemeanor.

Statement to be filed with county assessor and state controller.

SEC. 4. In case either the assessor or the state controller shall not be satisfied with the statement as returned, he may make an examination of the matters necessary to verify or correct said statement, and, for that purpose, may subpoena witnesses and call for and compel the production of necessary books and papers belonging to the person, firm or corporation making the returns.

Examination of statement.

SEC. 5. The county assessor of the county shall, after examination and approval by him and the state controller of such statement, proceed to collect from such person, firm or corporation a royalty of twenty-five cents for each ton of two thousand pounds of mineral taken from such water or land by such person, firm or corporation and sold during the preceding year, in the manner provided for the collection of personal property taxes; *provided*, that the royalty on sodium bicarbonate and on sodium hydrate so taken shall be fifty (50) cents for each ton of two thousand pounds.

Royalty.

SEC. 6. Any person, firm or corporation desiring to lease any lands under this act must make application therefor to the surveyor general of the state, describing the lands sought to be leased by legal subdivisions, or, if the legal subdivisions are unknown to the applicant, by metes and bounds. The application must be accompanied by a filing fee of ten dollars.

Application to lease lands.

SEC. 7. Upon the receipt of such application, the surveyor general shall direct the county surveyor of the county in which such lands are situated to survey the land sought to be leased. The county surveyor shall make an actual survey of the land, at the expense of the applicant, establishing the four corners to each quarter section, and connecting the same with a United States survey; and within thirty days file with the surveyor general a copy, under oath, of his field notes and plat. If the county surveyor fails to make the survey as herein provided, the surveyor general shall immediately direct another person to make the survey at the expense of the applicant, and

Survey of lands.

said survey shall be made and completed within thirty days after the authorization, and the field notes and plats, or copies thereof, shall be sworn to by the surveyor making them and shall be filed with the surveyor general.

Approval
or rejection
of applica-
tion.

SEC. 8. All applications to lease land under this act shall be approved or rejected by the surveyor general within ninety days after the receipt thereof. Immediately after the approval of the application, the surveyor general shall execute and deliver to the applicant a lease of the lands described in the application.

Rental.

SEC. 9. The lands designated in this act shall be leased at the rate of two dollars and fifty cents per acre per year, payable yearly in advance. All moneys received as rental for such lands and as royalty upon the mineral product of the waters of the lakes, streams or lands above mentioned, shall be paid into the state school land fund.

First
payment.

SEC. 10. Whenever any lease is delivered to the applicant by the surveyor general, the lessee shall, within fifteen days thereafter, present said lease to the treasurer of the State of California, and make payment of the first annual rental. The treasurer shall receive the money and give a receipt therefor. All subsequent annual payments of rental must be paid to the state treasurer, in like manner, within fifteen days after they become due. In case payments are not made as herein provided, the lease and all rights thereunder shall cease and terminate. No lease shall run for more than twenty-five years: *provided*, that upon the expiration of any lease, such lease may be extended for a period of twenty-five years upon such terms and conditions as may then be prescribed by law.

Limit of
lease.

Reserva-
tions to
state.

SEC. 11. All leases made under the authority of this act shall contain a reservation to the state of a right to locate rights of way across such leased lands, subject only to the requirements that the rights of way shall be located in such manner as to cause the least injury to the leased lands across which the same may be located, and that any damage suffered by the lessee of such lands shall be compensated by the lessee of the lands for whose benefit the right of way is required; and every such lease shall be subject to, and shall contain a reservation of, the right of any city and county or incorporated city or town of this state to at any time appropriate and take, under the laws of this state relative to the appropriation of waters, water from any stream or lake tributary to or discharging into any stream or lake of the character mentioned in section one of this act for any use or uses within the authorized powers of such city and county, or incorporated city or town.

Lease to
rights of
way.

SEC. 12. Leases of rights of way, not exceeding one hundred feet in width, for access to any waters or lands designated by this act, may be applied for and granted in the manner herein provided for leasing lands. Such rights of way shall be leased at an annual rental of two dollars and fifty cents an acre, and the same shall be paid as herein provided for leased lands.

SEC. 13. All leases of mineral lands provided for by this act shall cease and terminate on December 31st of any year if the lessee or assigns has not, during the year preceding, extracted or removed from such land and water an amount of mineral equal, in the aggregate, to a minimum of five tons per acre of land leased; *provided*, that when a lease is not delivered to the lessee until after the fifteenth day of January of any year, the minimum tonnage for such year shall be less than five (5) tons, and shall be proportional to the number of days remaining in such year after the completion of the works.

Termination of lease.

SEC. 14. The surveyor general is hereby authorized to prepare, make, execute and deliver all papers, instruments and documents, and to do any and all things necessary to carry out the provisions of this act.

Powers of surveyor general.

SEC. 15. The legislature shall have the right to change, from time to time, the royalty per ton of minerals extracted and the annual rental per acre of land, and such change shall apply to all persons, firms or corporations holding leases hereunder; *provided*, that no lease given under this act shall be subject to any change, as to the royalty or rental provided for in said lease, subsequent to the execution of such lease until after ten years from the passage of this act.

Legislature may change royalty.

SEC. 16. Any lessee hereunder may abandon and surrender a lease at the expiration of any calendar year by filing with the county assessor of the county in which is situated the lands described in said lease, and with the surveyor general and the state controller, notices of said abandonment or surrender; but said notices must be filed at least sixty days before the expiration of said calendar year; and said abandonment and surrender shall not absolve the said lessee from the payment of any royalty which may be due at the end of said fiscal year for minerals extracted from the waters or lands in this act specified.

Abandonment of lease.

SEC. 17. This act shall take effect immediately.

CHAPTER 613.

An act to recognize and declare valid all proceedings in consolidated reclamation district No. 813.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Consolidated reclamation district No. 812 as formed by the board of supervisors of Kings county, State of California, and now existing is hereby recognized and declared valid, and all proceedings on organization and formation are hereby approved and declared valid.

Reclamation district No. 812 declared valid.

SEC. 2. This act shall take effect immediately.

CHAPTER 614.

An act amending an act entitled, "An act providing that, in any city of the first class or city and county in this state, where by general law or by charter the board of police commissioners of such city, or city and county are authorized and empowered to appoint, promote, suspend, disrate or dismiss any police officer or member of the police department, and to prescribe rules and regulations, for the government, discipline, equipment and uniform of such police department, and from time to time alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations; nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence, also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all acts and parts of acts in conflict herewith are hereby repealed," approved March 23, 1907 by amending the title of said act, and making said act applicable to certain cities of the second and one half class.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Act giving
police com-
missioners
power to
make
regula-
tions, etc.,
amended.

SECTION 1. The title of an act entitled "An act providing that, in any city of the first class or city and county in this state, where by general law or by charter the board of police commissioners of such city, or city and county are authorized and empowered to appoint, promote, suspend, disrate or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment and uniform of such police department, and from time to time to

alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations. all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such board of police commissioners or board of trustees shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations; nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence, also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all acts and parts of acts in conflict herewith are hereby repealed," approved March 23, 1907, is hereby amended to read as follows: "An act providing that, in any city of the first or second and one half class or city and county in this state, where by general law or by charter the board of police commissioners of such city, or city and county, are authorized and empowered to appoint, promote, suspend, disrate or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violation of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations; nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence,

New title.

also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all acts and parts of acts in conflict herewith are hereby repealed."

SEC. 2. An act entitled "An act providing that, in any city of the first class or city and county in this state, where by general law or by charter the board of police commissioners of such city, or city and county, are authorized and empowered to appoint, promote, suspend, disrate or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations; nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence, also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all acts and parts of acts in conflict herewith are hereby repealed," approved March 23, 1907, is hereby amended to read as follows:

Rules for police department must be reasonable, etc.

Section 1. In any city of the first class, or in any city of the second and one half class containing a population of over forty-two thousand by the federal census of 1910, or in any city and county in this state, where by general law, or by charter the board of police commissioners or board of trustees of such city or city and county are authorized and empowered to appoint, promote, suspend, disrate or dismiss any police officer or member of the police department, and to provide rules and regulations for the government, discipline, equipment and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violation of any such rules and regulations; all such rules and regulations must be reasonable and couched in plain and

concise language, so that the same may be easily understood by persons of ordinary education and understanding, and such board of police commissioners or board of trustees shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which said penalties shall be graded according to the importance and nature of the rule or regulation violated, and the consequent gravity of its violation, and in all cases such penalties shall be reasonable, and shall be couched in plain and concise language, so that the same may be easily understood by persons of ordinary education and understanding; and such penalties, together with the several rules and regulations to which they are intended to apply, shall be printed or published, as the case may be, in the manual or other guide published for the guidance or information of the police officers or members of such police department, and each of such penalties shall be so printed or published in direct connection with the particular rule or regulation to which the same is intended to apply, so that the rule or regulation and the penalty for its violation may be easily and readily understood. Nothing in this section contained shall be construed to prevent or prohibit any such board of police commissioners or board of trustees from prescribing other and more severe penalties for a second or repeated violation of any such rule or regulation, or a subsequent violation of any such rule or regulation thus prescribed; *provided*, that such penalties shall be reasonable, and shall be printed or published as hereinbefore provided for, nor shall anything in this section contained be construed to prevent or prohibit such board of police commissioners or board of trustees from prescribing like or similar penalties for the violation of more than one of such rules and regulations; *provided*, that the same shall be printed or published in connection with the rule or regulation to which the same is intended to apply as hereinbefore provided.

Severer penalties may be made for second violation of rules.

Section 2. No penalty for the violation of any rule or regulation of the board of police commissioners or board of trustees of any such city or city and county, as is mentioned in section two of this act, shall be inflicted upon any police officer or member of the police department thereof, except that a full, fair and impartial hearing before such board of police commissioners or board of trustees shall first have been had upon the charge or complaint preferred against such officer or member as hereinafter provided. Such hearing can be had only upon a written charge or complaint filed with the secretary or clerk of such board, which must be verified by the oath of the person making the same, and must contain a statement in ordinary and concise language of all the facts constituting the charge made. A copy of such charge or complaint shall be served upon the person charged at least five days prior to the time set for the hearing thereof. At such hearing the person charged shall have the right to appear in person and by counsel and make defense to such charge: he may produce witnesses to testify in his behalf upon such hearing; he shall also have

Penalty may be inflicted only after full hearing.

Written charge.

Right to appear in own defense.

the right, if he shall so request, to have all of the testimony given upon such hearing, both against him and in his behalf, reduced to writing by questions and answers, or reported by a stenographer and transcribed, which said written or transcribed testimony shall be filed and remain of record in the office of the secretary or clerk of the said board of police commissioners or board of trustees, and such board must render its decision upon the evidence adduced upon such hearing and not otherwise. No such board of police commissioners or board of trustees shall have power or authority to inflict any penalty for the violation of any such rule or regulation, arbitrarily, nor unless such evidence shall justify such action.

Right to hold office during "good behavior" a substantial right.

Superior court may inquire into proceedings.

Section 3. In any such city, or city and county, as is mentioned in section two of this act, where the right to hold the office of police officer or member of the police department is dependent upon the "good behavior" of such officer or member subject to reasonable rules and regulations of the board of police commissioners or board of trustees thereof, such right to hold such office is hereby declared to be a substantial right of which he shall not be deprived arbitrarily, nor summarily, nor otherwise than upon a hearing as hereinbefore in this act provided. Superior courts, and all courts of competent jurisdiction, shall have the power, by proper proceedings instituted for that purpose, to inquire as to the regularity of proceedings of boards of police commissioners or boards of trustees upon hearings herein provided for, and to review the evidence adduced upon such hearings, and to make such orders and render such judgments as the circumstances and the law shall warrant; *provided, however*, that the courts shall not interfere with the proper exercise of discretion by such boards.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Section 5. This act shall take effect and be in force from and after its passage.

CHAPTER 615.

An act to provide for the dissemination of knowledge regarding the various propositions and constitutional amendments which are to be submitted to the people of the State of California and for the distribution of copies of said propositions and amendments to various institutions of learning throughout the state.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of encouraging the study and investigation of the various propositions and constitutional amendments which are hereafter submitted to the people and to stimulate interest therein, and study thereof by addresses,

Copies of constitutional amendments to be furnished schools.

debates and general discussions throughout the various institutions of learning of the State of California, the secretary of state shall, within six months after the adjournment of each session of the legislature, have printed in the manner prescribed by section 1195 of the Political Code a sufficient number of all propositions and constitutional amendments which are to be submitted to a vote of the people at any election thereafter, to supply each institution of higher learning with twenty-five copies, and each high school and grammar school with ten copies thereof and deliver the same to the superintendent of public instruction.

SEC. 2. The superintendent of public instruction shall immediately prepare such instructions to the heads of said institutions and schools, as he may deem sufficient to properly accomplish the object expressed in section one of this act, and shall forward said propositions and constitutional amendments to the heads of said institutions and schools together with such instructions.

Superintendent of public instruction to make statement to heads of schools.

CHAPTER 616.

An act to amend section 4144 of the Political Code of the State of California, relative to the burial of bodies by coroners and the defrayal of the expense thereof.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4144 of the Political Code of the State of California, is hereby amended so as to read as follows:

4144. When an inquest is held by the coroner, and no other person takes charge of the body of deceased, he must cause it to be decently interred; and he may, in order to decently inter the body of the deceased, apply to a judge of the superior court of his county for an order permitting the coroner to summarily sell any personal property belonging to the deceased, and to withdraw any money that the deceased may have on deposit with any bank and to collect any indebtedness or claim that may be owing or due the deceased. If upon such application it appears to the court, by competent evidence, that the total value of the estate of the deceased is less than seventy-five dollars the judge shall make an order granting the application; and there shall be no administration upon the estate of the deceased unless additional estate be found or discovered. No notice of the application need be given and no fee shall be charged by the clerk of the court or coroner for the filing of said application, or for any duty or service of the clerk or coroner connected therewith. Upon the sale of the personal property of the deceased or the collection of any money, claim or indebtedness by the coroner, he shall use the same for expenses of the funeral of the deceased. The coroner

Cost of burial of bodies over which coroner has held inquest may be met by sale of personal property.

Coroner
to file
statement
with clerk
of court.

shall file with the clerk of the court a statement showing the property of the deceased that came into his hands, the amount received from the sale of any personal property and the disposition of the property of the deceased, and shall file with the clerk vouchers showing what disposition was made of the property; if there is not sufficient property belonging to the estate of the deceased to pay the necessary expenses of the burial, the expenses are a legal charge against the county.

Crown A *AB 1506*

CHAPTER 617.

An act to enable counties to join with incorporated cities and towns within such counties in the joint construction of public buildings to be used jointly for county and municipal purposes.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Super-
visors and
city council
may con-
struct
joint
public
building.

SECTION 1. Whenever, in its discretion, the board of supervisors of any county determines that it is necessary that a public building for county purposes be erected within any incorporated city or town in such county, such county may join with such incorporated town or city in the joint construction and erection of such public building, and may share the cost thereof, upon such terms and conditions as may be agreed upon by such board of supervisors and the city council or other governing body of such incorporated city or town; and such joint public building may be used jointly by such county and such incorporated city or town; *provided*, that in no event shall the county contribute more than one half of the cost of construction of such joint public building.

SEC. 2. This act shall take effect immediately.

CHAPTER 618.

An act to amend section 4256 of the Political Code of the State of California, relating to compensation of officers and jurors of counties of the twenty-seventh class, their clerks, deputies, stenographers and assistants.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4256 of the Political Code is hereby amended to read as follows:

Salaries of
officers in
counties of
twenty-
seventh
class.

4256. In counties of the twenty-seventh class the officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, four thousand dollars per annum.

2. The sheriff, five thousand five hundred dollars per annum. Officers.
3. The recorder, two thousand dollars per annum, and six cents for each folio recorded.
4. The auditor, twenty-four hundred dollars per annum.
5. The treasurer, twenty-seven hundred dollars per annum.
6. The tax collector, two thousand dollars per annum, and one deputy, at a salary of nine hundred dollars per annum.
7. The assessor, four thousand dollars per annum, and one deputy, at a salary of nine hundred dollars per annum.
8. The district attorney, twenty-five hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, one thousand five hundred dollars per annum, and actual traveling expenses when visiting the schools of his county, and one deputy, at nine hundred dollars per annum.
12. The surveyor shall receive one thousand five hundred dollars per annum for all work performed for the county, and in addition thereto actual traveling and other necessary expense incurred in connection with field work; *provided*, that whenever the surveyor is directed by the assessor to plat, trace, or otherwise prepare maps, plats, or block book for the use of the county assessor, he shall be allowed only the actual cost of preparing the same.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law; *provided, however*, that in counties of this class a stenographer shall be appointed by the judge of the superior court in and for such counties, to hold office at the pleasure of said judge, whose duty it shall be to report and transcribe the testimony and proceedings in all preliminary examinations in all of the justices' courts in and for each and every township in said counties, as provided by section 869 of the Penal Code; and whose further duty it shall be to report the testimony and proceedings in all inquests held by the coroner and transcribe the same into longhand and file a certified copy thereof with the county clerk. Such stenographer shall receive as compensation for his services the sum of one hundred dollars per month to be paid in the same manner and at the same time as the salaries of other officers are paid; and for all transcripts made as required herein he shall receive the same fees now allowed to phonographic reporters by section 274 of the Code of Civil Procedure; he shall also be allowed his necessary traveling expenses while engaged in the performance of his duties. Justices of the peace.
14. Constables, such fees as are now or may be hereafter allowed by law. Constables.
15. Each member of the board of supervisors, eight hundred dollars per annum, and his necessary expenses when attending to the business of the county, and ten cents per mile in going Supervisors.

from his residence to the county seat in attending upon all regular meetings of the board of supervisors. For serving as road commissioner two hundred dollars per annum. Each supervisor shall be allowed his actual traveling expenses while supervising the roads of his districts, not to exceed fifteen dollars in any one month.

Jurors.

16. The fees of grand jurors and trial jurors in the superior courts of counties of this class, in criminal cases, shall be three dollars for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In civil cases the fees and mileage of jurors in the superior courts shall be the same as are now allowed by law.

Sec. 2. This act shall take effect immediately.

CHAPTER 619.

An act to amend section four thousand, two hundred and seventy-two of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-third class.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four thousand two hundred and seventy-two of the Political Code of the State of California is hereby amended to read as follows:

Salaries of officers in counties of forty-third class.

4272. In counties of the forty-third class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

County clerk

1. The county clerk, one thousand eight hundred dollars per annum.

Sheriff.

2. The sheriff, three thousand five hundred dollars per annum. The sheriff shall also receive for his own use and benefit all fees, commissions and mileage, in all civil cases within his county, and all fees, commissions and mileage for service of any papers issued by any court outside of his county.

Recorder.

3. The recorder, twelve hundred dollars per annum. The board of supervisors is hereby authorized to employ such number of copyists at such salary and for such length of time as the said board may deem necessary to properly and expeditiously record all instruments and documents filed for record in the office of the county recorder of such county, and the salary of such copyist or copyists shall be paid out of the general fund of said county.

4. The auditor, six hundred dollars per annum.

5. The treasurer, one thousand two hundred dollars per annum.

Other
officers.

6. The tax collector, seven hundred dollars per annum.

7. The assessor, twenty-four hundred dollars per annum.

8. The district attorney, one thousand five hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, one thousand six hundred dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than twenty-five hundred, seventy dollars per month; in townships having a population of less than twenty-five hundred and more than one thousand, twenty dollars per month; in townships having a population of less than one thousand and more than six hundred, fifteen dollars per month; in townships having a population of less than six hundred, ten dollars per month. In addition to the compensation received in criminal cases, each justice of the peace shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

Justices of
the peace.

14. Constables shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than twenty-five hundred, thirty-five dollars per month; in townships having a population of less than twenty-five hundred and more than one thousand, fifteen dollars per month; in townships having a population of less than one thousand, ten dollars per month; *provided*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

Con-
stabiles.

15. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat.

Super-
visors.

16. Each member of the county board of education, including the secretary, shall receive one hundred and fifty dollars per annum as compensation for his services on the board of education, and mileage at the rate of twenty cents per mile,

Board of
education.

one way, from his residence to the place of meeting of said board. Said compensation of said members and of said secretary shall be paid monthly in the same manner and out of the same fund as the salaries of other county officers are paid. Claims for such mileage shall be presented to and allowed by the board of supervisors before payment. The compensation of the members of the county board of education herein provided is not in addition to that provided in section seventeen hundred and seventy.

Popu-
lation of
townships.

17. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors, by multiplying by five the vote for presidential electors cast in each township at the next preceding election.

SEC. 2. This act shall take effect immediately.

CHAPTER 620.

An act to amend section four thousand two hundred forty-seven of the Political Code of the State of California relative to salaries and fees of officers in counties of the eighteenth class.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four thousand two hundred forty-seven of the Political Code is hereby amended to read as follows:

Salaries of
officers in
counties of
eighteenth
class.

4247. In counties of the eighteenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

County
clerk.

1. The county clerk, three thousand three hundred dollars per annum, and five hundred dollars additional per annum when a registration of voters is required by law. He shall also be allowed one copyist, which office of copyist is hereby created, who shall receive as compensation the sum of nine hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid; *and provided, further*, that in any year when a new registration of voters is required by law, that said county clerk may appoint such number of deputies as may be necessary for the convenient registration of voters in their respective precincts or townships, each of said deputies to receive the sum of ten cents per name for each elector registered by him. Said sum to be paid out of the general fund of said county on the representation and filing with the board of supervisors of said county, of a duly verified claim therefor, approved by said county clerk.

2. The sheriff, four thousand five hundred dollars per annum, and the fees or commissions for the service of all papers whatsoever issued by any court outside of the superior court in and for his county. He shall appoint a jailer, to take charge of the branch county jail, at a salary of nine hundred (900) dollars per annum, and a deputy jailer, at a salary of nine hundred (900) dollars per annum, who shall act as a jailer for the county jail, and the salaries of which deputies shall be paid by the county in the same manner and out of the same fund as the salaries of the other county officers are paid. Sheriff.

3. The recorder, twenty-four hundred dollars per annum. He shall also be allowed one deputy, which office of deputy is hereby created, who shall receive as compensation the sum of nine hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid. Recorder.

4. The auditor, twenty-four hundred dollars per annum. Auditor.

5. The treasurer, eighteen hundred dollars per annum. He shall also be allowed one deputy, which office of deputy is hereby created, who shall receive as compensation the sum of nine hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid. Treasurer.

6. The tax collector, three thousand dollars per annum. Tax collector.

7. The assessor, three thousand dollars per annum. He shall also be allowed one deputy, which office of deputy is hereby created, who shall receive as compensation nine hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid. Assessor.

8. The district attorney, two thousand seven hundred dollars per annum. District attorney.

9. The coroner, such fees as are now or may hereafter be allowed by law. Coroner.

10. The public administrator, five hundred dollars per annum. Administrator.

11. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting the schools of his county; *provided*, said superintendent of schools may appoint one assistant superintendent of schools, which office of assistant superintendent of schools is hereby created, who shall receive as compensation the sum of nine hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers are paid. Superintendent of schools.

12. The surveyor shall receive ten dollars per diem for each day actually employed in the performance of his duties as a county officer, and in addition thereto all necessary expenses, such as transportation and pay of help which may be necessary for the performance of county duties. Surveyor.

13. Justices of the peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of six thou- Justice of the peace.

sand or more, one hundred dollars per month; in townships having a population of two thousand four hundred and less than six thousand, seventy-five dollars; in townships having a population of two thousand and less than two thousand four hundred, sixty-five dollars; in townships having a population of one thousand five hundred and less than two thousand, fifty-five dollars; in townships having a population of one thousand and less than one thousand five hundred, thirty dollars; in townships having a population of eight hundred and less than one thousand, twenty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population of less than five hundred, ten dollars. Each justice must pay into the county treasury once a month all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as now or hereafter may be allowed by law for all services performed by him in civil actions.

Con-
stables.

14. Constables, the following salaries which shall be paid monthly as salaries of county officers are paid, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of two thousand one hundred and more, one hundred dollars; in townships having a population of one thousand five hundred and less than two thousand one hundred, eighty dollars; in townships having a population of one thousand and less than one thousand five hundred, fifty dollars; in townships having a population of eight hundred and less than one thousand, thirty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population of less than five hundred, ten dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such fees as are now or hereafter may be allowed by law for all services performed by him in civil actions. For the purposes of this section the basis of calculation for fixing the compensation of justices and constables above mentioned, the population of the different townships of the county shall always be based upon the figures as shown by the last United States census; *provided, however*, that whenever the census of any township or townships shall have been taken under the provisions of this title, said census may become the basis of calculation.

Super-
visors.

15. Each member of the board of supervisors, twelve hundred dollars per annum for all services rendered and including mileage and services as road commissioner; *provided*, that when required to go on business to any point outside of said county, they shall be allowed actual necessary expenses.

Reporter.

16. The official court reporter for all services required of him in the superior court, excepting for transcribing his notes, a salary of one thousand five hundred dollars per annum, to be paid by the county monthly as the salaries of county officers are paid. For transcribing his notes of testimony in the

superior court when required, seven cents per folio for original and four cents per folio for copies to be paid for when completed by the party in a civil action who directs the work to be done, but the same shall ultimately be taxed as costs in the case. In criminal proceedings in the superior court when the judge orders the notes transcribed the same shall be paid from the county treasury on the order of the court. When the services of the reporter are demanded in any civil matter the clerk shall collect each day in advance two dollars and fifty cents from each side to the controversy, and pay the same into the county treasury. At the conclusion of the trial or proceedings in civil matters, such reporter's fees shall be taxed as costs in the same manner that other costs are taxed in the case.

17. Members of the county board of education shall receive ten cents per mile for traveling from his or her residence to the county seat; *provided*, that mileage be not allowed for more than two meetings in any one month.

Board of
education.

SEC. 2. This act shall take effect immediately.

CHAPTER 621.

An act to amend section four thousand two hundred and seventy-six of the Political Code of the state of California, relating to salaries and fees of officers in counties of the forty-seventh class.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four thousand two hundred and seventy-six of the Political Code of the State of California is hereby amended to read as follows:

4276. In counties of the forty-seventh class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Salaries of
officers in
counties of
forty-
seventh
class.
County
clerk.
Sheriff.

1. The county clerk, sixteen hundred dollars per annum.

2. The sheriff, five thousand dollars per annum and mileage for service of any and all processes required by law to be served by him, at the rate of ten cents per mile for every mile necessarily traveled in the performance of such duty, and for service of all processes issued from all courts outside of his county.

3. The recorder, eight hundred dollars per annum. From and after the enactment of this act he may appoint such copyists as are necessary to properly perform the duties of this office, at a compensation of six cents per folio for all notices of location of mining claims copied, and the auditor shall draw his warrant monthly in favor of such copyists

Recorder.

so employed, verifying the number of folios copied by him, to which verified statement shall be attached a certificate of the recorder that it is correct; *provided*, that whenever such copyist is appointed that a notice of such appointment must be immediately filed with the auditor before he can draw any warrant in favor of such copyist.

Other
officers.

4. The auditor, two hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, fifteen hundred dollars per annum.

8. The district attorney, two thousand one hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, four hundred dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Justices of
the peace.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered as hereinafter provided: In townships having a population of three thousand or more, eighty-five dollars per month, which said salary shall be in full compensation for all services rendered by said justices of the peace in both civil and criminal cases, and all such fees as are allowed by law in civil cases shall be paid by said justices of the peace into the county treasury, as the fees of county officers are paid in. In townships having a population of not less than two thousand and under three thousand, thirty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary, each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may hereafter be allowed by law. In townships having a population of not less than one thousand and under two thousand, twenty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary, each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law. In townships having a population of less than one thousand, fifteen dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.

Constable.

14. Constable, such fees as are now or may be hereafter allowed by law.

15. Each member of the board of supervisors, six dollars

per day when board is in session; thirty cents per mile, one way. Three dollars per day when actually serving as road commissioner. not to exceed three hundred dollars per annum.

Super-
VISOR.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts, and coroners' inquests, a per diem of ten dollars during employment, and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription and said per diem in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases said per diem to be paid by the litigants as the court may direct and said compensation for transcription of said notes to be paid by the party ordering the same, or when ordered by the judge, by either party or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

Reporter.

17. The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers aforesaid.

Popula-
tion of
townships.

CHAPTER 622.

An act to amend section 1314 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifteenth class.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4244 of the Political Code of the State of California is hereby amended to read as follows:

4244. In counties of the fifteenth class, the county and township officers shall receive, as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Salaries of
officers in
counties of
fifteenth
class.

1. The county clerk, three thousand six hundred dollars per annum; and there shall be, and there hereby is allowed to the county clerk, two deputies who shall be appointed by the county clerk and shall each be paid a salary of fifteen hundred dollars per annum, and there shall be, and there hereby is, allowed to the county clerk one additional deputy who shall be appointed by the county clerk and shall be paid a salary of seventy-five dollars per month.

County
clerk.

2. The sheriff shall receive five thousand dollars per annum; and there shall be and there hereby is allowed to the sheriff,

Sheriff.

- one deputy, who shall be appointed by the sheriff and shall be paid a salary of one thousand five hundred dollars per annum.
- Recorder.** 3. The recorder, two thousand five hundred dollars per annum, and there shall be, and there is hereby allowed to the county recorder two deputies, who shall be appointed by the recorder and shall be paid a salary of seven hundred and fifty dollars per annum each. The recorder shall collect and pay into the county treasury the fees required by law: *provided*, that whenever the amount of the fees so collected in any one month shall exceed the sum of four hundred dollars, the recorder may, in addition to his salary, retain for his own use one half of all such excess.
- Other officers.** 4. The auditor shall receive two thousand seven hundred dollars per annum.
5. The treasurer shall receive two thousand four hundred dollars per annum.
6. The tax collector shall receive two thousand eight hundred dollars per annum.
7. The license collector shall receive ten per cent of all licenses collected by him.
- Assessor.** 8. The assessor shall receive four thousand five hundred dollars per annum. He may employ such assistance as may be necessary in making maps, plats and drawings essential for use in the assessor's office in the performance of his duty and the expense thereof shall be a charge against the county.
- District attorney.** 9. The district attorney shall receive two thousand four hundred dollars per annum; and there is hereby allowed to the district attorney one deputy to be appointed by him who shall receive a salary of one thousand eight hundred dollars per annum.
- Coroner.** 10. The coroner shall receive such fees as are now, or may hereafter be allowed by law.
- Administrator.** 11. The public administrator shall receive such fees as are now, or may hereafter be allowed by law.
- Superintendent of schools.** 12. The superintendent of schools, two thousand five hundred dollars per annum: and there shall be and there is hereby allowed to the superintendant of schools one deputy, who shall be appointed by the superintendent of schools, and shall be paid a salary of nine hundred dollars per annum.
- Surveyor.** 13. The surveyor shall receive two thousand dollars per annum; and necessary traveling expenses while in the performance of the duties of his office.
- Super-visors.** 14. Each supervisor twelve hundred dollars per annum, and mileage at twenty cents per mile, for all distances traveled by him as supervisor or as road commissioner; such mileage not to exceed, in any one year, the sum of seven hundred and fifty dollars.
- Reporter.** 15. The official shorthand reporter shall receive two thousand dollars per annum for the department of the superior court to which he has been appointed. Whenever one reporter shall be appointed to, and shall perform, the duties required of the official shorthand reporter, for more than one department of said superior court he shall receive a salary therefor

of two thousand five hundred dollars per annum. In addition thereto, he shall receive for transcribing notes, the sum of ten cents per folio, for the original, and five cents per folio for all copies thereof.

16. In townships having a population of seven thousand or over, two justices of the peace shall be elected, and each shall receive a salary of fifty dollars per month. In townships having a population of less than seven thousand and over four thousand there shall be but one justice of the peace elected and he shall receive a salary of thirty dollars per month. In all other townships there shall be but one justice of the peace who shall receive a salary of twenty dollars per month. All justices in counties of this class shall, in addition to the salaries above provided for, receive and collect for their own use and benefit, in civil cases only, the following fees, to wit:

Justices of
the peace.

(1) Each justice of the peace shall be allowed, in civil actions for all services before trial or entry of judgment, by default or confession, two dollars and for all additional services in such action, including execution and satisfaction of judgment, two dollars.

(2) For the trial of civil actions and all proceedings subsequent thereto, three dollars.

(3) For certificates and transmitting papers and transcript on appeal, one dollar.

(4) For copies of papers on dockets per folio, ten cents.

(5) For issuing a search warrant, the fee to be paid by the party demanding the same, one dollar.

(6) For celebrating a marriage, and returning certificate thereof to the county recorder, five dollars.

(7) For taking an acknowledgment of an instrument, for the first name fifty cents, and for each additional name twenty-five cents.

(8) For administering an oath, and certifying the same, fifty cents.

(9) For issuing a commission to take testimony, one dollar.

(10) For all services connected with the posting of estrays, one dollar.

(11) For issuing each affidavit, certificate, process, writ, order, or paper required by law to be issued, not otherwise herein provided for, twenty-five cents.

(12) For taking bail in all proceedings, pending before another magistrate, fifty cents.

17. In townships having a population of seven thousand, or over, two constables shall be elected and each shall receive a salary of forty dollars per month. In townships having a population less than seven thousand and over four thousand, there shall be but one constable elected, and he shall receive a salary of twenty-five dollars per month. In all other townships there shall be but one constable, who shall receive twenty dollars per month. All constables, in addition to the salaries above provided for, shall receive and collect, for their own use and benefit, in civil cases only, the following fees, to wit:

Con-
stables.

Fees.

(1) For serving summons and complaint, for each defendant served, fifty cents.

(2) For each copy of summons made by him, twenty-five cents.

(3) For levying writ of attachment or execution, or executing an order of arrest, in a civil case or for delivery of personal property, two dollars.

(4) For serving a writ of attachment or execution on any ship, boat, or vessel, three dollars.

(5) For keeping personal property, such sum as the court may order, but no more than two dollars fifty cents per day, for a keeper, when necessarily employed.

(6) For taking a bond or undertaking, one dollar.

(7) For copies of writs or other papers, except summons, complaints, and subpoenas, per folio, fifteen cents; *provided*, that when correct copies are furnished him for use, no charges shall be made for such copies.

(8) For serving any writ, notice or order, except summons, complaint, or subpoena, for each person served, fifty cents.

(9) For writing and posting each notice of sale of property, fifty cents.

(10) For furnishing notice of publication, twenty-five cents.

(11) For serving subpoenas, each witness including copy, fifty cents.

(12) For collecting money on execution two and one half per cent.

(13) For executing and delivering certificate of sale, fifty cents.

(14) For executing and delivering constable's deed, two dollars and fifty cents.

(15) For each mile actually traveled within his county in the service of any civil suit, order, or paper, in going only, per mile, twenty-five cents. No constructive mileage shall be allowed.

(16) For each mile necessarily traveled within his county, in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents; and the actual cost of the transportation of the prisoner or prisoners from the place of arrest to the justice court, and the necessary expense of assistance: *provided*, that for traveling in performance of two or more official services at the same time, including the service of criminal process, but one mileage shall be charged.

(17) For each mile necessarily traveled outside his county in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents.

(18) For transporting prisoners to the county jail, from the justice's court or from the county jail to the justice's court, the actual cost of transportation and assistance, and mileage at twenty-five cents per mile, one way. In conveying two or more prisoners, but one mileage shall be charged.

(19) For each day in which the constable is charged with the custody of a prisoner or prisoners, two dollars fifty cents, and for necessary expense of maintenance and assistance in keeping said prisoners. Fees.

(20) For summoning a jury in a civil case, twenty-five cents for each of the persons so summoned, and mileage at the rate of twenty-five cents per mile, going only.

(21) For attending court during the trial of a civil cause, per day, three dollars.

(22) For making sales of estrays in civil cases, the same fees as for sales on executions.

(23) For serving writ of possession or restitution, putting a person in possession of the premises, and removing the occupants therefrom, three dollars per day, and mileage at twenty-five cents per mile, going only.

(24) The mileage provided for herein shall be computed for the shortest practicable traveled route between the two points for which mileage is claimed.

18. The fees of grand jurors and trial jurors in the superior courts of said counties of the fifteenth class, in civil and criminal cases shall be three dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for. Jurors.

19. The fees of jurors in justices' courts shall be two dollars per day in civil cases only for each juror sworn to try the cause and mileage to be computed at the rate of fifteen cents per mile in civil cases only, for each mile necessarily traveled in attending court, in going only.

20. All salaries provided for in this article shall be paid out of the treasury of the county in monthly installments, and all fees shall be paid from the county treasury as other bills against the county are paid.

CHAPTER 623.

An act to amend section four thousand two hundred and sixty-nine of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fortieth class.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four thousand two hundred and sixty-nine of the Political Code of the State of California is hereby amended to read as follows:

Salaries of officers in counties of fortieth class.

4269. In counties of the fortieth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

County clerk.

1. The county clerk, one thousand five hundred dollars per annum.

Sheriff.

2. The sheriff, three thousand five hundred dollars per annum, and a jailer at fifty dollars per month, to be paid out of the county treasury; *provided*, the sheriff shall also receive for his own use and benefit his necessary expenses in all criminal cases, to be allowed as other county charges are allowed by law; *and provided, further*, that the sheriff shall also receive for his own use and benefit the mileage, fees and commission for all services of all papers whatsoever issued by any court of the state.

Recorder.

3. The recorder, one thousand five hundred dollars per annum. In counties of this class the recorder may appoint a copyist for service in his office, which office of copyist for the county recorder is hereby created, and said copyist shall receive as compensation for his services the sum of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officers are paid.

Auditor.

4. The auditor, one thousand dollars per annum.

Treasurer.

5. The treasurer, one thousand five hundred dollars per annum.

Tax collector.

6. The tax collector, twelve hundred dollars per annum and ten per cent of all licenses collected by him; and a deputy, at four dollars per day for not more than one hundred days in any one year, to be paid out of the county treasury.

Assessor.

7. The assessor, two thousand five hundred dollars per annum and two deputies at a salary of five dollars each per day for not more than one hundred days in any one year, and two deputies additional, at a salary of five dollars each per day for not more than fifty days in any one year; such deputies to be paid out of the county treasury.

District attorney.

8. The district attorney, two thousand dollars per annum and necessary traveling expenses to be allowed by the board of supervisors.

9. The coroner, such fees as are now or may be hereafter allowed by law. Coroner.

10. The public administrator, such fees as are now or may be hereafter allowed by law. Administrator.

11. The superintendent of schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. Superintendent of schools.

12. The surveyor, such fees as are now or may be hereafter allowed by law; *provided*, he shall be given all work for the county in which the county employs a surveyor or civil engineer. Surveyor.

13. In counties of this class, the township officers shall receive the following compensations, to wit: In townships having a population of over four thousand, justices of the peace shall receive a monthly salary of sixty dollars per month, and constables a monthly salary of sixty-five dollars per month. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases. Justices of the peace.
Constables.

In townships having a population of more than twenty-seven hundred, and not exceeding four thousand, justices of the peace shall receive a monthly salary of thirty dollars per month, and constables a monthly salary of forty dollars per month. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

In townships having a population of more than two thousand and less than twenty-seven hundred, justices of the peace shall receive a monthly salary of twenty-five dollars per month and constables a monthly salary of thirty-five dollars per month. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

In townships having a population of less than two thousand, justices of the peace shall receive a monthly salary of twenty dollars per month and constables a monthly salary of twenty-five dollars per month.

The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases; *provided*, that where a constable shall be required to travel outside of his own township, in serving or executing a warrant of arrest or any other paper in a criminal case, he shall be allowed, in addition to the salary hereinbefore provided, his actual expenses incurred in serving or executing the same, to be allowed by the board of supervisors; for transporting prisoners to the county jail, the actual expenses of such transpor-

tation; and provided, further, that the purpose of this subdivision, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election of each township, by five. In addition to the above salaries allowed said justices of the peace and constables, for their services in criminal cases, they may retain for their own use the fees allowed by law in civil cases.

Super-
visors.

14. Each supervisor, six hundred dollars per annum and twenty cents per mile, traveling to county seat, which shall be in full compensation for all services, both as supervisor and road commissioner; provided, that in case the said supervisors shall not serve as road commissioners, the salary for supervisor shall be four hundred dollars per annum.

Jurors.

15. For attending as a grand juror, or a trial juror in criminal and civil cases in the superior court, for each day's attendance, three dollars; for each mile actually traveled one way as such grand juror, or trial juror, in the superior court, under summons or order of the court, twenty-five cents. The county clerk shall certify to the auditor the number of days' attendance, and the number of miles traveled by each juror and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

CHAPTER 624.

An act to amend section four thousand two hundred and seventy of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-first class.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four thousand two hundred and seventy of the Political Code of the State of California is hereby amended to read as follows:

Salaries of
officers in
counties of
forty-first
class.

4270. In counties of the forty-first class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

County
clerk.

1. The county clerk, one thousand five hundred dollars per annum, and one deputy clerk, which office of deputy clerk is hereby expressly created. The office of deputy clerk shall be filled by the clerk by appointment, with the consent of the board of supervisors manifested by at least a four-fifths vote thereof, and said deputy clerk is to be at all times as to his duties under the supervision and control of the clerk, and said deputy clerk shall receive a salary of nine hundred dollars per annum.

2. The sheriff, four thousand two hundred and fifty dollars per annum; *provided*, the sheriff shall also receive for his own use and benefit his necessary expenses in all criminal cases, to be allowed as other county charges are allowed by law; *and provided, further*, that the sheriff shall also receive for his own use and benefit, the mileage, fees, and commissions for all services of all papers whatsoever issued by any court of the state outside of his county. Sheriff.
3. The recorder, one thousand eight hundred dollars per annum. Recorder.
4. The auditor, one thousand dollars per annum. Auditor.
5. The treasurer, one thousand eight hundred dollars per annum. Treasurer.
6. The tax collector, five hundred dollars per annum; *provided*, as license collector, he shall, in addition, be entitled to receive, and retain for his own use and benefit, ten per cent on all licenses collected by him. Tax collector.
7. The assessor, one thousand eight hundred dollars per annum. The assessor shall appoint a deputy or deputies when needed, at a per diem of five dollars, but the salaries of such deputy or deputies shall not exceed in the aggregate the sum of twelve hundred and fifty dollars. Assessor.
8. The district attorney, one thousand eight hundred dollars per annum; *provided*, he may charge and receive for his own use necessary expenses for traveling on county and public business, to be allowed as other county charges are allowed by law. District attorney.
9. The coroner, such fees as are now or may be hereafter allowed by law. Coroner.
10. The public administrator, such fees as are now or may be hereafter allowed by law. Administrator.
11. The superintendent of schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county, which expenses shall not exceed three hundred dollars per annum and shall be allowed and paid as a county charge. Superintendent of schools.
12. The surveyor, such fees as are now or may be hereafter allowed by law; *provided*, he shall be given all work for the county in which the county employs one surveyor or civil engineer. Surveyor.
13. In counties of this class the township officers shall receive the following compensation, to wit:
- In townships having a population of three thousand or more, justices of the peace shall receive a monthly salary of forty dollars per month, and constables a monthly salary of sixty dollars per month. Justices of the peace. Constables.
- In townships having a population of more than twenty-two hundred and less than three thousand, the justices of the peace shall receive a monthly salary of thirty-five dollars per month, and constables a monthly salary of fifty-five dollars per month.
- In townships having a population of more than eighteen

hundred and less than twenty-two hundred, justices of the peace shall receive a monthly salary of thirty dollars per month, and constables a monthly salary of fifty dollars per month.

In townships having a population of more than fourteen hundred and not less than eighteen hundred, justices of the peace shall receive a monthly salary of twenty-five dollars per month, and constables a monthly salary of forty-five dollars per month.

In townships having a population of less than fourteen hundred, justices of the peace shall receive a monthly salary of twenty-five dollars per month, and constables a monthly salary of forty dollars per month.

The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; *provided*, that, in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his township, for service of a warrant of arrest or any other paper in a criminal case, such fees as they are now or may be hereafter allowed by law; for transporting prisoners to the county jail, the actual expenses of such transportation; *and provided, further*, that for the purpose of this section, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election by five. But said justices of the peace and constables may retain for their own use, the fees allowed by law in civil cases.

Super-
visors.

14. Each supervisor, four hundred dollars per annum, and ten cents per mile for traveling to and from his residence to the county seat at each session; and, unless otherwise provided by law, when serving as road commissioner, three dollars per day. But he shall not in any one year receive more than three hundred dollars for services as such road commissioner.

Jurors.

15. Grand jurors, and jurors in the superior court in criminal cases shall be paid three dollars per day for each day's attendance, and for each mile actually traveled, in going only, while acting as such jurors, twenty-five cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of each such juror for said per diem and mileage, and the treasurer shall pay the same.

CHAPTER 625.

An act to amend section 4274 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the forty-fifth class.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4274 of the Political Code of the State of California is hereby amended to read as follows:

4274. In counties of the forty-fifth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries and fees, to wit:

Salaries of officers in counties of forty-fifth class.

1. The county clerk, fifteen hundred dollars per annum and such fees for services in naturalization proceedings as by the act of congress, in such case made and provided, it is said he may retain; and also such other fees as he may be allowed by the law of this state to retain; *and provided*, that in each year when a new registration is required he shall receive in addition to his salary the sum of ten cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election, and paid from the general fund of the county; *and provided, further*, that in counties of this class there shall be and is hereby allowed to the county clerk a deputy, who shall be appointed by the county clerk, who shall be paid a salary of seventy-five dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid.

County clerk.

2. The sheriff, three thousand dollars per annum, and fees, commissions and mileage for the service of papers or process served by him in all civil cases from any court, also his necessary expenses for pursuing criminals or transacting any criminal business.

Sheriff.

3. The recorder, eighteen hundred dollars per annum, and all fees and commissions allowed by law to the registrar for preparing vital statistics for the State of California and also the sum of twenty-five dollars per annum for preparing the abstract of mortgages for use of the county assessor as required by law; *provided*, that in counties of this class the recorder may appoint a copyist for service in his office, which office of copyist for the county recorder is hereby created and said copyist shall receive as compensation for his services the sum of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officers are paid.

Recorder.

- Auditor. 4. The auditor, nine hundred dollars per annum and five per cent on all amounts found to have been paid out by the county for state aid as per his report as contemplated by section 4099a of the Political Code of this state or other law providing for such compensation.
- Treasurer. 5. The treasurer, fifteen hundred dollars per annum; *and provided, further*, that the treasurer shall receive and retain for his own use the commissions on all inheritance and transfer taxes collected by him in accordance with law.
- Tax collector. 6. The tax collector, five hundred dollars per annum and ten per cent on all licenses collected by him as license collector.
- Assessor. 7. The assessor, three thousand five hundred dollars per annum and such fees as are now or may hereafter be allowed by law.
- District attorney. 8. The district attorney, fifteen hundred dollars per annum.
- Coroner. 9. The coroner, such fees as are now or may hereafter be allowed by law.
- Administrator. 10. The public administrator, such fees as are now or may hereafter be allowed by law.
- Superintendent of schools. 11. The superintendent of schools, eighteen hundred dollars per annum and actual traveling expenses when visiting the schools of his county and also the sum of five dollars per day for his services as secretary of the board of education for the actual time that the board may be in session.
- Surveyor. 12. The surveyor, such fees as are now or may hereafter be allowed by law.
- Justices of the peace. 13. Each justice of the peace, the following fees: In civil action before him, for all services required to be performed by him before trial, two dollars.
 For a trial and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment, four dollars.
 In all cases where judgment is rendered by default or confession, for all services, from the filing of the complaint to and including the entry of judgment, three dollars.
 For issuing a writ of attachment, to include all affidavits, taking and approving bond and all oaths and certificates necessary thereto, three dollars.
 For all services and proceedings in a criminal action or proceedings, whether on examination or trial, three dollars; *provided*, that if the defendant plead guilty, only two dollars shall be allowed.
 For taking bail, after commitment by another magistrate, fifty cents.
 For making transcript of docket, making up and transmitting papers on appeal, including the certificate to the same, two dollars.
 For copies of docket or papers in his office, per folio twenty cents.
 For issuing a search warrant, to be paid by the party demanding the same, one dollar.
 For celebrating a marriage and returning the certificate to the recorder, three dollars.

For docketing a judgment of any instrument, for the first name fifty cents; for each additional name, twenty-five cents.

For taking depositions, per folio, twenty cents.

For administering an oath, twenty-five cents; and certificate to same, twenty-five cents; for each certificate, twenty-five cents.

For issuing a commission to take testimony, seventy-five cents.

For all services connected with the posting of estrays, including the transcript for the recorder, three dollars.

For issuing an execution and entering satisfaction of the judgment, fifty cents.

In all cases before justices of the peace, when the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive three dollars; and the justice before whom the trial shall take place, shall receive the same fee as if the action had been commenced before him.

14. Each constable shall receive the following fees: For serving all summonses in civil cases, for each defendant, including the copy required by law, one dollar. Con-
stables.

For summoning a jury of twelve or less before a justice, one dollar and fifty cents; for each additional juror above twelve, twenty-five cents.

For taking any bond required by law to be taken, fifty cents.

For subpoenaing each witness, twenty-five cents.

For serving an attachment or levying an execution on the property of a defendant, one dollar and fifty cents.

For summoning and swearing a jury to try the rights of property, and making a verdict, two dollars.

For receiving and taking care of property on execution, order or attachment, his actual necessary expenses, to be allowed by the justice who issued the order, attachment or execution upon the affidavit of the constable that the charges are correct and that the expenses were necessarily incurred.

For collecting all sums on execution, three per cent to be charged against the defendant named in the execution.

For serving a warrant or order for the delivery of personal property, or making an arrest in a civil case, one dollar and fifty cents.

For making each arrest in criminal cases, two dollars.

For every mile necessarily traveled, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to prison, twenty-five cents; but when two or more persons are served or summoned in the same suit and at the same time, mileage shall be charged only for the most distant, if they live in the same direction.

For sales of estrays, the same fees as for sales on execution.

For the transportation of prisoners to the county jail the actual necessary expenses.

For attending a justice's court and taking charge of a jury

and prisoner when required, two dollars for each day of actual attendance upon the court.

For all other services the same fees as are allowed sheriffs for like service.

Super-
visors.

15. Each member of the board of supervisors, four hundred dollars per annum and twenty cents per mile for traveling from his residence to the county seat, also his actual necessary expenses while acting as ex officio road overseer or commissioner not to exceed three hundred dollars in any one year.

Board of
education.

16. Each member of the board of education, whether appointed or ex officio, shall receive five dollars per day as compensation for his services while in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board. Said compensation of the members of said board shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such services and mileage shall be presented to the board of supervisors, and shall be allowed at the rate above named in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided for is not in addition to that provided in section one thousand seven hundred and seventy of this code.

Jurors.

17. Juror's fees and witness' fees in criminal cases, shall be as follows:

For attending as a grand juror, for each day's actual attendance per day three dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attending as a trial juror in criminal cases, for each day's actual attendance, per day three dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attending as a witness in criminal cases for each day's actual attendance the sum of two dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such witness for said per diem and mileage, and the treasurer shall pay the same; *provided, however,* that in criminal cases such per diem and mileage shall only be allowed upon a showing to the court by the witness, that the same are necessary for the expenses of the witness in attending, and the court shall determine the necessity for the same, and may disallow any fees to a witness unnecessarily subpoenaed.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 626.

An act to amend section 4238 of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the ninth class, and to the number, appointment and salaries of their assistants and deputies.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4238 of the Political Code is hereby amended to read as follows:

4238. In counties of the ninth class, the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Salaries of officers in counties of ninth class.

1. The county clerk, three thousand dollars per annum and eight cents a name for each person registered, which amount shall be allowed by the board of supervisors and paid from the general fund of the county, and also such compensations as are now or may hereafter be allowed by law. County clerk.

2. The sheriff, three thousand three hundred dollars per annum; the sheriff shall also receive for his own use and benefit the fees for mileage which are now or which may hereafter be allowed by law, and the fees or commissions for the service of all papers whatsoever issued by any court of the state outside of his county; and shall also receive his necessary expenses in all criminal cases. Sheriff.

3. The recorder, two thousand one hundred dollars per annum. Recorder.

4. The auditor, one thousand two hundred dollars per annum. Auditor.

5. The treasurer, two thousand three hundred dollars per annum, and such commissions as are now or may hereafter be allowed by law. Treasurer.

6. The tax collector, one thousand dollars per annum, and twenty-five per cent on all licenses collected, which shall be in full for all services as tax collector and license collector. Tax collector.

7. The assessor, eleven thousand five hundred dollars per annum; the assessor shall turn over to the county all fees and commissions for the collection of poll tax, personal property tax and for making up the military roll. The assessor shall make all maps and plats and shall bind in book form, alphabetically arranged, all assessment lists; *provided*, that for doing this work he shall receive the sum of twelve hundred dollars per annum which amount shall be allowed by the board of supervisors and paid from the general fund of the county, and that there shall be no additional charge against the county for the making of said maps, plats, and said binding, except for the material furnished in the making of said maps and plats and binding of said assessment lists. Assessor.

8. The district attorney, three thousand three hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, twenty-four hundred dollars per annum, and actual traveling expenses when visiting the schools of his county, said expenses not to exceed six hundred dollars in one year.

12. The surveyor, twenty-four hundred dollars per annum, and actual expenses when engaged in the field or in the office in the discharge of his official duties in the county.

13. Justices of the peace shall receive the following salaries for all services rendered by them in criminal cases, payable in the same manner as county officers are paid, viz.: In townships having a population of fourteen thousand or more, one hundred and fifty dollars per month; in townships having a population of not less than five thousand nor more than fourteen thousand, seventy-five dollars per month; in townships having a population of not less than three thousand nor more than five thousand, fifty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty-five dollars per month; in townships having a population of not less than one thousand four hundred nor more than two thousand, thirty-five dollars per month; in all townships having a population of less than one thousand four hundred, twenty-five dollars per month. Justices of the peace in counties of this class shall also receive for their own use and benefit such fees as are now or may be hereafter allowed by law in civil cases.

14. Constables shall receive the following salaries for all services rendered by them in criminal cases, payable monthly in the same manner as county officers are paid, viz: In townships having a population of fourteen thousand or more, one hundred dollars per month; in townships having a population of not less than five thousand and not more than fourteen thousand, seventy-five dollars per month; in townships having a population of not less than three thousand nor more than five thousand, fifty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty-five dollars per month; in townships having a population of not less than one thousand four hundred nor more than two thousand, thirty-five dollars per month; in all townships having a population of less than one thousand four hundred, twenty-five dollars per month. Constables in counties of this class shall also receive for their own use and benefit such fees as are now or may be hereafter allowed by law for mileage in criminal cases and shall also receive such fees as are now or may hereafter be allowed by law in civil cases.

15. Each member of the board of supervisors, twelve hundred dollars per annum, and their necessary expenses when

attending to the business of the county, other than the meetings of the board: and fifteen cents a mile in traveling to and from his residence to the county seat: *provided*, that not more than one mileage at any one term of the board shall be allowed. Each member of said board may be allowed his actual expenses in attending the annual state convention of members of county boards of supervisors; *provided*, that the total expense of all members attending such convention shall not exceed fifty dollars in any one year.

16. The bonds of the clerk, sheriff, recorder, auditor, treasurer, tax collector, assessor, district attorney, coroner, public administrator, superintendent of schools and surveyor, shall be executed with a reliable bond and security company and the cost of said bond, when duly approved, shall be a charge against the county, and payable out of the general fund. Bonds.

17. The county clerk shall have one chief deputy, at a salary of twenty-one hundred dollars per annum; three court room deputies at a salary of fifteen hundred dollars per annum each; three office deputies at a salary of twelve hundred dollars per annum each; one deputy who shall act as clerk to the board of supervisors at a salary of fifteen hundred dollars per annum; and a deputy or deputies not to exceed ten, for the purpose of registering electors or other emergencies, who shall be paid not to exceed three and a half dollars per diem each. Deputies.

The county recorder, one chief deputy at a salary of twenty-one hundred dollars per annum; one deputy at a salary of eighteen hundred dollars per annum; one deputy at a salary of fifteen hundred dollars per annum; three deputies at a salary of twelve hundred dollars per annum each; the recorder shall hire necessary assistance in preparing abstracts or mortgages for the assessor, in extending taxes, and purposes of emergency, for not to exceed three dollars and fifty cents per diem each, nor shall the aggregate salaries for such work exceed twenty-four hundred dollars in any one year.

The treasurer, one chief deputy at a salary of two thousand four hundred dollars per annum; and one deputy at a salary of eighteen hundred dollars per annum; and one deputy, which office is hereby created, at a salary of twelve hundred dollars per annum.

The district attorney, an assistant district attorney, at a salary of two thousand four hundred dollars per annum, and a deputy district attorney, at a salary of eighteen hundred dollars per annum, and one stenographer at a salary of twenty-one hundred dollars per annum.

The superintendent of schools, one deputy at a salary of twelve hundred dollars per annum.

The sheriff, an under-sheriff, who shall receive a salary of twenty-one hundred dollars per annum; a clerk who shall receive a salary of fifteen hundred dollars per annum; a stenographer, who shall receive a salary of seven hundred and twenty dollars per annum; two deputy sheriffs, who shall

Deputies. receive a salary of twelve hundred dollars per annum each; three bailiffs or court room deputies, who shall receive a salary of twelve hundred dollars per annum each; two jailers who shall receive a salary of twelve hundred dollars per annum each; one deputy sheriff for emergencies and as a guard for the working prisoners, who shall receive a salary of twelve hundred dollars per annum; and a deputy sheriff for the purpose of serving papers and other emergencies who shall be paid not to exceed three and a half dollars per diem.

The county surveyor, one chief deputy, which office is hereby created, who shall be paid a salary of one hundred and fifty dollars per month.

All the deputies, assistants, emergency help, and clerks herein mentioned shall be paid at the time and in the manner that the principals are paid, and they shall be paid from the salary fund.

Juror. 18. For attending as a grand juror or as a juror in the superior court, for each day's attendance per day three dollars and fifty cents. For each mile actually traveled in attending court as a juror, in going only, per mile, twenty-five cents.

CHAPTER 627.

In act to amend section 1761 of the Code of Civil Procedure of the State of California relating to the appointment of guardians of insane and other incompetent persons.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1761 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Appoint-
ment of
guardian
for incom-
petent
person.

1764. If, after a full hearing and examination upon such petition, it appears to the court that the person in question is incapable of taking care of himself and managing his property, such court must appoint a guardian of his person and estate or person or estate, with the powers and duties in this chapter specified.

SEC. 2. This act shall take effect immediately.

CHAPTER 628.

An act to amend section 1765 of the Code of Civil Procedure of the State of California, relating to the powers and duties of guardians of insane and other incompetent persons.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1765 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

1765. Every guardian appointed, as provided in the preceding section, has the care and custody of the person of his ward and the management of all his estate, or the care and custody of the person of his ward or the management of all his estate, according to the order of appointment, until such guardian is legally discharged, and he must give bond to such ward in like manner and with like conditions as before prescribed with respect to the guardian of a minor.

Powers and duties of guardians

SEC. 2. This act shall take effect immediately.

CHAPTER 629.

An act to add a new section to an act entitled "An act to provide for the improvement of public streets, lanes, alleys, courts and places in municipalities in cases where any damages to private property would result from such improvement and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby," approved April 21, 1909, to be numbered section twenty-one a, relating to the proof of posting and publishing notices.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to provide for the improvement of public streets, lanes, alleys, courts and places in municipalities in cases where any damage to private property would result from such improvement and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby," approved April 21st, 1909, to be numbered twenty-one a, to read as follows:

Section 21a. Proof of publication of any notice required by this act shall be made by affidavit as provided in the Code of Civil Procedure, and proof of the posting of any such notice

Proof of posting and publishing notices

shall be made by the affidavit of the person posting the same, setting forth the facts regarding such posting. It shall be the duty of any officer who is required by this act to have any notice published or posted, to obtain and file in his office the affidavit or affidavits in proof thereof; *provided*, that his failure so to do shall not affect the validity of any proceedings under this act. Any such affidavit so filed shall be prima facie evidence of the facts therein stated regarding such publication or posting.

CHAPTER 630.

An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

"Street opening act of 1903."

"Park act."

"Street improvement act of 1909."

"Improvement bond."

"Assessment."

"Delinquency."

SECTION 1. The expression "street opening act of 1903" as herein used shall mean the act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of such improvement," approved March 24, 1903 (Stats. 1903, page 376) and acts amendatory thereto. The expression "park act" as herein used shall mean the act entitled "An act to provide for the acquisition by municipalities of land for public park or playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expense of acquiring such land," approved April 22, 1909 (Stats. 1909, page 1066). The expression "street improvement act of 1909" as herein used shall mean the act entitled "An act to provide for the improvement of public streets, lanes, alleys, courts and places in municipalities, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages, and expenses thereof upon the property benefited thereby," approved April 21, 1909 (Stats. 1909, page 1042). The expression "improvement bond" as herein used shall mean a bond issue under the provisions of this act. The terms "assessment" or "assessment roll" as herein used shall mean a special assessment made under the provisions of any of the acts herein in this section specified. The term "delinquency" as herein used shall mean delinquency in the payment of an assessment made under the provisions of the acts herein in this section specified.

and the expression "time of delinquency" shall mean the time in said acts fixed when assessments become delinquent. The expression "city council" as herein used shall mean the legislative body of the municipality.

"City council..

SEC. 2. The city council of any municipal corporation of this state may, in its discretion, at or before the time of the confirmation of any assessment or assessment roll in proceedings had and taken under the street opening act of 1903, the park act or the street improvement act of 1909, determine that improvement bonds may issue to represent such assessments, which determination shall be made by resolution or ordinance.

Council may determine the issue of improvement bonds.

SEC. 3. Whenever it is determined as provided in section 2 hereof that improvement bonds may be issued to represent assessments, the owner of any lot or parcel of land against which an assessment has been made, when the amount of such assessment is fifty (\$50) dollars or over, may at any time prior to delinquency, elect to pay such assessment in installments and to have an improvement bond issued against such lot, in the form and manner and with the effect in this act provided: provided, there be no other bond or bonds outstanding against said lot representing any special assessment.

Owner of lot may elect to pay assessment in installments.

SEC. 4. Such election shall be made by such owner or his agent thereunto duly authorized in writing filed with the superintendent of streets, or if said assessment is in the custody of the city tax collector with such tax collector, an affidavit made before a competent officer that he or his principal, as the case may be, is the owner of the lot or parcel of land in question, which affidavit must be accompanied by a certificate of a searcher of records, that he or his principal is such owner and also by filing with such officer a written agreement upon the form hereinafter fixed, waiving all objections of whatsoever kind or nature against the assessment and all proceedings thereto and undertaking to pay the amount of such assessment in either five or ten annual installments, each of which shall be due on the first day of July of each year, and the first of which shall be due on the first day of July next following the date of such bond, with interest on all deferred payments at the rate of seven per cent per annum, payable at the same time as the installments of principal. Said agreement shall contain a provision to the effect that in case of default in the payment of any installment of the principal provided for therein, or interest accrued on deferred payments, at the time called for by said agreement, then, and in that event, the entire remaining unpaid installments shall become immediately due and payable, and that the same, and all liens and agreements which are security therefor, may be collected and enforced as in this act provided. Said agreement shall be in the following or substantially the following form (filling blanks):

Election to be made in writing.

Rate of interest.

The undersigned, being the owner of the lot assessed in the assessment for said lot being assessed therein for the sum of (\$) dollars, does hereby

Form of agreement.

expressly waive and release all objections of whatsoever kind or nature against the said assessment and all proceedings prior thereto, and in consideration of the benefit of said improvement and of the extension of time for paying therefor herein requested, do undertake and agree to pay the amount of said assessment, to wit: the sum of (\$.....) dollars in yearly installments, at the time, in the manner, and with the interest, specified and provided in (title of act), and do request and elect to have a bond issue against said lot in the manner and form and with the effect provided in said act, and do expressly agree that in the case of default in the payment of any installment of the principal provided for in said bond, or interest accrued on deferred payments, then, and in that event, that the entire remaining unpaid installments shall become immediately due and payable, and that the same, and all liens and agreements which are security therefor, may be collected and enforced as in this act provided.

Records of
assess-
ment.

Upon an election being effected as herein provided the superintendent of streets, or other officer having in his custody said assessment, shall make a note thereof in his records opposite the assessment as to which such election is made. All agreements and affidavits made and filed hereunder shall be bound in a substantial book and kept among the records of the superintendent of streets, or other officer having custody of such assessments. At the time of delinquency, such officer shall advise, in writing, the city treasurer respecting the assessments as to which the owners have elected to pay in installments. The city treasurer shall thereupon prepare a separate bond representing each assessment as to which such right of election has been exercised, running for either five (5) or ten (10) years, as specified in the agreement made as herein provided, which bond shall be in the following or substantially the following form (filling blanks):

IMPROVEMENT BOND.

Series

No.

Improvement
bond.

\$ Under and by virtue of and pursuant to the provisions of (title of act), I, out of the fund for the above designated improvement bonds, series will pay to bearer the sum of (\$.....) dollars, with interest at the rate of seven (7) per cent per annum, as is hereinafter specified, at the office of the city treasurer of the city of, State of California. This bond is issued to represent an assessment for in the city of as the same is more fully described in the assessment therefor. Its amount is the amount assessed in said assessment against the lot numbered therein and in the diagram attached thereto, and which now remains unpaid; but until paid, with

accrued interest, is a first lien upon the property affected thereby, as the same is described herein and in said recorded assessment with its diagram, to wit: the lot or parcel of land in the city of, county of, State of California, described as follows:

.....
.....
and it is issued in accordance with the written request therefor on file in the office of the of said city.

This bond is payable exclusively from said fund, and neither the city of nor any officer thereof is to be holden otherwise for its principal or interest. The term of this bond is years from July first, 19, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the first day of July of each year, after the date hercof, an even annual proportion of its principal is due and payable upon presentation of the coupou therefor, until the whole is paid, with accrued interest at the rate of seven (7) per cent per annum.

The interest is payable annually on the first day of July in each year hereafter upon presentation of the coupons therefor, the first of which is for the interest from date to the first day of July, 19, and thereafter the interest coupons are for the annual interest.

Should default be made in the first, or any succeeding payment of the principal, or in any payment of interest, by the owner of said lot, or any one in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and shall thereupon have a right to collect the same and to enforce all liens and agreements which are security therefor as in said act provided.

At said city of this day of in the year one thousand nine hundred and

.....
City Treasurer of the City of

Said bonds shall be payable to the bearer and no mistake or error in the description in the bond of the lot assessed shall affect the validity or lien of the bond, unless the mistake or error in such that the lot can not be identified; and in such event the holder of such bond may have the same corrected upon application to the city treasurer and the officers or board who or which made the assessment to represent which such bond is issued.

Mistake in description not to affect validity of bond.

SEC. 5. The city treasurer shall enter in a book kept for that purpose in his office, a record of each bond issued hereunder, specifying the date of its issue, the amount for which issued, to whom delivered, its duration and a description of the lot against which issued. Payments of principal and interest on account of any bond issued hereunder shall be made to the city treasurer, who shall keep a separate account of all such

Records of bonds issued.

payments (entered the same in the record herein required to be kept), and place the same in appropriate funds for the payment of principal and interest of the bonds on account of which paid, and who shall, upon the surrender of the coupons attached to said bond, pay to the holder thereof, or his order, the amount called for by said coupons out of the funds in his possession applicable thereto.

Validity
of pro-
ceedings.

SEC. 6. Improvement bonds issued hereunder shall by their issuance be conclusive evidence of the regularity and validity of all proceedings thereto. The amount due upon any such bond shall be a lien upon the lot described in such bond superior to all other liens, charges, and incumbrances except the liens of prior assessments and of municipal, state and county taxes.

Sale of
bonds.

Advertise-
ment.

SEC. 7. Improvement bonds or any number of such bonds, issued hereunder, except as otherwise provided in section nine hereof, shall be sold to the highest cash bidder, after advertisement for bids, which advertisement shall be published for at least three times in a daily newspaper published and circulated in said city, or if there be no such daily newspaper, then such advertisement shall be published once in a weekly or semi-weekly newspaper so published and circulated; *provided, however,* that said bonds shall not be sold for less than par. If any bond be sold for an amount in excess of par such excess shall be paid into the general fund of the city.

Proceeds
of sale.

SEC. 8. The proceeds of the sale of such improvement bonds shall be paid into the fund of the proceeding to represent assessments in which said bonds were issued.

City may
advance
funds.

SEC. 9. It shall be competent for the city to advance to the appropriate fund the par value of all or any part of said bonds, in which case said city shall have the same rights in respect to the enforcement and collection thereof as other purchasers. Where the city advances money as in this section provided it shall have full authority at any time to sell said bonds to reimburse itself therefor.

Holder of
bond may
demand
sale of lot
when pay-
ment is
not made.

SEC. 10. Whenever, through the default of the owner of any lot or parcel of land upon which such bond is issued to represent the assessment, payment, either of the principal or of the interest, is not made when the same has become due, and the holder of the bond thereupon demands, in writing, that the city treasurer proceed to advertise and sell said lot or parcel of land as herein provided, then the whole bond or its unpaid remainder, with its accrued interest, as expressed in said bond, shall become due and payable immediately, and on the day following shall become delinquent.

Procedure
of sale.

SEC. 11. Upon the application of the holder of any bond that is now or shall hereafter become delinquent as hereinbefore provided, the said city treasurer shall publish twice in a newspaper of general circulation, to be designated by him, published in the city where his office is situated, a notice which must contain the date, number, and series of the delinquent bond, a description of the property mentioned in said bond, and the name of the owner of such property (if known), and

if unknown, the fact shall be so stated, the amount due thereon, and a statement that unless the amount of said bond and the interest due thereon, together with the cost of publication of such notice are paid, the real property described in said bond will be sold at public auction on a day to be therein fixed, which shall not be less than fifteen nor more than thirty days from the day of the first publication of said notice, and the place of such sale, which must be the office of the said city treasurer. A like notice shall not less than fifteen days before the day of sale so fixed be served upon any such owner if known either personally or by depositing the same in the post office at such city addressed to such owner at his address if known with the postage thereon prepaid. At any time prior to the sale, the owner or person in possession of any real estate offered for sale under the provisions of this act may pay the whole amount of said bond then due, with costs, and such bond shall thereupon be canceled; but in case such payment is not made by such owner or person in possession, or by some one in behalf of such owner, or person in possession, the property subject thereto shall be sold at public auction to the bidder offering to pay the amount due on the bond with costs for the least portion of such lot or parcel of land offered for sale.

Prior to sale owner may pay whole amount due.

SEC. 12. The city treasurer, before the day of sale hereinafter provided for, must file with the city clerk a copy of the publication, with an affidavit of the publisher of such newspaper, or some one in his behalf, attached thereto, that it is a true copy of the same; that the publication was made in a newspaper, stating its name and place of publication and the date of each appearance in which such publication was made, which affidavit is prima facie evidence of all the facts stated therein.

Evidence of publication of notices.

SEC. 13. The city treasurer must collect, in addition to the amount due on such bond, the cost of the publication of such notice, and fifty cents for the certificate of sale delivered to the purchaser as hereinafter provided.

Costs collected.

SEC. 14. The city treasurer, before delivering any certificate of sale must, in a book kept in his office for that purpose, enter the date, number and series of the bond, a description of the land sold corresponding with the description in the certificate, the date of sale, purchaser's name, the amount paid, regularly number the descriptions on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection during office hours when not in actual use, and he shall enter on the record of the bond the words "canceled by sale of the property," giving the date of such sale.

Record of certificates of sale by city treasurer.

SEC. 15. Immediately on the sale, the purchaser shall become vested with a lien on the property so sold to him, to the extent of his bid, and is only divested of such lien by the payment to the city treasurer of the purchase money, including costs herein provided for, with interest thereon at the rate of one per cent per month from the date of sale.

Purchaser's lien.

SEC. 16. A redemption of the property sold may be made

Redemption within twelve months.

by the owner of the property, or any party in interest, within twelve months from the date of purchase, or at any time prior to the application for a deed as hereinafter provided. Redemption must be made in lawful money of the United States, and when made to the city treasurer he must credit the amount paid to the person named in his certificate, and pay it on demand to him or his assignees.

Record of certificates of sale by recorder.

SEC. 17. On receiving the certificate of sale, the recorder must file it, and make an entry in a book similar to that required of the city treasurer, the fee for which shall be fifty cents, and on presentation of the receipt of the city treasurer for the total amount of the redemption money, the recorder must, without charge, mark the word "Redeemed," the date, and by whom redeemed, on the margin of the book where the entry of the certificate is made.

Deed to property not redeemed.

SEC. 18. If the property is not redeemed within the time allowed by the provisions of section sixteen hereof for its redemption, the city treasurer, or his successor in office, upon application of the purchaser, or his assignee, must make to said purchaser, or his assignee, a deed to the property, reciting in the deed, substantially, the matter contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption; the treasurer shall be entitled to receive from the purchaser two dollars for making said deed, which shall be deposited in the city treasury for the use of the city after payment has been made therefrom for the acknowledgment of said deed: *provided, however*, that the purchaser of the property, or his assignee, or agent, must, thirty days prior to the expiration of the time of the redemption, or thirty days before his application for a deed, serve upon the owner or agent of the property purchased, if named in such certificate of sale, and upon the party occupying the property, if the property is occupied, a written notice, stating that said property, or a portion thereof, has been sold to satisfy the bond lien, the date of sale, the date, number, and series of the bond, the amount then due, and the time when the right of redemption will expire, or when the purchaser will apply for a deed, and the owner of the property shall have the right of redemption indefinitely, until such notice shall have been given and said deed applied for, upon the payment of the fees, penalties, and costs in this act required. In case of unoccupied property, a similar notice must be posted in a conspicuous place upon the property at least thirty days before the purchaser applies for a deed; and no deed to the property sold, in accordance with the provisions of this act, shall be issued by the city treasurer to the purchaser of such property, until such purchaser shall have filed with such treasurer an affidavit showing that the notice hereinbefore required to be given has been given as herein required, which said affidavit shall be filed and preserved by the said treasurer as other records kept by him in his office. Such purchaser shall be entitled to receive the sum of fifty cents for his service of such notice and the making of such affidavit, which sum of fifty cents shall

Notice to owner thirty days prior to application for deed.

Notice posted on property.

be paid by the redemptioner at the time and in the same manner as the other sums, costs and fees are paid.

SEC. 19. The deed, when duly acknowledged or proved, shall be conclusive evidence of all things which the bond upon which it is based is conclusive evidence, and prima facie evidence of the regularity of all proceedings subsequent to the issue of the bond, and conveys to the grantee the absolute title to the lands described therein, free of all incumbrances, except the lien for state, county, and municipal taxes.

Evidence of regularity of proceedings.

CHAPTER 631.

An act to add a new section to the Political Code to be numbered section four thousand one hundred fifty-six b, relating to the duties of district attorneys in counties of the first class.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code, to be numbered section four thousand one hundred fifty-six b, and to read as follows:

4156b. District attorneys in counties of the first class shall devote their entire time and attention to the performance of the duties of their offices.

District attorneys in counties of first class.

CHAPTER 632.

An act to amend an act entitled, "An act to provide for the consolidation of municipal corporations," approved March 11, 1909, by adding thereto a new section to be designated as section 2a, relating to the taxation of property within any of such consolidated municipal corporations for the payment of indebtedness of any other of such consolidated municipal corporations, and by amending section 4 of said act.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. An act entitled, "An act to provide for the consolidation of municipal corporations," approved March 11, 1909, is hereby amended by adding thereto a new section, to be designated as section 2a, to follow section 2 of said act, and to read as follows:

Section 2a. Whenever any one or more, or all, of the mu-

Submitt-
ing ques-
tion of
payment
of bonds
at elections
proposing
the con-
solidation
of munic-
ipalities

municipal corporations proposed to be consolidated under the provisions of this act shall have incurred, or authorized the incurring of, any bonded indebtedness for the acquisition, construction or completion of any municipal improvement or improvements, the petition provided for in section two of this act may contain a request that the question to be submitted to the electors of such municipal corporations shall be whether such municipal corporations shall become consolidated as hereinafore provided, and the property in any one or more, specified in said petition, of such municipal corporations, be, after such consolidation, subject to taxation, equally with the property in any other one or more, specified in said petition, of said municipal corporations, to pay any such bonded indebtedness, specified in said petition, of said other municipal corporation or corporations, outstanding at the date of such consolidation, or theretofore authorized. If such request shall be made in said petition, proceedings shall be had thereon, the same in all respects as upon a petition presented under the provisions of the preceding section, excepting that the notice of election shall, in addition to the matters required by the preceding section, distinctly state that it is proposed that such property as it may be proposed in said petition shall be taxed to pay such bonded indebtedness of any one or more of such municipal corporations proposed to be consolidated, as specified in said petition, other than that in which such property is situated, shall, after the date of such consolidation, be taxed equally with the property within the municipal corporation or corporations originally incurring, or authorizing the incurring of, such indebtedness, to pay the same. The said notice shall, in addition, distinctly specify the improvement or improvements for which such indebtedness was so incurred or authorized, and state the amount or amounts of such indebtedness already incurred outstanding at the date of the first publication or posting of such notice, and the amount or amounts of such indebtedness theretofore authorized, and to be represented by bonds thereafter to be issued, and the maximum rate of interest payable or to be payable on such indebtedness; and upon the canvass of the returns of the election held in pursuance of such notice, if it shall appear that two thirds of all the ballots cast in each municipal corporation the property in which it is proposed, as aforesaid, shall, after consolidation, be subject to taxation to pay any bonded indebtedness of any other of the said municipal corporations proposed to be consolidated shall be in favor of such consolidation, and that a majority of the votes cast in each of the other municipal corporations so proposed to be consolidated shall be in favor of consolidation, and not otherwise, the same proceedings shall be had as in the preceding section it is provided shall be taken when a majority of the votes cast in each such municipal corporation shall be in favor of such consolidation, and such consolidation shall be deemed to be completed in the same manner, and with the same effect, as in said section provided. After the completion of the consolidation of such municipal corpora-

Two thirds
vote
necessary
to carry.

tions as hereinabove provided, the property in each of said municipal corporations which, in said petition and notice, it was proposed should be taxed to pay any specified bonded indebtedness of any other of said municipal corporations so consolidated, shall thereafter be taxed equally with the property within the municipal corporation originally incurring, or authorizing the incurring of, such bonded indebtedness for the payment of such specified indebtedness.

SEC. 2. Section 4 of said act is hereby amended to read as follows:

Section 4. That no property in any of the municipal corporations consolidated under the provisions of this act shall ever be taxed to pay any portion of any indebtedness or liability of any of the other such municipal corporations, contracted or incurred prior to or existing at the time of such consolidation, unless the proceedings for such consolidation shall have been had in accordance with the provisions of section 2a of this act, in which event the property in such municipal corporations shall be taxed as provided in said section. The legislative body of any consolidated municipal corporation, consolidated under the provisions of this act, shall provide for the payment of the indebtedness or liability of each of the municipal corporations consolidated therein, and shall levy and collect the necessary taxes therefor, and for that purpose, and for all other purposes, such consolidated municipal corporation and its officers, shall be deemed the successor and successors of such municipal corporations so consolidated and their respective officers.

No property to be taxed for prior indebtedness except in accordance with section 2a.

CHAPTER 633.

An act to amend sections two and four of "An act to provide a system of street improvement bonds, to represent certain assessments for the cost of street work and improvement within municipalities and also for the payment of such bonds," approved February 7, 1893.

[Approved April 27, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of "An act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities and also the payment of such bonds," approved February 27, 1893, is hereby amended to read as follows:

Section 2. The city council of any municipality in this state shall have the power, in its discretion, to determine that serial bonds shall be issued in the manner and form hereinafter provided to represent assessments of twenty-five dollars

City council may determine to issue bonds to represent assessments for street work.

or over for the cost of any work or improvement authorized by the said street work act. Said serial bonds shall extend over a period not to exceed ten years from their date, and an even annual proportion of the principal sum thereof shall be payable, by coupon, on the second day of January every year after their date, until the whole is paid, and the interest shall be payable semi-annually, by coupon, on the second days of January and July, respectively, of each year, at the rate of not to exceed ten per cent per annum on all sums unpaid, until the whole of said principal and interest are paid. Said bonds and interest thereon shall be paid at the office of the city treasurer of said municipality, who shall keep a fund designated by the name of said bonds, into which he shall receive all sums paid him for the principal of said bonds and the interest thereon, and from which he shall disburse such sums upon the presentation of said coupon; and under no circumstances shall said bonds or the interest thereon be paid out of any other fund. Said city treasurer shall keep a register in his office, which shall show the series, number, date, amount, rate of interest, payee and indorsees of each bond, and the number and amount of each coupon of principal or interest paid by him, and shall cancel and file each coupon so paid.

City treasurer to keep register.

SEC. 2. Section four of said act is hereby amended to read as follows:

Bond may be issued for each unpaid assessment of \$25.

Section 4. After the full expiration of thirty days from the date of the warrant, or if an appeal be taken to the city council, then five days after the final decision of said city council, and after the street superintendent shall have recorded the return, the street superintendent shall make and certify to the city treasurer a complete list of all assessments unpaid, which amount to twenty-five dollars or over, upon any assessment or diagram number; and said treasurer shall thereupon make out, sign and issue to the contractor, or his assigns, payee of the warrant and assessment, a separate bond, representing upon each lot or parcel of land upon said list the total amount of the assessments against the same, as thereon shown. And if said lot or parcel of land is described upon said assessment and diagram by its number or block, or both, upon the official map of said municipality, or upon any map on file in the office of the county recorder of the county in which said municipality is situated, then it shall be in said bond a sufficient description of said lot or parcel of land to designate it by said number or block, or both, as it appears on said official or recorded map. Said bond shall be substantially in the following form:

STREET IMPROVEMENT BOND.

Form of bond.

Series (designating it), in the city (or other form of the municipality) of (naming it).

\$..... No.

Under and by virtue of an act of the legislature of the State of California (title of said act), I, out of the fund for the above designated street improvement bonds, series will pay to..... or order, the sum of

..... (\$.....), with interest at the rate of per cent per annum, all as is hereinafter specified, and at the office of the treasurer of the of State of California. This bond is issued to represent the cost of certain street work upon, in the of, as the same is more fully described in assessment number issued by the street superintendent of said, after acceptance of said work, and recorded in his office. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as number, and which now remains unpaid, but until paid, with accrued interest, is a first lien upon the property affected thereby, as the same is described herein, and in said recorded assessment with its diagram, to wit: the lot or parcel of land in said of county of State of California.

This bond is payable exclusively from said fund, and neither the municipality nor any officer thereof is to be holden for payment otherwise for its principal or interest. The term of this bond is years from its date, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year after its date an even annual proportion of its whole amount is due and payable, upon presentation of the coupon therefor, until the whole is paid, with all accrued interest at the rate of per centum per annum. The interest is payable semi-annually, to wit: on the second days of January and of July in each year hereafter, upon presentation of the coupons therefor, the first of which is for the interest from date to the next second day of and thereafter the interest coupons are for semi-annual interest, except the last, which is for interest from the semi-annual payment next preceding and to the date of the final maturity of this bond. Should default be made in the annual payment upon the principal, or in any payment of interest, from the owner of said lot or parcel of land, or any one in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law.

At said of this day of in the year one thousand hundred and

City Treasurer of the of

Provided, that in case the amount of unpaid assessments upon any lot or parcel of land shall be less than twenty-five dollars, then the same shall be collected as is provided in said street work act: *provided, also*, that if any person, or his

Amounts under \$25.

Owner
notify
treasurer
not to
issue bond

Payment
and in-
terest.

Coupons.

Evidence
of regu-
larity of
proceed-
ings.

authorized agent, shall at any time before the issuance of the bond for said assessment upon his lot or parcel of land, present to the city treasurer his affidavit, made before a competent officer, that he is the owner of a lot or parcel of land in said list, accompanied by the certificate of a searcher of records, that he is such owner of record, and with such affidavit and certificate, such person notifies said treasurer, in writing, that he desires no bond to be issued for the assessments upon said lot or parcel of land, then no such bond shall be issued therefor, and the payee of the warrant, or his assigns, shall retain his right for enforcing collection, as if said lot or parcel of land had not been so listed by the street superintendent. The bonds so issued by said treasurer shall be payable to the party to whom they issue, or order, and shall be serial bonds, as is hereinbefore described, and shall bear interest at the rate specified in the resolution of intention to do said work. They shall have annual coupons attached thereto, payable in annual order, on the second day of January in each year after the date of the bond, until all are paid, and each coupon shall be for an even annual proportion of the principal of the bond. They shall have semi-annual interest coupons thereto attached, the first of which shall be payable upon the second day of January or July, as the case may be, next after its date, and shall be for the interest accrued at that time, and the last of which shall be for the amount of interest accruing from the second day of January or July, as the case may be, next preceding the maturity of said bonds to the maturity thereof. The city treasurer shall, in addition to his other duties in the premises, report all coupon payments of principal upon said bonds to the street superintendent, who shall forthwith indorse the same upon the margin of the record of the assessment to the credit of which the same is paid and said assessment shall be a first lien upon the property affected thereby, until the bond issued for the payment thereof, and the accrued interest thereon shall be fully paid. Said bonds, by their issuance, shall be conclusive evidence of the regularity of all proceedings thereto under said street work act and under this act, previous to the making of the certified list of all assessments unpaid to the amount of twenty-five dollars or over by the street superintendent to the city treasurer, and of the validity of said lien up to the date of said list.

CHAPTER 634.

An act to amend sections nine and ten of an act entitled, "An act to establish and support a bureau of labor statistics," approved March 3, 1883.

[Approved April 28, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section nine of an act entitled, "An act to establish and support a bureau of labor statistics," approved March 3, 1883, is hereby amended to read as follows:

Section 9. The commissioner shall appoint two deputies, Deputies of labor commissioner. who shall have the same power as said commissioner, one of whom shall reside in the city and county of San Francisco and the other in the city of Los Angeles; one assistant deputy, who shall reside in the county of Los Angeles; a statistician; a stenographer, and such agents or assistants, as he may from time to time require, at such rate of wages as he may prescribe, but said rate must not exceed five dollars per day, and actual traveling expenses for each person while employed. He shall procure rooms necessary for offices, at a rent not to exceed the sum of one hundred and fifty dollars per month.

SEC. 2. Section ten of an act entitled, "An act to establish and support a bureau of labor statistics," approved March 3, 1883, is hereby amended to read as follows:

Section 10. The salary of the commissioner shall be three Salaries. thousand dollars per annum, the salary of each deputy commissioner shall be twenty-four hundred dollars per annum, the salary of the assistant deputy shall be twenty-one hundred dollars per annum, the salary of the statistician shall be twenty-one hundred dollars per annum, the salary of the stenographer shall be twelve hundred dollars per annum, to be audited by the controller and paid by the state treasurer in the same manner as other state officers. There shall also be allowed a sum not to exceed twenty thousand dollars per annum for salaries of agents or assistants, for traveling expenses, and for other contingent expenses of the bureau.

SEC. 3. This act shall take effect immediately.

CHAPTER 635.

An act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, and repealing all acts and parts of acts in conflict with this act.

[Approved April 28, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Purposes for which the right of eminent domain may be exercised.

SECTION 1. Section twelve hundred and thirty-eight of the Code of Civil Procedure is hereby amended to read as follows:

1238. Subject to the provisions of this title, the right of eminent domain may be exercised in behalf of the following public uses:

Public uses of United States.

1. Fortifications, magazines, arsenals, navy yards, navy and army stations, lighthouses, range and beacon lights, coast surveys, and all other public uses authorized by the government of the United States.

Public uses of state.

2. Public buildings and grounds for the use of the state and all other public uses authorized by the legislature of the state.

Public uses of counties, cities, towns, school districts.

3. Public buildings and grounds for the use of any county, incorporated city, or city and county, village, town or school districts; ponds, lakes, canals, aqueducts, reservoirs, tunnels, flumes, ditches or pipes for conducting or storing water for the use of any county, incorporated city, or city and county, village or town, or the inhabitants thereof, or for draining any county, incorporated city, or city and county, village or town; raising the banks of streams, removing obstructions therefrom, and widening and deepening or straightening their channels; roads, highways, boulevards, streets and alleys; public mooring places for water craft; public parks, including parks and other places covered by water, and all other public uses for the benefit of any county, incorporated city, or city and county, village or town, or the inhabitants thereof, which may be authorized by the legislature; but the mode of apportioning and collecting the costs of such improvements shall be such as may be provided in the statutes by which the same may be authorized.

Wharves, bridges, roads, canals, etc.

4. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, by-roads, plank and turnpike roads; paths and roads either on the surface, elevated, or depressed, for the use of bicycles, tricycles, motorcycles and other horseless vehicles, steam, electric, and horse railroads, canals, ditches, dams, poundings, flumes, aqueducts and pipes for irrigation, public transportation, supplying mines and farming neighborhoods with water, and draining and reclaiming lands, and for floating logs and lumber on streams not navigable.

Roads, etc., for working mines.

5. Roads, tunnels, ditches, flumes, pipes and dumping places for working mines; also outlets, natural or otherwise, for the flow, deposit, or conduct of tailings or refuse matter from

mines; also an occupancy in common by the owners or possessors of different mines of any place for the flow, deposit, or conduct of tailings or refuse matter from their several mines.

6. By-roads leading from highways to residences, farms, mines, mills, factories and buildings for operating machinery, or necessary to reach any property used for public purposes.

By-roads.

7. Telegraph and telephone lines, systems and plants.

Telegraph.

8. Sewerage of any incorporated city, city and county, or of any village or town, whether incorporated or unincorporated, or of any settlement consisting of not less than ten families, or of any buildings belonging to the state, or to any college or university, also the connection of private residences and other buildings, through other property, with the mains of an established sewer system in any such city, city and county, town or village.

Sewerage.

9. Roads for transportation by traction engines or road locomotives.

Roads.

10. Oil pipe lines.

Pipe lines.

11. Roads and flumes for logging or lumbering purposes.

Roads for logging.

12. Canals, reservoirs, dams, ditches, flumes, aqueducts and pipes and outlets natural or otherwise for supplying, storing, and discharging water for the operation of machinery for the purpose of generating and transmitting electricity for the supply of mines, quarries, railroads, tramways, mills, and factories with electric power; and also for the applying of electricity to light or heat mines, quarries, mills, factories, incorporated cities and counties, villages or towns; and also for furnishing electricity for lighting, heating or power purposes to individuals or corporations, together with lands, buildings, and all other improvements in or upon which to erect, install, place, use or operate machinery for the purpose of generating and transmitting electricity for any of the purposes or uses above set forth.

Canals for generating electricity, etc.

13. Electric power lines, electric heat lines, electric light lines, electric light, heat and power lines, and works or plants, for the generation, transmission or distribution of electricity for the purpose of furnishing or supplying electric light, heat or power to any county, city and county or incorporated city or town, or the inhabitants thereof.

Power lines.

14. Cemeteries for the burial of the dead, and enlarging and adding to the same and the grounds thereof.

Cemeteries.

15. The plants, or any part thereof or any record therein, of all persons, firms or corporations heretofore, now or hereafter engaged in the business of searching public records, or publishing public records or insuring or guaranteeing titles to real property, including all copies of, and all abstracts or memoranda taken from, public records, which are owned by, or in the possession of such persons, firms or corporations, or which are used by them in their respective businesses; *provided, however,* that the right of eminent domain in behalf of the public uses mentioned in this subdivision may be exercised only for the purpose of restoring or replacing, in whole or in

Searching public records, etc.

part, public records, or the substance of public records, of any city, city and county, county or other municipality, which records have been, or may hereafter be, lost or destroyed by conflagration or other public calamity; *and provided, further*, that such right shall be exercised only by the city, city and county, county or municipality, whose records, or part of whose records, have been, or may be, so lost or destroyed.

Exposi-
tions.

16. Expositions or fairs in aid of which the granting of public moneys or other thing of value has been authorized by the constitution.

Gas work,
etc.

17. Works or plants for supplying gas, heat, refrigeration or power to any county, city and county, or incorporated city or town, or the inhabitants thereof, together with lands, buildings, and all other improvements in or upon which to erect, install, place, maintain, use or operate machinery, appliances, works and plants for the purpose of generating, transmitting and distributing the same.

Repealed.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect immediately.

CHAPTER 636.

An act to amend section 4239 of the Political Code of the State of California relating to officers and salaries and fees of officers of counties of the tenth class.

[Approved April 28, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4239 of the Political Code of the State of California is hereby amended to read as follows:

Salaries of
officers in
counties of
tenth
class.
County
clerk.

4239. In counties of the tenth class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, two thousand dollars per annum; *provided*, that he shall appoint one deputy at a salary of fifteen hundred dollars per annum, two court room deputies at a salary of twelve hundred dollars per annum each, one office deputy at twelve hundred dollars per annum, and a deputy or deputies not to exceed two for the purpose of registering electors, to be paid not to exceed four dollars per diem each; *provided*, that such deputies so employed for registering electors shall not be employed except during a year when a general election is held throughout the state, and then only between the first day of June and the fifteenth day of November of said year. Each of said deputies to be paid at the same time and in the same manner as county officers are paid.

2. The sheriff, two thousand dollars per annum; *provided*, he

shall appoint one under-sheriff at a salary of fifteen hundred dollars per annum, and three deputy sheriffs, at a salary of twelve hundred dollars per annum each; said under-sheriff and each of said deputies shall be paid at the same time and in the same manner as county officers are paid. The sheriff shall also receive such fees as are allowed sheriffs by section 4300b of the Political Code of the State of California, except that for traveling in the service of any paper required by law to be served, in either civil or criminal process or proceeding for each mile actually and necessarily traveled, one way only, twenty cents. No constructive mileage to be allowed.

3. The recorder, two thousand dollars per annum; *provided*, that the recorder shall appoint one deputy at a salary of twelve hundred dollars per annum, and four copyists at a salary of nine hundred dollars each per annum to be paid at the same time and in the same manner as county officers are paid; *provided*, that said copyists being eligible, may be appointed deputies of said recorder without further compensation.

4. The auditor, two thousand four hundred dollars per annum; *provided*, that the expenses incurred, if any, in making extensions of assessments and tax rolls shall be paid out of said sum of two thousand four hundred dollars, compensation above mentioned; *and provided, further*, that said auditor shall appoint one deputy at a salary of nine hundred dollars per annum, to be paid at the same time and in the same manner as county officers are paid.

5. The treasurer, two thousand dollars per annum, and such fees as are now or may hereafter be allowed by law; *provided*, that the treasurer shall appoint one deputy at a salary of nine hundred dollars per annum, to be paid at the same time and in the same manner as county officers are paid.

6. The tax collector, three thousand dollars per annum, and such fees as are now or may hereafter be allowed him by law for the collection of all county licenses; *provided*, that the tax collector shall appoint as many deputies as may be necessary, all of which deputies' salaries shall be paid out of the compensation above named; *and provided, further*, said tax collector shall appoint one revenue and taxation deputy to be paid for only between August 1st and January 1st each year (five months), at a salary of one hundred dollars per month, and which last named deputy shall be paid at the same time and in the same manner as county officers are paid.

7. The assessor, four thousand two hundred dollars per annum; *provided*, that the assessor shall appoint one chief deputy, at a salary of twelve hundred dollars per annum, and as many deputy assessors as may be necessary, all of which deputies' salaries shall be paid by the said assessor out of said four thousand two hundred dollars' compensation above mentioned; *and provided, further*, that he shall appoint one revenue and taxation deputy at a salary of fifteen hundred dollars per annum, and which last named deputy shall be paid at the same time and in the same manner as county officers are paid.

District
attorney.

8. The district attorney, twenty-four hundred dollars per annum; *provided*, that he shall appoint one assistant district attorney at a salary of eighteen hundred dollars per annum, and one deputy district attorney at a salary of twelve hundred dollars per annum, and one stenographer at a salary of seven hundred and twenty dollars per annum; said assistant, deputy and stenographer to be paid at the same time and in the same manner as county officers are paid.

Coroner.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Adminis-
trator.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superin-
tendent of
schools.

11. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting the schools of his county; *provided*, said superintendent of schools may appoint a deputy at a salary of twelve hundred dollars per annum, payable at the same time and in the same manner as county officers are paid.

Surveyor.

12. The surveyor, eighteen hundred dollars per annum for all work performed for the county, and in addition thereto all necessary and actual traveling expenses incurred in connection with field work, and all fees allowed by law; *provided*, that out of the compensation hereinabove provided he shall pay the cost of platting, tracing or otherwise preparing maps, plats or block books for the use of the county assessor; *provided, further*, that all property ownership books, data, and transcript records required for making such maps, plats, or block books shall be procured at the expense of the county in such manner and by such persons as the board of supervisors may direct and furnish to the surveyor; *and provided, further*, that the fees for land surveys, except when done for the county, shall be ten dollars per day, or fraction thereof, and in addition thereto all necessary and actual traveling expenses. He shall appoint a deputy at a salary of nine hundred dollars per annum, payable at the same time and in the same manner as county officers are paid.

Justices of
the peace.

13. The justices of the peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of thirteen thousand or more, one hundred and twenty-five dollars per month; in townships having a population of over eight thousand and less than thirteen thousand, seventy-five dollars per month; in townships having a population of four thousand and less than eight thousand, fifty dollars per month; in townships having a population of fifteen hundred and less than four thousand, twenty-five dollars per month; in townships having a population of one thousand and less than fifteen hundred, twenty dollars per month; in townships having a population of less than one thousand, ten dollars per month. In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by

him in civil actions. Each justice of the peace must pay into the county treasury once a month all fines collected by him; *and provided, further*, that for the purposes of this subdivision the population of the several townships shall be ascertained from the United States census reports of 1910.

14. In townships having a population of thirteen thousand or more, constables shall receive as compensation, in lieu of all fees in criminal cases, the sum of one hundred dollars per month; in townships having a population of eight thousand and less than thirteen thousand, the sum of sixty dollars a month; in townships having a population of four thousand and less than eight thousand, the sum of forty dollars a month; in townships having a population of fifteen hundred and less than four thousand, fifteen dollars per month; in townships having a population of one thousand and less than fifteen hundred, ten dollars per month; in townships having a population of less than one thousand, five dollars per month; *provided*, that in addition to the fees and salaries herein allowed, each constable shall receive for traveling expenses outside of his own township, but within his own county, for the service of a civil or criminal process, the sum of fifteen cents per mile for each mile actually and necessarily traveled, one way only, no constructive mileage to be allowed; *and provided, further*, that such salaries for services in criminal cases shall be paid at the same time and in the same manner as the salaries of county officers are paid; *and provided, further*, that in addition to the salaries provided for herein, constables in all townships shall receive for their own use the fees which are now or may hereafter be allowed by law in civil cases; *and provided, further*, that for the purpose of this subdivision the population of the several townships shall be ascertained from the United States census reports of 1910.

15. Each member of the board of supervisors for all services required of them by law, or by virtue of their office, except as road commissioners, shall be allowed ten hundred dollars per annum as a salary, and fifteen cents per mile in traveling to and from his place of residence to the court house; *provided*, that only one mileage must be allowed at each term; *and provided, further*, that said salary and mileage shall be in lieu of all fees otherwise provided by law for supervisors. Each supervisor shall receive for services as road commissioner, thirty cents per mile one way for all distances actually traveled by him in the performance of his duties; *provided*, that he shall not in any one year receive more than four hundred dollars as such road commissioner; *provided*, that no member of the board of supervisors or other county officer, shall, except for his own services or expenses, present or verify by his oath attached thereto, any claim, account, or demand for allowance against the county.

16. All salaries herein not otherwise provided for shall be paid out of the treasury of said county in equal monthly payments on the last day of each month.

SEC. 2. This act shall be in force and effect from and after its passage.

CHAPTER 637.

An act to amend an act entitled, "An act to provide for the formation of levee districts in the various counties of this state and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow and to levy assessments to erect and construct and maintain such levees, dikes and other works and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905, by providing for the formation thereunder of levee districts situate partly in different counties and to make said act applicable to such districts.

[Approved April 28, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. An act entitled "An act to provide for the formation of levee districts in the various counties of this state, and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow and to levy assessments, to erect and construct and maintain such levees, dikes and other works and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905, is hereby amended by adding thereto nine new sections, to be numbered from seventeen to twenty-five, both inclusive, and to read as follows:

Land in
different
counties
may form
a levee
district.

Section 17. Levee districts may be formed, governed and maintained under this act where the land embraced therein shall be situate partly in different counties, and all the preceding sections hereof shall be applicable to such districts, except as herein provided, and nothing hereinafter contained shall in any manner limit or qualify the first sixteen sections of this act. In such districts, except as hereinafter provided, all acts and duties required to be performed by any county officer or board shall be done or performed by the officer or board of the county in which the petition mentioned in section one shall be filed. All sections subsequent hereto in this act shall refer to districts situate partly in different counties.

Petition
filed in
county of
larger
portion
of land.

Section 18. In districts situate partly in different counties the petition mentioned in section one shall be filed with the board of supervisors of the county in which the greater portion of the land to be embraced within such district is situate, and such board shall have the same jurisdiction for all the purposes of this act as if all the land of the district were situate within the county, except as in this act otherwise provided.

Designa-
tion.

Section 19. At the time and after the proceedings mentioned in section four hereof, such board of supervisors must declare such levee district formed as a subdivision of such counties and shall designate such district by the name of joint levee district of and counties.

Section 20. Upon the recording of the declaration that the levee district is formed as required by section six hereof, a copy thereof, duly certified by the clerk of the board of supervisors, must be immediately transmitted to the clerk of the board of supervisors of each other county in which any portion of such district may be situate, which shall be kept in the office of such last named clerk.

Declaration forwarded to all supervisors of counties represented.

Section 21. The notice of election mentioned in section seven shall be published for the time designated therein in a newspaper published in each county in which any portion of such district is situate.

Publication of election notice.

Section 22. The board of trustees of such joint district shall divide the total estimate provided for in section eight hereof, in proportion to the value of the real and personal property of the district in each county. Such value to be determined by the equalized values of the last assessment rolls of such counties. The board of trustees shall, after the approval of the estimate as provided in said section eight, report, as provided in said section, to the board of supervisors of each of such counties, on or before the first day of September of each year, and furnish each of such boards of supervisors such estimate, together with a statement of the part thereof apportioned to each county.

Division of estimate among counties.

Section 23. The provisions of section nine shall apply to the county assessors and boards of supervisors of each county in which any portion of the district may be situate, so far as the portion of such district in such county is concerned.

Applicable to assessors and supervisors of each county.

Section 24. The provisions of section ten shall apply to the officers of each county in which any portion of such district is situate.

To officers of each county.

Section 25. The treasurer of the county in which the petition mentioned in section one was filed, and in which the district was organized, shall be the repository of the funds of the district. The treasurers of any other counties in which is situate a portion of said district, must, at any time, not more often than four times each year, upon the order of the board of trustees, pay over to the treasurer of the county where said petition mentioned in section one was filed, all moneys in their possession belonging to the district. Said last named treasurer is authorized and required to receive and receipt for the same, and to place the same to the credit of the district. All moneys of the district received from any source shall be by him placed in a fund to be called the joint levee district of and counties.

Treasurer of county in which petition was filed to be repository of funds.

Sec. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 638.

An act to amend section 103½ of the Code of Civil Procedure of the State of California.

[Approved April 29, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 103½ of the Code of Civil Procedure of the State of California is hereby amended so as to read as follows:

Clerk to justice's court in cities of second and one half and third classes, duties, etc.

103½. Every city justice's court in any city or town of the second and one half class and the third class shall have a clerk, who shall be appointed by the justice of the peace of said court, subject to the approval of the board of supervisors of the county, and shall hold office during the pleasure of said justice. Said clerk shall give a bond in the sum of five thousand dollars, with at least two sureties to be approved by the mayor, conditioned for the faithful discharge of the duties of his office. He shall keep a record of the proceedings of said court and issue all process ordered by the justice of said court, and receive and pay into the city treasury all fines, forfeitures and fees paid into said court. He shall render each month to the city council an exact account under oath of all fines, forfeitures and fees paid and collected. He shall prepare bonds, justify bail, when the amount has been fixed by the court or justice, and may administer and certify oaths, and shall remain in the court rooms of said court during court hours and during such reasonable times thereafter as may be necessary for the proper performance of his duty. He shall have custody of all records and papers of said justice court. Every clerk of the justice's court in any city or town of the second and one half class shall receive an annual salary of one thousand four hundred dollars, and every clerk of the justice's court in any city or town of the third class shall receive an annual salary of one thousand two hundred dollars; said salaries shall respectively be payable in equal monthly installments out of the treasury of said cities and said salaries shall be the full compensation for all services rendered by the clerks of said courts.

SEC. 2. This act shall take effect immediately.

CHAPTER 639.

An act to amend section 103 of the Code of Civil Procedure, relating to justices of the peace.

[Approved April 29, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one hundred and three of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

103. There shall be at least one justice's court in each of the townships of the state, for which one justice of the peace must be elected by the qualified electors of the township, at the general state election next preceding the expiration of the term of office of his predecessor. In any county where in the opinion of the board of supervisors the public convenience requires it, the said board may, by order, provide that two justices' courts may be established in any township, designating the same in such order; and in such case, one justice of the peace must be elected in the manner herein provided for each of said courts. In every city or town of the first and one half class there must be five justices of the peace, and in every city or town of the second class there must be two justices of the peace, and in every city or town of the second and one half class there must be one justice of the peace, and in every city or town of the third and fourth classes there must be one justice of the peace, to be elected in like manner by the electors of such cities or towns respectively; and such justices of the peace of cities or towns shall have the same jurisdiction, civil and criminal, as justices of the peace of townships and township justices' courts. Said justices of the peace of cities and justices' courts of cities shall also have jurisdiction of all proceedings for the violation of any ordinance of any city in which courts are established, both civil and criminal, and of all actions for the collection of any license required by any ordinance of any such city or town, and generally exercise all powers, duties and jurisdiction civil and criminal, of police judges, judges of police courts, recorder's court or mayor's court, within such city. No person is eligible to the office of justice of the peace in any city or town of the first, first and one half, second, second and one half or third class, who has not been admitted to practice law in a court of record; and no justice of the peace is permitted to practice law before another justice of the peace in the city, town or county in which he resides, or to have a partner engaged in the practice of law in any justice's court in such city, town or county. Every city justice of the peace in any city or town of the first and one half class shall receive a salary of three thousand dollars per annum, and every city justice of the peace in any city or town of

Justice's courts and justices.

In counties.

In cities of various classes.

Jurisdiction.

Qualifications.

Salaries.

the second class shall receive a salary of three thousand six hundred dollars per annum, and every city justice of the peace in any city or town of the second and one half class shall receive a salary of three thousand dollars per annum, and every city justice of the peace in any city or town of the third class shall receive a salary of two thousand dollars per annum, and every city justice of the peace in any city or town of the fourth class shall receive a salary of one thousand five hundred dollars per annum; and each justice of the peace shall be provided by the city or town authorities with a suitable office in which to hold his court. Where the compensation of the justice of the peace of any city or town is by salary it shall be paid by warrants drawn each month upon the salary fund, or if there be no salary fund, then upon the general fund of such city or town; such warrants to be audited and paid as salaries of any other city officials. All fees which are chargeable by law for services rendered by such city justice of the peace in cities or towns aforesaid shall be by them respectively collected, and on the first Monday of each month every such city or town justice shall make a report, under oath, to the city or town treasurer, of the amount of fees so by him collected, and pay the amount so collected into the city or town treasury, to the credit of the general fund thereof. Said salaries shall be the sole compensation of the said city justice.

Fees.

SEC. 2. This act shall take effect immediately.

CHAPTER 640.

An act to amend section four thousand two hundred and forty-five of the Political Code of the State of California, relating to salaries and fees of officers and fees and mileage of jurors in counties of the sixteenth class.

[Approved April 29, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four thousand two hundred and forty-five of the Political Code of the State of California is hereby amended to read as follows:

Salaries of
officers in
counties of
sixteenth
class.

4245. In counties of the sixteenth class the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

County
clerk.

1. The county clerk, three thousand two hundred and fifty dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk the following clerks, deputies and employees, who shall be appointed by the county clerk, and shall be paid salaries as follows: One chief deputy at a salary of one hundred and

twenty-five dollars per month; one court room deputy at a salary of one hundred and fifteen dollars per month; one office deputy at a salary of one hundred dollars per month; one stenographer at a salary of sixty dollars per month; *provided, further*, that in any year that the compilation of a new great register is required by law, the county clerk shall receive as expenses for compiling such great register the sum of five cents for each name inserted in said great register, to be paid upon the filing and presentation of a duly verified claim therefor by the county clerk with the board of supervisors of said county; *and provided, further*, that in any year when a new great register of voters is required by law, that said county clerk may appoint such number of registration deputies as may be necessary for the registration of voters in their respective precincts, each of said deputies to receive the sum of ten cents per name for each elector registered by him; said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county a duly verified claim therefor. The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid; *provided, however*, that the compensation for the registration of electors and compilation of the great register, as herein provided for, shall not be paid in monthly installments but shall be paid after proper allowance of such claims by the board of supervisors of said county.

2. The sheriff, five thousand dollars per annum, all mileage Sheriff. for the service of papers in civil actions arising either inside or outside of the county, excepting actions in which the county is interested, all fees for service of papers in actions arising outside of the county, all expenses incurred in criminal cases, and the sum of thirty-seven and one half cents per day for feeding each prisoner committed to his custody; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff the following deputies, clerks and employees, who shall be appointed by the sheriff, and shall be paid salaries as follows: One chief deputy sheriff at a salary of one hundred and fifty dollars per month; one court room deputy sheriff at a salary of one hundred dollars per month; one deputy sheriff to act as jailer at a salary of seventy-five dollars per month; and one stenographer to the sheriff at a salary of forty dollars per month. The salaries of the deputies, clerks and employees herein provided for shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

3. The recorder, three thousand two hundred and fifty dol- Recorder. lars per annum, and ten cents per name for inserting each name (as grantor or grantee), in the general index, and ten cents for each and every mortgage, trust deed and tax sale abstracted in preparing abstract of mortgage and tax sales

for the assessor when such abstract is required by law; the cost thereof shall be a charge against the county and payable out of the general fund; *provided*, that in counties of this class, there shall be and there hereby is allowed to the recorder the following clerks, deputies and employees, who shall be appointed by the county recorder, and shall be paid salaries as follows: One chief deputy at a salary of one hundred and twenty-five dollars per month, and one deputy at a salary of one hundred dollars per month. The salaries of the deputies herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid.

Auditor.

4. The auditor, two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there hereby is allowed to the auditor the following clerks and employees, who shall be appointed by the county auditor, and shall be paid salaries as follows: One redemption clerk at a salary of eighty-five dollars per month and one computation clerk for three months only in each year, at a salary of eighty-five dollars per month. The salaries of the clerks and employees herein provided for shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county auditor is paid.

Treasurer.

5. The treasurer, three thousand dollars per annum; *provided*, that the bond of the treasurer shall be executed with a reliable bonding and surety company and that the cost of said bond, when duly approved, shall be a charge against the county and payable out of the general fund.

Tax collector.

6. The tax collector, three thousand two hundred and fifty dollars per annum (in lieu of the tax collector's present compensation of eighteen hundred dollars salary and fifteen hundred dollars commissions on licenses collected by the county); *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector the following clerks, deputies and employees, who shall be appointed by the tax collector, and shall be paid salaries as follows: One deputy tax collector at a salary of one hundred and twenty-five dollars per month; one stenographer to the tax collector at a salary of fifty dollars per month; and such copyists as the tax collector may appoint at a salary of not to exceed two dollars per day each; *provided, however*, that the total amount of salary and compensation paid to such copyists shall not exceed the sum of six hundred dollars per annum; such copyists to be paid for their services on the presentation and filing with the board of supervisors of said county a duly verified claim therefor. The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; *provided, however*, that the compensation of said copyists shall be paid on the presentation and filing of claims with the board of supervisors as hereinbefore provided.

7. The district attorney, two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney the following deputies, clerks and employees, who shall be appointed by the district attorney and shall be paid salaries as follows: One chief deputy district attorney at a salary of one hundred and twenty-five dollars per month; one deputy district attorney at a salary of one hundred dollars per month; and one stenographer to the district attorney at a salary of fifty dollars per month. The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid.

District attorney.

8. The superintendent of schools, two thousand four hundred dollars per annum, and actual traveling expenses when visiting the schools of his county; *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools one deputy superintendent of schools, who shall be appointed by the superintendent of schools, and shall be paid a salary of seventy-five dollars per month. The salary of the deputy herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the superintendent is paid.

Superintendent of schools.

9. The assessor, three thousand two hundred and fifty dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the assessor the following clerks, deputies and employees, who shall be appointed by the assessor, and shall be paid salaries as follows: One chief deputy assessor at a salary of one hundred and twenty-five dollars per month; one office deputy assessor at a salary of one hundred and twenty-five dollars per month; three field deputy assessors to hold office during not to exceed five months each in any one year at a salary of one hundred and twenty-five dollars per month each; one field deputy assessor to hold office not to exceed five months in any one year at a salary of one hundred dollars per month. And such additional deputy assessors and clerks as the assessor may appoint at a salary not to exceed five dollars per day each; *provided, however*, that the total amount of salary and compensation paid to such additional deputies and clerks, at a salary of not to exceed five dollars per day each, shall not exceed the sum of fifteen hundred dollars per annum; said additional deputies and clerks, at a salary not to exceed five dollars per day each, to be paid for their services on the presentation and filing with the board of supervisors of said county a duly verified claim therefor. The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid; *provided, however*, that the compensation of said additional deputy assessors, at a salary of not to exceed five dollars per day, shall be paid on the presenta-

Assessor.

tion and filing of claims with the board of supervisors, as hereinbefore provided; *provided, however*, that in counties of this class the assessor shall receive no compensation or commissions for the collection of personal property taxes.

Coroner.

10. The coroner, such fees as are now or may hereafter be allowed by law; *provided, however*, that in counties of this class there shall be and there hereby is allowed to the county coroner one stenographer to the coroner to be appointed by him at a salary of seventy-five dollars per month. The salary of the stenographer herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county officers is paid.

Adminis-
trator.

11. The public administrator, such fees as are now or may be hereafter allowed by law.

Surveyor.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Justices of
the peace.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of three thousand or more, one hundred dollars a month; (2) in townships having a population of twenty-five hundred and less than three thousand, fifty dollars a month; (3) in townships having a population of two thousand and less than twenty-five hundred, forty-five dollars a month; (4) in townships having a population of twelve hundred and less than two thousand, forty dollars a month; (5) in townships having a population of one thousand and less than twelve hundred, twenty dollars a month; (6) in townships having a population of four hundred and fifty and less than one thousand, fifteen dollars a month; (7) in townships having a population of less than four hundred and fifty, five dollars a month. Each justice must pay into the county, once a month, all fines collected by him in criminal cases, and the auditor must withhold warrants for salary until a sworn statement has been filed with him of all criminal cases tried and fines collected and paid into the county treasury. In addition to the monthly salary allowed herein, each justice may receive for his own use in civil cases the fees allowed by law. For all services appertaining to the coroner's office which the coroner is unable to attend to, the justices of the peace shall receive the same fees as are allowed the coroner in similar cases.

Con-
stables.

14. Constables shall receive the following salaries to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of three thousand or more, one hundred dollars a month; (2) in townships having a population of twenty-five hundred and less than three thousand, eighty dollars a month; (3) in townships having a population of two thousand and less than twenty-five hundred, seventy-seven and one half dollars a month; (4) in townships having a population of twelve hundred and less than two

thousand, seventy-five dollars a month; (5) in townships having a population of one thousand and less than twelve hundred, thirty-five dollars a month; (6) in townships having a population of four hundred and fifty and less than one thousand, twenty-five dollars a month; (7) in townships having a population of less than four hundred and fifty, five dollars a month; *provided, further*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his township, for service of a warrant of arrest or any other paper in a criminal case, such fees as are now or may be hereafter allowed by law. For serving a coroner's subpoena the same fees and mileage as are now or may hereafter be allowed by law for the service of a subpoena issued out of a justice's court. For transporting prisoners to the county jail, the expenses of such transportation. In addition to the monthly salaries allowed him herein, each constable may receive for his own use in civil cases the fee allowed by law. For transporting prisoners to the county jail, the actual expenses of such transportation. In addition to the monthly salaries allowed him herein, each constable may receive for his own use in civil cases the fees allowed by law.

15. The population of the several judicial townships, for the purpose of fixing the compensation of township officers, shall be ascertained and declared by the board of supervisors on the first Monday after the first day of January, nineteen hundred eleven, and on the first Monday after the first day of January every succeeding two years thereafter.

Popu-
tion of
townships.

16. Each member of the board of supervisors nine hundred dollars per annum, and as road commissioner three hundred dollars per annum and expenses, as supervisor and road commissioner not to exceed twenty cents per mile each way for traveling to and from his residence while engaged in the performance of the duties of supervision of public road as road commissioner, or other business of the county, said expenses not to exceed fifty dollars in any one month.

Super-
visors.

17. Grand jurors and jurors in the superior court shall receive the sum of three dollars for each day's attendance and the sum of fifteen cents per mile for each mile actually traveled in going to court only.

Jurors.

18. The official court shorthand reporter shall receive for all services of every kind and character required of him in the superior court, except for transcribing his notes into longhand, the sum of eighteen hundred dollars per annum, to be paid in equal monthly installments by the county as the salaries of county officers are paid. For transcribing his notes into longhand, the official court shorthand reporter shall be allowed the following compensation in criminal cases to be paid by the county when such transcription shall be ordered by the court, to wit: for an original and three carbon copies, twenty-four cents per folio. In all other cases, such reporter shall receive the fees allowed by law for transcribing.

Reporter.

19. This act shall take effect immediately.

CHAPTER 641.

An act to amend section 4240 of the Political Code of the State of California relating to salaries and fees of officers in counties of the eleventh class.

[Approved April 29, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4240 of the Political Code of the State of California is hereby amended to read as follows:

Salaries of
officers in
counties of
eleventh
class.

County
clerk.

4240. In counties of the eleventh class the officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, thirty-six hundred dollars per annum, and twelve and one half cents for each elector registered. In counties of this class the county clerk may appoint four deputy county clerks, which offices of deputy county clerk are hereby created; one at a salary of eighteen hundred dollars per annum and three at a salary of twelve hundred dollars per annum each, to hold office at the pleasure of the county clerk. The salary and compensation of all said deputy county clerks herein provided for, each of whom shall be a deputy county clerk, shall be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the county clerk is paid.

Sheriff.

2. The sheriff, forty-eight hundred dollars per annum. The sheriff shall also receive for his own use the fees for mileage, which are now or which may hereafter be allowed by law, and the fees and commissions for the service of all papers whatsoever issued by any court of this state, outside of this county, and shall also receive the necessary expenses in all criminal cases. In counties of this class the sheriff may appoint six deputy sheriffs, which offices of deputy sheriff are hereby created; one at a salary of fifteen hundred dollars per annum and five at a salary of twelve hundred dollars per annum; said deputy sheriffs to hold office at the pleasure of the sheriff. The salaries and compensation of the said deputy sheriffs herein provided for, each of whom shall be a deputy sheriff, shall be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the sheriff is paid.

Recorder.

3. The recorder, sixteen hundred dollars per annum, seven cents for each folio recorded, and five cents for each name indexed.

Auditor.

4. The auditor, four thousand dollars per annum.

Treasurer.

5. The treasurer, four thousand dollars per annum.

Tax
collector.

6. The tax collector, four thousand dollars per annum.

Assessor.

7. The assessor, five thousand dollars per annum.

8. The district attorney, four thousand dollars per annum.

In counties of this class the district attorney may appoint a

deputy district attorney, which office of deputy district attorney is hereby created, at a salary of twelve hundred dollars per annum, the deputy district attorney to hold office at the pleasure of the district attorney; *and provided, further,* that in counties of this class, there shall be and there hereby is allowed to the district attorney as an employee of the county, a stenographer, to be appointed by the district attorney, at a salary of one hundred (\$100.00) dollars per month, to be paid monthly out of the county treasury in monthly payments in the same manner as the county officers are paid.

District attorney.

9. The coroner, such fees as are now or may be hereby allowed by law.

Coroner.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Administrator.

11. The superintendent of schools, three thousand dollars per annum (which shall include his services as a member of the board of education) and his actual traveling expenses when visiting schools. In counties of this class, the superintendent of schools may appoint two deputy superintendents of schools, which offices of deputy superintendent of schools are hereby created, at a salary of twelve hundred dollars each per annum; the said deputy superintendents of schools to hold office at the pleasure of the superintendent of schools. The salaries and compensation of the said deputy superintendent of schools, and who shall be deputy superintendents of schools as herein provided for, shall be paid by the county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the superintendent of schools is paid.

Superintendent of schools.

12. The surveyor shall receive one thousand eight hundred dollars per annum, and traveling and official expenses in the county.

Surveyor.

13. Each supervisor, six dollars per day while in the service of the county, and thirty cents per mile for traveling from his residence to the county seat.

Supervisors.

14. In counties of this class, the township officers shall receive the following compensation, to wit: In townships having a population of ten thousand, or more, justices of the peace shall receive a monthly salary of one hundred and twenty-five dollars per month, and constables a monthly salary of one hundred and twenty-five dollars per month; in townships having a population of six thousand, or more, and less than ten thousand, justices of the peace shall receive a monthly salary of one hundred dollars per month; and constables a monthly salary of one hundred dollars per month; in townships having a population of two thousand one hundred and eighty-five, or more, and less than six thousand, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of sixty dollars per month; in townships having a population of one thousand seven hundred and seventy, or more, and less than two thousand one hundred and ninety, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of

Township officers.

Township
officers.

seventy-five dollars; in townships having a population of one thousand six hundred, or more, and less than one thousand seven hundred and seventy, justices of the peace shall receive a monthly salary of ten dollars per month, and constables a monthly salary of twenty dollars per month; in townships having a population of one thousand four hundred and twenty, or more, and less than one thousand six hundred, justices of the peace shall receive a monthly salary of forty dollars per month, and constables a monthly salary of sixty dollars per month; in townships having a population of one thousand three hundred and fifteen, or more, and less than one thousand four hundred and forty, justices of the peace shall receive a monthly salary of forty dollars per month, and constables a monthly salary of sixty dollars per month; in townships having a population of one thousand two hundred and ninety, or more, and less than one thousand three hundred and fifteen, justices of the peace shall receive a monthly salary of eighty dollars per month, and constables a monthly salary of ninety dollars per month; in townships having a population of one thousand two hundred and eighty, or more, and less than one thousand three hundred, justices of the peace shall receive a monthly salary of ninety-five dollars per month, and constables a monthly salary of one hundred dollars per month; in townships having a population of one thousand and forty-five, or more, and less than one thousand two hundred and eighty, justices of the peace shall receive a monthly salary of forty dollars per month, and constables a monthly salary of sixty dollars per month; in townships having a population of nine hundred and ten, or more, and less than one thousand and forty-five, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of sixty dollars per month; in townships having a population of six hundred and seventy-five, or more, and less than nine hundred and twenty-five, justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars per month; in townships having a population of five hundred and forty-five, or more, and less than six hundred and seventy-five, justices of the peace shall receive a monthly salary of twenty dollars per month, and constables a monthly salary of thirty dollars per month; in townships having a population of two hundred, or more, and less than five hundred and forty-five, justices of the peace shall receive a monthly salary of ten dollars per month, and constables a monthly salary of ten dollars per month; in townships having a population of one hundred and fifty-five, or more, and less than two hundred, justices of the peace shall receive a monthly salary of ten dollars per month, and constables a monthly salary of fifteen dollars per month.

The above salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; *provided*, that each constable shall be allowed and paid out of the county treasury for transporting prisoners to the county jail, the actual expenses of such transportation: *and*

provided, further, that the board of supervisors shall allow to each constable his necessary expenses for traveling, when in pursuit of criminals, or transacting any criminal business; said justices of the peace and constables may retain for their own use, the fees allowed by law in civil cases; *and provided, further*, that for the purpose of this section, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last preceding presidential election by five. The salaries of township officers as herein provided for shall be paid in the same manner, at the same time, and out of the same funds, that county officers are paid.

This act shall be in full force and effect from and after its passage.

CHAPTER 642.

An act to amend section 4252 of the Political Code of the State of California, relating to county and township governments and the compensation of the county and township officers of counties of the twenty-third class.

[Approved April 29, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4252 of the Political Code is hereby amended to read as follows:

4252. In counties of the twenty-third class the county and township officers shall receive as compensation for services required of them by law or by virtue of their office the following salaries, to wit:

Salaries of
officers in
counties of
twenty-
third class.

1. The county clerk, three thousand dollars per annum; *provided*, that he shall have power to appoint one deputy, which office is hereby created, at a salary of twelve hundred dollars per annum, payable at the same time and in the same manner as that of other county officers; *and further provided*, that in any year that the compilation of a great register is required by law to be made he shall receive six hundred dollars additional for said year, which shall be in full for all services required in registering voters and making such new great register.

County
clerk.

2. The sheriff, thirty-five hundred dollars per annum; *provided*, that he shall have power to appoint one deputy, which office is hereby created, at a salary of twelve hundred dollars per annum, payable at the same time and in the same manner as that of other county officers; also to appoint one deputy to act as jailer, which office is hereby created, at a salary of nine hundred dollars per annum payable at the same time and in the same manner as that of other county officers. The sheriff shall also receive and retain in all civil cases for his own use and benefit, fees, commissions and mileage which now are or which

Sheriff.

may hereafter be allowed by law; and also all expenses incurred in the pursuit of criminals or transacting any criminal business. The sheriff shall also receive and retain for his own use and benefit mileage and fees for the services of process or papers issued by any court in the state.

Recorder. 3. The recorder, thirty-six hundred dollars per annum; *provided*, that he shall have power to appoint one deputy, which office is hereby created, at the salary of six hundred dollars per annum, payable at the same time and in the same manner as that of other county officers.

Auditor. 4. The auditor, twenty-four hundred dollars per annum.

Treasurer. 5. The treasurer, twenty-four hundred dollars per annum.

Tax collector. 6. The tax collector, twenty-four hundred dollars per annum; *provided*, he shall have power to appoint one deputy, which office is hereby created, at a salary of six hundred dollars per annum, payable at the same time and in the same manner as that of other county officers.

Assessor. 7. The assessor, forty-two hundred dollars per annum; *provided*, he shall have power to appoint one deputy, which office is hereby created, at a salary of six hundred dollars per annum, payable at the same time and in the same manner as that of other county officers.

District attorney. 8. The district attorney, twenty-four hundred dollars per annum; *provided*, he shall have power to appoint an assistant district attorney, which office is hereby created, at a salary of twelve hundred dollars per annum; *and further provided*, that he shall have power to appoint one deputy district attorney, which office is hereby created, at a salary of nine hundred dollars per annum. The salary of both the said assistant district attorney and said deputy district attorney to be payable at the same time and in the same manner as that of other county officers.

Coroner. 9. The coroner, such fees as are now or may hereafter be allowed by law.

Administrator. 10. The public administrator, such fees as are now or may hereafter be allowed by law.

Superintendent of schools. 11. The superintendent of schools, eighteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county; *provided*, that he shall have power to appoint one deputy, which office is hereby created, at a salary of seven hundred and twenty dollars per annum, payable at the same time and in the same manner as that of other county officers; but he shall receive no extra compensation for his services on the board of education.

Surveyor. 12. The surveyor, thirteen hundred dollars per annum for all work performed for the county, and, in addition thereto, actual necessary traveling expenses incurred in connection with field work; *provided*, that whenever the surveyor is directed by the assessor to plat, trace or otherwise prepare maps or plats, he be allowed only the actual cost of preparing the same.

13. The justices of the peace shall receive the following

monthly salaries, to be paid each month as the salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases and all other criminal matters: (1) In townships having a population of five thousand or more, seventy-five dollars per month; (2) in townships having a population of twenty-five hundred and less than five thousand, fifty dollars per month; (3) in townships having a population of fifteen hundred and less than twenty-five hundred, forty dollars per month; (4) in townships having a population of one thousand and less than fifteen hundred, thirty dollars per month; (5) in townships having a population of five hundred and less than one thousand, twenty-five dollars per month; (6) and in townships having a population of less than five hundred, twenty dollars per month. Each justice must pay into the county treasury once a month all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

Justices of
the peace.

14. The constables shall receive the following salaries to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases and in all other criminal matters: (1) in townships having a population of five thousand or more, sixty dollars per month; (2) in townships having a population of twenty-five hundred and less than five thousand, forty-five dollars per month; (3) in townships having a population of fifteen hundred and less than twenty-five hundred, thirty-five dollars per month; (4) in townships having a population of one thousand and less than fifteen hundred, thirty dollars per month; (5) in townships having a population of five hundred and less than one thousand, twenty-five dollars per month; (6) in townships having a population of less than five hundred, twenty dollars per month; *provided*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses of his own district, for the service of a warrant or arrest or any other process in a criminal case, or other criminal matters (when such service is, in fact, made) both going and returning, ten cents per mile; for each mile traveled out of his county, both going to and returning from the place of arrest in the services of process, five cents per mile, and for transporting persons to the county jail, ten cents per mile each way. In addition to the monthly salary allowed him herein, each constable shall receive for his own use in criminal cases the fees which are now or may hereafter be allowed by law.

Constables.

15. The supervisors, each the sum of five dollars per day for actual service (but not to exceed six hundred dollars per annum) and twenty cents per mile for all distances actually traveled, not to exceed two hundred dollars per annum in the performance of his duty as road commissioner, together with mileage at the rate of twenty cents per mile, in going only,

Super-
visors.

from his place of residence to the county seat for each session of the board.

16. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained and determined by the board of supervisors multiplying by five the vote cast for presidential electors in each township at the next preceding election therefor.

CHAPTER 643.

An act to amend section 4251 of the Political Code relating to the salaries and fees of officers of counties of the twenty-second class.

[Approved April 29, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4251 of the Political Code is hereby amended to read as follows:

4251. In counties of the twenty-second class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries to wit:

1. The county clerk, twenty-five hundred dollars per annum, and when a new register of voters is required by law to be made, he shall receive in addition, fifteen cents per name for each voter registered, which shall be in full for all services required in registering voters and making the great register; *provided*, that in counties of this class there shall be and is hereby allowed to the county clerk, a deputy who shall be appointed by said county clerk, who shall be paid a salary of one hundred dollars per month, and a copyist who shall be appointed by said county clerk, who shall be paid a salary of fifty dollars per month; said salaries of said deputy and of said copyist to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund, as the salary of the county clerk is paid.

2. The sheriff, four thousand five hundred dollars per annum; and also all fees for service of papers in actions arising outside of his county; *provided*, that in counties of this class there shall be and is hereby allowed to the sheriff a deputy, who shall be appointed by said sheriff, who shall be paid a salary of one hundred dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund, as the salary of the sheriff is paid.

3. The recorder, two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder, a deputy who shall be appointed by said recorder, who shall be paid a salary of

Popula-
tion of
townships.

Salaries of
officers in
counties of
twenty-
second
class.
County
clerk.

Sheriff.

Recorder.

seventy-five dollars per month, and two copyists who shall be appointed by said recorder, who shall each be paid a salary of fifty dollars per month, said salaries of said deputy and of said copyists to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund, as the salary of the recorder is paid.

4. The auditor, two thousand four hundred dollars per annum. Auditor.

5. The treasurer, two thousand five hundred dollars per annum. Treasurer.

6. The tax collector, two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the tax collector a deputy, who shall be appointed by said tax collector, who shall be paid a salary of seventy-five dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund, as the salary of the tax collector is paid; *provided, further*, that in counties of this class there shall be and is hereby allowed to the tax collector a copyist for the period of time embraced between the first day of August and the thirty-first day of December in each fiscal year, and also for the period of time embraced between the first day of April and the first day of June in each fiscal year, who shall be appointed by said tax collector, who shall be paid a salary of fifty dollars per month, said salary to be paid by said county in monthly installments during the period of time said copyist shall be employed, at the same time, and in the same manner, and out of the same fund as the salary of the tax collector is paid. Tax collector.

7. The assessor, two thousand five hundred dollars per annum and also such fees and commissions as are allowed by law; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor a deputy, who shall be appointed by said assessor, who shall be paid a salary of one hundred dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the assessor is paid; *and provided, further*, that in counties of this class there shall be and is hereby allowed to the assessor a copyist for the period of time embraced between the first day of January and the first day of September in each fiscal year, who shall be appointed by said assessor, who shall be paid a salary of fifty dollars per month, said salary to be paid by said county in monthly installments during the period of time said copyist shall be employed, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid. Assessor.

8. The district attorney, two thousand four hundred dollars per annum. District attorney.

9. The superintendent of schools, two thousand four hundred dollars per annum and actual traveling expenses, when visiting the schools of his county. Superintendent of schools.

10. The coroner, such fees as are now or may be hereafter allowed by law. Coroner.

Adminis-
trator.

11. The public administrator, such fees as are now or may be hereafter allowed by law.

Surveyor.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Justices of
the peace.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

Con-
stables.

14. Constables, such fees as are now or may be hereafter allowed by law, and in addition thereto three dollars per day for each day's actual attendance in court during a jury trial therein or preliminary examination for felony; *provided*, that no constable shall receive more than three dollars for any one day's attendance on any court.

Super-
visors.

15. Each member of the board of supervisors, fifty dollars per month and mileage at the rate of ten cents per mile for traveling to and from his residence to the county seat; and also mileage for his services as road commissioner at the rate of twenty cents per mile one way, for all distances actually traveled in the discharge of his duties as such road commissioner; *provided*, that such mileage as road commissioner shall not in any one year exceed the sum of three hundred dollars.

Board of
education.

16. Each member of the board of education, including the secretary, five dollars per day when the board is in session, and ten cents per mile for traveling to and from his or her residence to the county seat at each session, unless otherwise provided for by law.

CHAPTER 644.

An act to amend section 4257 of the Political Code, relating to salaries and fees of officers of counties of the twenty-eighth class.

[Approved April 29, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4257 of the Political Code is hereby amended to read as follows:

Salaries of
officers in
counties of
twenty-
eighth
class.

4257. In counties of the twenty-eighth class the county and township officers shall receive as compensation for the services required of them by law or by virtue of their office the following salaries, to wit:

County
clerk.

1. The county clerk, three thousand dollars per annum, and when a new great register of voters is required by law to be made, he shall receive three hundred dollars additional, which shall be in full for all services required in registering voters and making the great register.

Sheriff.

2. The sheriff, fifty-one hundred dollars per annum, which includes the fifteen hundred dollars heretofore allowed the under-sheriff. He shall also have for his own use all fees for service of all papers served by him and issued without his

county. The said fifty-one hundred dollars to be in full of all fees or percentages as license collector.

3. The recorder, thirty-two hundred dollars per annum, in full of all services, including filing and recording mining and other location notices. Recorder.

4. The auditor, two thousand dollars per annum. The county auditor shall charge and collect for the clerical service of making estimates of tax sales provided for in section three thousand eight hundred and seventeen of this code the sum of twenty-five cents for each tax sale if the property is delinquent for two years or less; the sum of fifty cents for each sale if the property is delinquent for more than two years. If said estimates are returned to the auditor and redemptions made within thirty days from date of issue and prior to the change of penalty, as provided for in section number three thousand eight hundred and seventeen of this code, the amount charged for making said estimates shall be refunded to the redemptioner. If the redemption is not made as herein provided then the sum charged for making the estimate shall be retained by said auditor for his services of making said estimate. Auditor.

5. The treasurer, twenty-four hundred dollars per annum; *provided*, that all commissions received by the treasurer on the collection of inheritance taxes shall be paid into the county treasury. Treasurer.

6. The tax and license collector, two thousand dollars per annum; *provided*, that one half of all commissions received by the tax collector on the collection of licenses shall be paid into the county treasury. Tax collector.

7. The assessor, twenty-four hundred dollars per annum, and he is hereby allowed in addition thereto ten deputies, to be appointed by him, who shall each receive not to exceed four dollars per day while engaged in the performance of their duties; *provided*, that the amount paid for services of deputy assessors shall not exceed twenty-four hundred dollars in any one year; *provided*, that all commissions received by the assessor on the collection of personal property taxes shall be paid into the county treasury. Assessor.

8. The district attorney, twenty-one hundred dollars per annum, and he is hereby allowed in addition thereto one deputy appointed by him, who shall receive nine hundred dollars per annum; *provided*, that the district attorney is entitled to receive and retain for his own use fifteen dollars to be taxed as costs for each suit brought under the provisions of article VI, chapter I, title VIII, of part III of the Political Code. District attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law. Coroner.

10. The public administrator, such fees as are now or may be hereafter allowed by law. Administrator.

11. The superintendent of schools, eighteen hundred dollars per annum, and necessary expenses for traveling in visit- Superintendent of schools.

ing schools in the county, to be allowed by the supervisors of the county; and there shall be, and there is allowed to the superintendent in addition, a clerk or bookkeeper, who shall be appointed by the superintendent of schools, who shall be paid a salary of six hundred dollars per annum, said salary to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid.

Surveyor.

12. The surveyor, ten dollars per day for all work performed for the county, and, in addition thereto, all necessary expenses and transportation for work performed in the field, which per diem and expenses shall be in lieu of all fees and per diem heretofore allowed by law.

Classifica-
tion of
townships.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships in this class of counties are hereby classified according to their population, as shown by the federal census of nineteen hundred ten as follows: Townships having a population of three thousand and more shall belong to and be known as townships of the first class; townships having a population of two thousand five hundred and less than three thousand shall belong to and be known as townships of the second class; townships having a population of one thousand eight hundred and less than two thousand five hundred shall belong to and be known as townships of the third class; townships having a population of fourteen hundred twenty-five and less than fourteen hundred fifty shall belong to and be known as townships of the fourth class; townships having a population of fourteen hundred fifty and less than eighteen hundred shall belong to and be known as townships of the fifth class, and townships having a population of less than fourteen hundred twenty-five shall belong to and be known as townships of the sixth class.

Justices of
the peace.

14. Justices of the peace shall receive the following salaries, which shall be paid monthly, in the same manner as the salaries of county officers are paid, out of the general fund of the county, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships of the first class, eighty-five dollars per month; in townships of the second class, seventy-five dollars per month; in townships of the third class, seventy-five dollars per month; in townships of the fourth class, seventy-five dollars per month; in townships of the fifth class, fifteen dollars per month; and in townships of the sixth class, fifteen dollars per month. In addition to the monthly salaries herein allowed for services in criminal actions, cases and examinations, each justice of the peace may, for his own use, collect the following fees, and no other, in civil actions:

Each justice of the peace shall be allowed, in civil actions before him, for all services to be performed by him before trial, three dollars; and for the trial, and all proceedings subsequent thereto, including all affidavits, swearing of witnesses and jury, and the entry of judgment and issue of execution thereon, four dollars; and fifteen cents for each hour actually engaged

in such trial after the expiration of eight hours; and in all cases where judgment is rendered by default or confession, for all services, including execution and satisfaction of judgment, three dollars. Fees.

For certificate and transmitting transcript and papers on appeal, one dollar.

For copies of papers on docket, per folio, ten cents.

For issuing a search warrant, to be paid by the party demanding same, fifty cents.

For celebrating a marriage and returning a certificate thereof to the county recorder, three dollars.

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

For taking depositions, per folio, fifteen cents.

For all services connected with the posting of estrays, one dollar.

In cases before the justice of the peace, when the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive three dollars; and the justice of the peace before whom the trial shall take place shall receive the same fees as if the action had been commenced before him.

For performing the duties of coroner, when that coroner fails to act, the same fees and mileage as are allowed the coroner in like cases.

For issuing each process, writ, order, or paper required by law to be issued not otherwise provided for, twenty-five cents.

For each certificate or affidavit not otherwise herein provided for, twenty-five cents.

For administering oath or affirmation not otherwise herein provided for, twenty-five cents.

For taking and approving bond or undertaking, including the justification of sureties, fifty cents.

15. Constables shall receive the following salaries, which shall be paid monthly, in the same manner as the salaries of county officers are paid out of the general fund of the county, and which shall be in full of all services rendered by them in criminal cases, to wit: In townships of the first class, one hundred dollars per month; in townships of the second class, seventy-five dollars per month; in townships of the third class, seventy-five dollars per month; in townships of the fourth class, seventy-five dollars per month; in townships of the fifth class, fifteen dollars per month; and in townships of the sixth class, fifteen dollars per month. In addition to the monthly salaries herein allowed for services in criminal actions, cases and proceedings, each constable shall also be allowed all necessary expenses actually and properly incurred, in arresting and conveying prisoners to court or to prison, and also all necessary expenses actually incurred in the transportation of prisoners from prison to court, and the return of said prisoner to prison; Constables.

and shall be allowed, also, for each mile actually traveled, both in going and coming, in the service of subpoenas, in criminal actions, per mile, ten cents; which said expenses and mileage shall be audited and allowed by the board of supervisors as other claims against the county are audited and allowed, and shall be paid out of the county treasury.

In addition to the monthly salaries herein allowed for services in criminal actions and cases, each constable may, for his own use, collect the following fees, and no others, in civil actions:

Fees.

For serving summons and complaint, for each defendant served, fifty cents.

For each copy of summons for service, when actually made by him, twenty-five cents.

For levying writ of attachment or execution, or executing order of arrest, or for the delivery of personal property, one dollar.

For serving writ of attachment or execution on any ship, boat or vessel, three dollars.

For keeping personal property, such sum as the court may order; but no more than one dollar and fifty cents per day shall be allowed for a keeper when necessarily employed.

For taking bond or undertaking, fifty cents.

For copies of writs and other papers, except summons, complaint and subpoenas, per folio, ten cents; *provided*, that when correct copies are furnished to him for use, no charge shall be made for such copies.

For serving any writ, notice, or order, except summons, complaint and subpoenas, for each person served, fifty cents.

For writing and posting each notice of sale of property, fifty cents.

For furnishing notice for publication, twenty-five cents.

For serving subpoenas, each witness, including copy, twenty-five cents.

For collecting money on execution, one and one half per cent.

For executing and delivering certificate of sale, fifty cents.

For executing and delivering constable's deed, one dollar and fifty cents.

For each mile actually traveled within his township in the service of any writ, order, or paper, in civil actions, in going only, per mile, twenty-five cents.

For traveling outside of his township to serve such writ, order, or paper, in civil actions, in going only, twenty-five cents per mile; *provided*, that a constable shall not be required to travel outside of his township to serve any civil process, order, or paper. No constructive mileage shall be charged, allowed, or paid in criminal or civil cases.

For each day's attendance in court, in civil cases, three dollars per day.

For executing a search warrant, two dollars; and for each mile necessarily traveled within his county in executing a search warrant, both in going and returning from the place

of search, fifteen cents; said fee and mileage to be paid by the party demanding the search.

For summoning a jury, in civil cases, two dollars, including mileage.

For commissions for receiving and paying over money on execution without levy, or when the goods or land levied on shall not be sold, one per cent. The fees herein allowed for the levy of an execution, and for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum herein directed to be paid.

16. It is expressly provided that in counties of this class, where a township has been created, or may hereafter be created out of any township, the population of which is shown in the federal census of nineteen hundred ten, the population of the newly created township and the population of the township from which the newly created township was taken shall be separately ascertained and determined by the board of supervisors in the following manner: By appointing a suitable person in each of such townships to take said census and said census shall be taken by said person so appointed of all the inhabitants of each of said townships; the full name of each person shall be fully written, the names alphabetically and regularly numbered in one complete series, and when completed shall be verified before any officer authorized to administer oaths and be filed with the county clerk and thereupon the same shall be the official census of said township or townships. The expense of taking said census shall be a county charge. From the taking of such census the salary of the justices of the peace and of the constables of the newly created township, and of the township from which the newly created township was taken, shall be estimated and paid on the basis of the classification hereinbefore given under the federal census of nineteen hundred ten pro rata according to the population of the newly created and former township as shown by the census taken as hereinbefore provided to be ascertained and determined by the board of supervisors. County officers must, and township officers may, demand the payment of all fees in advance. Justices of the peace shall, on or before the first Monday of each month, pay into the county treasury all moneys collected by them on fines imposed and collected and all moneys belonging to the county coming from any source.

Ascertaining population of newly created townships.

17. Each member of the board of supervisors, fifteen hundred dollars per annum and ten cents per mile, one way, between residence and county seat, in attending upon all regular, special or adjourned meetings of the board of supervisors; *provided*, that the chairman of the board of supervisors may receive twenty-five cents per mile, one way, between residence and the county seat, when attending at the county seat for the single purpose of counting the money in the county treasury, as required by law.

Supervisors.

18. Grand jurors or trial jurors in criminal cases in the

Jurors.

superior court shall receive, as compensation for each day's attendance, per day three dollars, and for each mile actually traveled in attending court as a grand juror or juror at a criminal case, in the superior court in going only, per mile fifteen cents. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each juror and the auditor shall draw his warrant for the amount to which each juror is entitled, and the treasurer shall pay the same.

Additional deputy to sheriff and to county clerk for new superior judge.

19. It is expressly provided that in counties of this class where the number of judges of the superior court shall have been increased since the first day of January, eighteen hundred ninety-seven, or shall hereafter be increased, there must be and there hereby is allowed to the sheriff of such county, by reason of such increase, one additional deputy, to be appointed by the sheriff, at a salary not exceeding twelve hundred dollars per annum, to be paid at the same time and in the same manner as other county officers are paid, and also there must be and is hereby allowed to the county clerk of such county, one additional deputy to act as court room clerk, for each judge so appointed or elected, at a salary not exceeding twelve hundred dollars per annum for each of said deputies, to be paid at the same time and in the same manner as county officers are paid.

SEC. 2. As to subdivisions 5, 6, 7, 12, 13, 14, 15, 16, and 19 this act shall take effect immediately; as to all other subdivisions thereof it shall not take effect until the expiration of the present terms of the officers hereinbefore enumerated.

CHAPTER 645.

An act to amend section four thousand two hundred thirty-seven of the Political Code of the State of California, relating to counties of the eighth class.

[Approved April 29, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four thousand two hundred thirty-seven of the Political Code of the State of California is hereby amended to read as follows:

Salaries of officers in counties of eighth class.

4237. In counties of the eighth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, and shall have as deputies or assistants the respective employees hereinafter named, to wit:

County clerk.

1. The county clerk, two thousand seven hundred dollars per annum, and the sum of five hundred dollars for making the great register, and ten cents for each person registered, and

such fees as may be allowed by law for issuing hunting or fishing licenses, and there shall be, and there is hereby, allowed to the county clerk in addition, one chief deputy to be appointed by the county clerk, who shall be paid a salary of one thousand two hundred dollars per annum, and two additional deputies, who shall be paid the sum of one thousand dollars per annum each, and one deputy who shall be paid the sum of nine hundred dollars per annum, the said salaries to be paid by such county in monthly installments at the time, and in the manner and out of the same fund as the salaries of county officers are paid.

2. The sheriff, three thousand dollars per annum and all commissions, fees and mileage for the service of papers or process coming from courts other than those of his own county, and there shall be, and there is hereby, created the office of jailer to be appointed by the sheriff, who shall be paid a salary of one thousand two hundred dollars per annum, and also one chief deputy to be appointed by the sheriff, who shall be paid a salary of one thousand two hundred dollars per annum, and also two deputies to be appointed by the sheriff, who shall be paid the sum of one thousand two hundred dollars per annum each, and also one deputy who shall be appointed by the sheriff, who shall be paid a salary of nine hundred dollars per annum, said salaries to be paid by such county in monthly installments, at the time and in the manner and out of the same fund as the salaries of county officers are paid. Sheriff.

3. The recorder, two thousand seven hundred dollars per annum, and five cents per folio for recording, and in addition thereto there is hereby allowed to the county recorder, one deputy to be appointed by the county recorder, who shall be paid a salary of one thousand two hundred dollars per annum, the said salaries to be paid by such county in monthly installments, at the time and in the manner and out of the same fund as the salaries of county officers are paid. Recorder.

4. The auditor, two thousand seven hundred dollars per annum, and there shall be, and there is, allowed to the auditor in addition, one chief deputy to be appointed by the auditor, who shall be paid a salary of one thousand two hundred dollars per annum, and also one deputy to be appointed by the auditor, who shall be paid a salary of one thousand dollars per annum, and who in addition to the other duties as deputy, shall prepare for the board of supervisors the statistical report showing in compendious form all the financial transactions of the county for the last fiscal year, exhibiting separately the receipts and expenditures by or on account of each office, board, commission, institution, court, and road district and school district, and classifying the principal items of income and expenditure, so as to show the financial transactions and the financial condition of the county, as required under section 117 of an act entitled an act to establish a uniform system of county and township government, approved April 1, 1897, as amended March 23, 1901, and there shall be, and there is, allowed to Auditor.

the auditor in addition, three clerks to be appointed by the auditor, who shall be paid a salary of seventy-five dollars per month each, not to exceed one month in any one year; said salaries to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid.

Treasurer.

5. The treasurer, two thousand seven hundred dollars per annum, and in addition thereto, there is hereby allowed to the county treasurer, one deputy to be appointed by the treasurer, who shall be paid one hundred dollars per month, not to exceed three months in any one year.

Tax collector.

6. The tax collector, two thousand seven hundred dollars per annum, and there shall be, and there is, allowed to the tax collector, one chief deputy, to be appointed by the tax collector, who shall be paid a salary of one thousand two hundred dollars per annum, and such additional assistants as the tax collector may require, the compensation of which assistants, however, shall not exceed in the aggregate the sum of two thousand one hundred dollars per annum, said salaries to be paid by said county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid; *provided, however*, that in counties of this class the tax collector shall receive no fees or commissions for the collection of licenses.

Assessor.

7. The assessor, five thousand five hundred dollars per annum, and the percentage allowed by law for the collection of poll taxes; and there shall be, and there is, allowed to the assessor in addition, one chief deputy to be appointed by the assessor, who shall be paid a salary of one thousand two hundred dollars per annum, said salaries to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid; *provided, however*, that the percentage received by the assessor on personal property taxes, and also amounts allowed for returning names of persons subject to military duty, and which in other counties of other classes is allowed to the assessor as compensation, shall be paid by him into the county treasury, and no part thereof shall be received by him as compensation.

District attorney.

8. The district attorney, three thousand dollars per annum, and there shall be, and there is, allowed to the district attorney in addition, one chief deputy to be appointed by the district attorney, who shall be paid a salary of one thousand five hundred dollars per annum, and also one additional deputy to be appointed by the district attorney, who shall be paid a salary of one thousand two hundred dollars per annum, each of whom shall be an attorney at law regularly admitted to practice before the courts of the State of California, and also one deputy to be appointed by the district attorney, who shall be paid a salary of seven hundred and twenty dollars per annum, said salaries to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid.

9. The coroner, such fees as are now or may hereafter be allowed by law. Coroner.

10. The public administrator, such fees as are now or may be hereafter allowed by law. Administrator.

11. The superintendent of schools, for full services including attendance on the county board of education, two thousand seven hundred dollars per annum, and his actual traveling expenses, necessarily incurred in the performance of his duties, and there shall be and there is allowed to the superintendent of schools in addition, one deputy to be appointed by the superintendent of schools, who shall be paid a salary of one thousand two hundred dollars per annum, said salary to be paid by such county, in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid. The office of the superintendent of schools shall be kept open on all business days from nine o'clock A. M. to five o'clock P. M. Superintendent of schools.

12. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such services and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named and in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section one thousand seven hundred and seventy of this code. Board of education.

13. The surveyor, two thousand four hundred dollars per annum, and in addition thereto all necessary expenses incurred in the field in performing county work, ordered by the board of supervisors; and there shall be and there is allowed to the surveyor in addition, one chief deputy, who shall be a competent draughtsman to be appointed by the surveyor, who shall be paid a salary of one thousand two hundred dollars per annum, and also one draughtsman to be appointed by the surveyor, which office is hereby created, who shall be paid a salary of one thousand two hundred dollars per annum, and also one clerk who shall be appointed by the surveyor, which office of clerk is hereby created, who shall be paid a salary of nine hundred dollars per annum, said salaries to be paid in monthly installments at the same time and in the same manner and out of the same fund as the salaries of county officers are paid. Surveyor.

14. The justices of the peace, the following monthly salaries, to be paid each month as salaries of other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of six Justices of the peace.

thousand and over, ninety dollars per month; in townships having a population of two thousand four hundred and less than six thousand, seventy-five dollars per month; in townships having a population of one thousand five hundred and less than two thousand four hundred, sixty dollars per month; in townships having a population of eight hundred and less than one thousand five hundred, fifty dollars per month; in townships having a population of five hundred and less than eight hundred, twenty dollars per month; in townships having a population of less than five hundred, ten dollars per month. In addition to the above salaries, each justice of the peace shall collect for his own use in civil cases such fees as are now or may hereafter be allowed by law.

Con-
stables.

15. Constables, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of five thousand and more, eighty-five dollars per month; in townships having a population of two thousand five hundred and less than five thousand, seventy-five dollars per month; in townships having a population of fifteen hundred and less than two thousand five hundred, sixty dollars per month; in townships having a population of eight hundred and less than fifteen hundred, fifty dollars per month; in townships having a population of five hundred and less than eight hundred, twenty dollars per month; in townships having a population of less than five hundred, ten dollars per month. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

Super-
visors.

16. The supervisors, the sum of one hundred and twenty-five dollars per month, each, as supervisors and road commissioners, and actual traveling expenses not to exceed five hundred dollars for each supervisor in any one year.

Jurors.

17. Grand jurors and jurors in the superior court in criminal cases shall be paid two dollars and fifty cents per day for each day's attendance, and for each mile actually traveled in going only, while acting as such juror, fifteen cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for said per diem and mileage, and the treasurer shall pay the same.

Popula-
tion of
townships.

18. The population of townships shall, for the purpose of this section, be determined by the last preceding United States census, and in case townships are formed after the taking of the census, then the population shall be determined by multiplying the vote for governor cast in such township, at the last preceding election, by four.

CHAPTER 646.

An act to amend section 1248 of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the nineteenth class, and to the number, appointment and salaries of their deputies, clerks and assistants.

[Approved April 29, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four thousand two hundred forty-eight of the Political Code of the State of California is hereby amended to read as follows:

4248. In counties of the nineteenth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit: Salaries of officers in counties of nineteenth class.

1. The county clerk, four thousand five hundred dollars per annum; *provided*, that in years when a great register of voters is required by law to be made, the county clerk shall receive in addition to his regular salary the sum of six hundred dollars for such service. The said clerk may appoint one chief deputy clerk, which said office of chief deputy clerk is hereby created. The salary of such chief deputy clerk is hereby fixed at twelve hundred dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers is paid. County clerk.

2. The sheriff, six thousand dollars per annum. Sheriff.

3. The recorder, three thousand two hundred dollars per annum. The recorder shall also be allowed one copyist to be appointed by himself at a salary of seventy-five dollars per month, to be paid at the same time and in the same manner as the salary of county officers is paid. Recorder.

4. The auditor, one thousand five hundred dollars per annum. Auditor.

5. The treasurer, two thousand dollars per annum. Treasurer.

6. The tax collector, three thousand dollars per annum. Tax collector.

7. The assessor, three thousand five hundred dollars per annum, and the fees and commissions now or hereafter allowed by law. The assessor shall also be allowed the following deputies, to be appointed by him, viz: One deputy for each bona fide increase of two hundred real estate statements made for assessment purposes over and above three thousand of such statements, and not to exceed in all five deputies. Each of such deputies shall receive a monthly compensation of one hundred dollars, for the months of March, April, May and June of each year. The salary of said deputies to be paid in the same manner, and out of the same fund as the Assessor.

assessor, upon the presentation of a certificate that services have been performed, and signed by the assessor.

District
attorney.

8. The district attorney, twenty-four hundred dollars per annum; assistant district attorney fifteen hundred dollars per annum.

Coroner.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Adminis-
trator.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superin-
tendent of
schools.

11. The superintendent of schools, two thousand dollars per annum and his actual traveling expenses when visiting schools, not to exceed ten dollars per district.

Surveyor.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Township
officers.

13. In counties of this class the township officers shall receive the following compensation, to wit: In townships having a population of twenty-five hundred, or more, each justice of the peace shall receive a salary of one hundred and twenty-five dollars per month, and each constable a salary of ninety dollars per month; in townships having a population of two thousand, or more, and less than two thousand five hundred, each justice of the peace shall receive a salary of thirty-five dollars per month, and each constable a salary of fifty dollars per month; in townships having a population of one thousand nine hundred, or more, and less than two thousand, each justice of the peace shall receive a salary of fifty dollars per month, and each constable a salary of seventy dollars per month; in townships having a population of one thousand, or more, and less than one thousand nine hundred, each justice of the peace shall receive a salary of thirty-five dollars per month, and each constable a salary of twenty dollars per month; in townships having a population of seven hundred, or more, and less than one thousand, each justice of the peace shall receive a salary of twenty dollars per month, and each constable a salary of twenty-five dollars per month; in townships having a population of less than seven hundred, each justice of the peace shall receive a salary of five dollars per month, and each constable a salary of five dollars per month. The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; *provided*, that each constable shall be allowed and paid the actual expense of transporting prisoners, after conviction, to the county jail, which said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury. Said justices of the peace and constables may receive and retain for their own use such fees as are now or may hereafter be allowed by law for all services rendered by them in civil actions. The salaries of township officers as herein provided for shall be paid in the same manner, at the same time, and out of the same funds that county officers are paid.

Super-
visors.

14. Each member of the board of supervisors twelve hundred dollars per annum, and mileage when acting as road

commissioner, twenty-five cents per mile one way; *provided*, the amount of mileage shall not exceed the sum of three hundred dollars in any one year.

15. Members of the board of education, each the sum of five dollars per day for actual service, together with mileage at ten cents per mile.

Board of
education.

CHAPTER 647.

An act making an appropriation to pay a deficiency in the appropriation for stationery, fuel, lights, and supplies for the legislature and state officers for the sixty-first and sixty-second fiscal years.

[Approved April 29, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of twenty-five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay a deficiency in the appropriation for stationery, fuel, lights, and supplies, for the legislature and state officers for the sixty-first and sixty-second fiscal years.

Appropriation deficiency, stationery, etc., sixty-first and sixty-second fiscal years.

SEC. 2. This act shall take effect immediately.

CHAPTER 648.

An act to amend section four thousand two hundred eighty-one of the Political Code, relating to salaries and fees of officers of counties of the fifty-second class.

[Approved April 29, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four thousand two hundred eighty-one of the Political Code is hereby amended to read as follows:

4281. In counties of the fifty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Salaries of officers in counties of fifty-second class.

1. The county clerk, two thousand four hundred dollars per annum.
2. The sheriff, three thousand dollars per annum.
3. The recorder, one thousand six hundred dollars per annum.
4. The auditor, five hundred dollars per annum.

Officers.

Officers. 5. The treasurer, one thousand six hundred dollars per annum.

6. The tax collector, five hundred dollars per annum, and ten per cent of all licenses collected by him as license collector.

7. The assessor, one thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor one deputy, to be appointed by him, who shall receive the salary of seventy-five dollars per month for not exceeding four months in any calendar year, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid.

8. The district attorney, two thousand four hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

Justices of
the peace.

13. In counties of this class the justices of the peace shall receive the following compensation: Justices of the peace who have their offices at the county seats, fifty dollars per month, which shall be in full for all services rendered by them in criminal cases, and also such fees as are now or may hereafter be allowed by law for all services performed in civil actions; *provided*, that said justices of the peace shall have regular office hours, and shall be in attendance at their said offices not less than three hours of each and every day, except Sundays and holidays, between the hours of nine A. M. and five P. M. Justices of the peace, whose offices are not at the county seats, shall receive such fees as are now or may hereafter be allowed by law in both civil and criminal cases.

Con-
-stables.

14. Constables, such fees as are now or may hereafter be allowed by law.

Super-
-visors.

15. Each member of the board of supervisors, two hundred and fifty dollars per annum; mileage from residence to county seat at each sitting of the board, twenty cents per mile, also three dollars per day, and actual traveling expenses in discharging the duties of road commissioner, but he shall not in any one year receive more than three hundred dollars as road commissioner.

Reporter.

16. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts, and coroners' inquests, a per diem of ten dollars, and for transcription of said notes when required during the progress of a trial, he shall receive the sum of twenty-five cents for the original and five cents

per folio for one copy; but if such transcription is not required until after the conclusion of the trial, then he shall receive the sum of ten cents per folio for original, and five cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside the county seat.

17. Grand jurors, and jurors in the superior court in criminal cases, shall be paid three dollars per day for each day's attendance, and for each mile actually traveled in going only while acting as such jurors, fifteen cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of each such juror for said per diem and mileage, and the treasurer shall pay the same. Jurors.

CHAPTER 649.

An act to carry into effect the provisions of paragraph (e) of section fourteen of article thirteen of the constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system, and to that end amending section 443 of the Political Code of the State of California, and adding a new section to the said Political Code to be numbered 461, all relating to the state school fund.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. In order to carry into effect the provisions of paragraph (e) of section fourteen of article thirteen of the constitution of the State of California, in so far as the same relates to the public school system, section 443 of the Political Code of the State of California is hereby amended to read as follows:

443. On or before the first Monday in January and the first Monday in July of the year 1912 and on or before the first Monday in January and the first Monday in July of each succeeding year, the state controller shall transfer from the general fund of the state to the state school fund such sums as will be equivalent to thirteen dollars for each pupil in average daily attendance in the elementary schools of the state as reported by the superintendent of public instruction for the school year ending June 30th preceding.

Transfer to school fund of thirteen dollars for each pupil.

SEC. 2. A new section is hereby added to the Political Code to be numbered 461 and to read as follows:

State
treasurer
to transfer
school
fund.

461. The state treasurer shall transfer from the general fund to the state school fund such sums as shall be certified to him by the state controller under the provisions of section 443 of the Political Code.

Other
laws not
repealed.

SEC. 3. The provisions of this act shall not be construed as repealing other existing law which provides other moneys for the support of the public school system and all money derived by any other existing law and now expended for the support of the common schools, shall be so expended in addition to the moneys provided for in section 443 of this code.

CHAPTER 650.

An act to carry into effect the provisions of paragraph (e) of section fourteen of article thirteen of the constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system and to that end amending section 1760 of the Political Code of the State of California, relating to the state high school fund.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. In order to carry into effect the provisions of paragraph (e) of section fourteen of article thirteen of the constitution of the State of California, in so far as the same relates to the public school system, section 1760 of the Political Code of the State of California is hereby amended to read as follows:

State high
school
fund.

1760. It shall be the duty of the state controller, annually, between the tenth day of August and the first day of September, at the time he is required to estimate the amount necessary for other school purposes, to estimate the amount necessary for the support of high schools. This amount he shall estimate by determining the amount required at fifteen dollars per pupil in average daily attendance in all the duly established high schools of the state for the last preceding school year, as certified to him by the state superintendent of public instruction. The state controller and state treasurer shall each year transfer from the revenues from the taxes provided in section fourteen of article thirteen of the constitution of the State of California, together with all other state revenues, to a separate fund, hereby created, to be called the "state high school fund," the amount so estimated by the state controller.

SEC. 2. This act shall take effect immediately.

CHAPTER 651.

An act authorizing and directing the construction of one cottage for low grade patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of seventeen thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of managers of the Sonoma State Home, for the purpose of erecting, constructing, and furnishing one cottage for low grade patients. The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same. The amount hereby appropriated shall be available July 1, 1911.

Appropriation:
cottage,
Sonoma
State
Home.

CHAPTER 652.

An Act to amend section five hundred and ninety-one of the Political Code of the State of California, relating to insurance.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 591 of the Political Code of the State of California is hereby amended to read as follows:

591. The commissioner may procure suitable rooms for his offices and may provide a suitable safe and furniture therefor. He may also provide stationery, fuel, printing and other conveniences and assistance and incur traveling and such other expenses as are necessary for the transaction of the business of his office. Out of the funds paid into the state treasury by the insurance commissioner, there shall be set aside and reserved each and every year the sum of thirty thousand dollars as a special fund to be called the insurance commissioner's special fund. All expenditures authorized in this section must be audited by the board of examiners, who must allow the same and direct payment thereof to be made, and the controller shall draw warrants therefor on the state treasury for the payment of the same to the insurance commissioner out of the said insurance commissioner's special fund.

Office, etc.,
for insurance
commissioner.

Special
fund.

Expenditures
audited.

Sec. 2. This act shall take effect immediately.

CHAPTER 653.

An act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes, and to provide penalties for the infraction thereof, and to appropriate money therefor.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Unlawful to manufacture adulterated insecticide.

SECTION 1. That it shall be unlawful for any person to manufacture within this state any insecticide, paris green, lead arsenate, or fungicide which is adulterated or misbranded within the meaning of this act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined not to exceed two hundred dollars for the first offense, and upon conviction for each subsequent offense be fined not to exceed three hundred dollars, or sentenced to imprisonment for not to exceed one year, or both such fine and imprisonment, in the discretion of the court. Said fines and those specified in section 2 of this act to be paid into the school fund of the county in which conviction is had.

Penalty.

Fines paid into school fund.

Unlawful to sell adulterated insecticide.

SEC. 2. Any person who shall offer to deliver to any other person or any person who shall sell or offer for sale in this state any such adulterated or misbranded insecticide or paris green or lead arsenate or fungicide which is adulterated or misbranded within the meaning of this act, or export or offer to export the same to any foreign country shall be guilty of a misdemeanor, and for such offense be fined not exceeding two hundred dollars for the first offense, and upon conviction for each subsequent offense not exceeding three hundred dollars, or to be imprisoned not exceeding one year, or both, in the discretion of the court; *provided*, that no article shall be deemed misbranded or adulterated within the provisions of this act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the provisions of this act.

Penalty.

Article for export.

Examination of specimens.

SEC. 3. The examination of specimens of insecticides, paris greens, lead arsenates and fungicides shall be made by the director of the agricultural experiment station of the University of California in person or by deputy, for the purpose of determining from such examination whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from any such examination that any of such specimens are adulterated or misbranded within the meaning of this act, the said director shall cause notice thereof

to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard under the rules and regulations adopted by the United States government for the enforcement of the national insecticide act of 1910, and if it appears that any of the provisions of this act have been violated by such party, then the said director shall at once certify the facts to the proper district attorney, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, notice shall be given by publication in such manner as the said director may determine.

SEC. 4. That it shall be the duty of each district attorney to whom the said director shall report any violation of this act or present satisfactory evidences of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the State of California without delay, for the enforcement of the penalties as in such case herein provided.

Duty of district attorney to prosecute.

SEC. 5. In any action, civil or criminal, in any court in this state, a certificate, under the hand of said director, and the seal of said university, stating the results of any analysis purporting to have been made under the provisions of this act, shall be prima facie evidence of the fact that the sample or samples mentioned in said analysis or certificate were properly analyzed as in this act provided; that the substances analyzed contained the component parts stated in such certificate and analysis; and that the samples were taken from the parcels or packages or lots mentioned or described in said certificate.

Evidence of proper analysis.

SEC. 6. That the term "insecticide" as used in this act shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling or mitigating any insects which may infest vegetation, man or other animals, or households, or be present in any environment whatsoever. The term paris green as used in this act shall include the product sold in commerce as paris green and chemically known as the aceto-arsenite of copper. The term "lead arsenate" as used in this act shall include the product or products sold in commerce as lead arsenate and consisting chemically of products derived from arsenic acid (H_2AsO_4) by replacing one or more hydrogen atoms by lead. That the term "fungicide" as used in this act shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any and all fungi that may infest vegetation or be present in any environment whatsoever.

Definitions: "insecticide."

Paris green.

"Lead arsenate."

"Fungicide."

SEC. 7. That for the purpose of this act an article shall be deemed to be adulterated—

In the case of paris green: First, if it does not contain at least fifty per centum of arsenious oxide; second, if it contains arsenic in water-soluble forms equivalent to more than three and one half per centum of arsenious oxide: third, if

Adulterated paris green.

any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength. In the case of lead arsenate: First, if it contains more than fifty per centum of water; second, if it contains total arsenic equivalent to less than twelve and one half per centum of arsenic oxide (As_2O_3); third, if it contains arsenic in water-soluble forms equivalent to more than seventy-five one-hundredths per centum of arsenic oxide (As_2O_3); fourth, if any substances have been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength; *provided, however*, that extra water may be added to lead arsenate (as described in this paragraph) if the resulting mixture is labeled lead arsenate and water, the percentage of extra water being plainly and correctly stated on the label.

Adulterated lead arsenate.

Other insecticides.

In the case of insecticides or fungicides, other than paris green and lead arsenate: First, if its strength or purity fall below the professed standard or quality under which it is sold; second, if any substance has been substituted wholly or in part for the article; third, if any valuable constituent of the article has been wholly or in part abstracted; fourth, if it is intended for use on vegetation and shall contain any substance or substances which, although preventing, destroying, repelling, or mitigating insects, shall be injurious to such vegetation when used.

"Mis-branded" defined.

SEC. 8. That the term "misbranded," as used herein, shall apply to all insecticides, paris greens, lead arsenates, or fungicides or articles which enter into the composition of insecticides or fungicides, the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to all insecticides, paris greens, lead arsenates, or fungicides which are falsely branded as to the state, territory, or country in which they are manufactured or produced.

That for the purpose of this act an article shall be deemed to be misbranded—

Mis-branded insecticides.

In the case of insecticides, paris greens, lead arsenates, and fungicides: First, if it be an imitation or offered for sale under the name of another article; second, if it be labeled or branded so as to deceive or mislead the purchaser, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package; third, if in package form, and the contents are stated in terms of weight or measure they are not plainly and correctly stated on the outside of the package.

Others than paris green, etc.

In the case of insecticides (other than paris greens and lead arsenates) and fungicides: First, if it contains arsenic in any of its combinations or in the elemental form and the total amount of arsenic present (expressed as per centum of metallic arsenic) is not stated on the label; second, if it contains arsenic in any of its combinations or in the elemental form and the amount of arsenic in water-soluble forms (expressed as per centum of metallic arsenic) is not stated on the label; third,

if it consists partially or completely of an inert substance or substances which do not prevent, destroy, repel or mitigate insects or fungi and does not have the names and percentage amounts of each and every one of such inert ingredients plainly and correctly stated on the label; *provided, however*, that in lieu of naming and stating the percentage amount of each and every inert ingredient the producer may at his discretion state plainly upon the label the correct names and percentage amounts of each and every ingredient of the insecticide or fungicide having insecticidal or fungicidal properties, and make no mention of the inert ingredients, except in so far as to state the total percentage of inert ingredients present.

SEC. 9. That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party from whom he purchased such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty to afford protection shall contain the name and address of the party or parties making the sale of such articles to such dealer, and an itemized statement showing the articles purchased; or a general guaranty may be filed with the secretary of the United States department of agriculture by the manufacturer, wholesaler, jobber or other party in the United States and be given a serial number, which number shall appear on every package of insecticide or fungicide sold under such guaranty with the words "guaranteed by" (the name of the guarantor) under the insecticide act of 1910; and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this act.

Dealer not to be prosecuted when he can show wholesaler's guaranty.

SEC. 10. That the word "person" as used in this act shall be construed to mean both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this act, the act, omission or failure of any officer, agent, or other person acting for or employed by any corporation, company, society or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association, as well as that of the other person.

"Person" defined.

Act of agent deemed act of corporation.

SEC. 11. Every lot, parcel, or package of commercial insecticides or fungicides or materials to be used for fungicidal or insecticidal purposes, sold, offered, or exposed for sale, within this state, shall be accompanied by a plainly printed label, stating the name, brand, and trade-mark, if any there be, under which the insecticide or fungicide is sold, the name and address of the manufacturer, importer, or dealer, the place of manufacturer, and a chemical analysis, stating the percentages claimed to be therein, of the substance or substances alleged to have insecticidal properties, specifying the form or forms in which each is present, and the materials from which all constituents of the insecticides are derived. All

Conditions governing sale.

analyses of substances for which methods have been agreed upon by the American association of official agricultural chemists, are to be made by such official methods. In the case of those insecticides the selling price of which is less than one half cent per pound, said label need only give a correct general statement of the nature and composition of the insecticide it accompanies.

Manufacturers selling insecticide at price of not less than one half cent per pound to register.

SEC. 12. The manufacturer, importer, agent of, or dealer in any commercial insecticide, or materials used for insecticidal purposes, the selling price of which to the consumer is not less than one half cent ($\frac{1}{2}$ cent) per pound, shall, before the same is offered for sale, obtain a certificate of registration from the secretary of the board of regents of the University of California, countersigned by the said university, authorizing the sale of insecticides in this state, and shall securely fix to each lot, parcel, or package of insecticide the word "registered" with the number of registry. The manufacturer, importer, agent, or dealer obtaining such registry shall pay to the said secretary the sum of one (\$1.00) dollar, to be applied as provided in section 18 of this act; such registration shall expire on the thirtieth day of June of the fiscal year for which it was given; *provided*, the provisions of this section shall not apply to any agent whose principals shall have obtained a certificate of registration as herein provided. Every such manufacturer, importer, agent, or dealer, who makes or sells, or offers for sale, any such substances, under a name or brand, shall file, on or before the first day of July in each year, a statement under oath, with the director of the agricultural experiment station of the University of California, stating such name or brand, and stating the component parts, in accordance with the provisions of section 11 of this act, of the substances to be sold or offered for sale, or manufactured under each such name or brand.

Analyses of samples

SEC. 13. The said director shall annually, on or before the first day of September, take samples in accordance with the provisions of section 14 hereof, of the substance made, sold, or offered for sale under every such name or brand, and cause analyses to be made thereof in accordance with the provisions of section 11 hereof, and said analyses may include such other determinations as said director may at any time deem advisable. Dealers in or manufacturers of insecticides must give free access to the director of the agricultural experiment station or his duly authorized deputy, to all the materials which they may place on the market for sale in California. Whenever the analysis certified by the said director shall show a deficiency of not more than five per cent of the substance alleged to have insecticidal properties, the statement of the manufacturer or importer as required in section 11 of this act, shall not be deemed to be false in the meaning of this act; *provided*, that this act shall not apply to sales of insecticidal materials made to a registered manufacturer of insecticides or to sales for export outside of this state; *provided, further*, that the said director of the agricul-

tural experiment station of the University of California shall, upon the receipt of a sample of insecticide, accompanied with a nominal fee of one dollar furnish to the user of said commercial insecticide such examination or analysis of the sample as will substantially establish the conformity or non-conformity of the said insecticide to the guarantee under which it was sold.

SEC. 14. The director of the agricultural experiment station of the University of California, in person or by deputy, is hereby authorized to take a sample, not exceeding two pounds in weight, for analysis by the said director or his deputies, from any lot, parcel or package of insecticide or fungicide, or material, or mixture of materials used for insecticidal or fungicidal purposes, which may be in the possession of any manufacturer, importer, agent or dealer; but said sample shall be drawn in the presence of said party or parties in interest or their representatives. In lots of five tons or less, samples shall be drawn from at least ten packages, or, if less than ten packages are present, all shall be sampled; in lots of over five tons, not less than twenty packages shall be sampled. The samples so drawn shall be thoroughly mixed, and from it two equal samples shall be drawn and placed in glass vessels, carefully sealed, and a label placed on each, stating the name or brand of the insecticide or material sampled, the name of the party from whose stock the sample was drawn, and the time and place of drawing; and said label shall also be signed by the said director or his deputy making such inspection, and by the party or parties in interest or their representatives present at the drawing and sealing of said samples. One of said duplicate samples shall be retained by the party whose stock was sampled, and the other by the director of the agricultural experiment station of the University of California.

Taking of samples.

SEC. 15. The director of the agricultural experiment station of the University of California shall publish in bulletin form, from time to time, at least annually, the results of the analyses, hereinbefore provided with such additional information as circumstances may advise.

Publication of results of analyses.

SEC. 16. There is hereby provided for carrying out the purposes of this act, out of any moneys in the state treasury not otherwise appropriated, the sum of five thousand dollars for each fiscal year hereafter, beginning with the first day of July, 1911.

Appropriation.

SEC. 17. All persons charged with the enforcement or execution of any of the provisions of this act shall not directly or indirectly be interested in the sale, manufacture or distribution of any insecticide or fungicide affected by this act.

Persons who may not be interested in sale, etc.

SEC. 18. All moneys, whether received from registry and analytical fees or special license fees, shall be paid to the secretary of the board of regents of the University of California for the use of said board in carrying out the provisions of this act.

Disposition of fees.

Repealed. SEC. 19. An act to prevent fraud in the sale of paris green used as an insecticide, chapter LIII, page 69, statutes of 1901, is hereby repealed.

SEC. 20. This act shall take effect and be in force from and after July 1, 1911.

CHAPTER 654.

An act granting certain lands and salt marsh and tide lands of the State of California, including the right to wharf out therefrom to the city of Oakland, and regulating the management, use and control thereof.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Marsh and
tide lands
granted to
Oakland.

SECTION 1. There is hereby granted to the city of Oakland, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California held by said state by virtue of its sovereignty in and to all the salt marsh and tide lands in the present city of Oakland, lying and being southerly from the southern line of East Fourteenth street in said city of Oakland, and easterly from the eastern limits of the former town of Oakland (as said easterly limits of said town are described in the act of the legislature of the State of California, entitled "An act to incorporate the town of Oakland and to provide for the construction of wharves thereat," approved May 4, 1852, and as said eastern limits of said town are determined and defined by the supreme court of the State of California, in the action entitled "City of Oakland versus Oakland Water Front Company," decided by said court September 13, 1897), and the right to wharf out therefrom, to be forever held by said city and by its successors in trust for the uses and purposes and upon the expressed conditions following, to wit:

Purposes
for which
lands may
be used.

That said lands shall be used by said city and its successors, only for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; *provided*, that said city, or its successors, may grant franchises thereon, for limited periods, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce or navigation at

said harbor, for a term not exceeding twenty-five years, and on such other terms and conditions as said city may determine, including a right to renew such lease or leases for a further term not exceeding twenty-five years or to terminate the same on such terms, reservations and conditions as may be stipulated in such lease or leases, and said lease or leases may be for any and all purposes which shall not interfere with navigation or commerce, with reversion to the said city on the termination of such lease or leases of any and all improvements thereon, and on such other terms and conditions as the said city may determine, but for no purpose which will interfere with navigation or commerce; subject also to a reservation in all such leases or such wharfing out privileges of a street, or of such other reservation as the said city may determine for a belt line railroad where the same may be deemed necessary by the said city; and such other reservations as the city may require, and for sewer outlets, and for gas and oil mains, and for hydrants, and for electric cables and wires, and for such other conduits for municipal purposes, and for such public and municipal purposes and uses as may be deemed necessary by the said city; *provided, however*, that each person, firm or corporation or their heirs, successors or assigns now in possession of land or lands abutting on said lands, within the boundaries of the city of Oakland, lying and being southerly from the southern line of East Fourteenth street in said city of Oakland and easterly from the eastern limits of the former town of Oakland as hereinbefore firstly described, and lying and being westerly from the easterly boundary line of the city of Oakland as it existed in A. D. 1908, shall have a right to obtain a lease for a term of twenty-five years from said city of said land and wharfing out privileges therefrom with a right of renewal for a further term of twenty-five years pursuant to the provisions of this act and on such terms and conditions as said city may determine and specify, subject to the right of said city to terminate said lease at the end of the first twenty-five years or refuse to renew the same, or to terminate the lease so renewed during the term of such renewed lease on such just and reasonable terms for compensation for improvements at the then value of said improvements as said city may determine and specify. Upon obtaining such lease and wharfing out privileges such person, firm or corporation, their heirs or assigns, shall quitclaim to said city any right they or any of them may claim or have to the said lands hereby granted. This grant shall carry the right to such city of the rents, issues and profits in any manner hereafter arising from the lands or wharfing out privileges hereby granted. The State of California shall have, at all times, the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California. No discrimination in rates, tolls or charges or in facilities for any use or service in connection therewith

Term of lease.

Belt line railroad.

Right of persons now in possession to lease.

Quitclaim to city.

Right to profits.

Rights reserved to state.

No discrimination in rates.

shall ever be made, authorized or permitted by said city or its successors in the management, conduct or operation of any of the utilities, structures or appliances mentioned in this section. There is hereby reserved in the people of the State of California the right to fish in the waters on which said lands may front with the right of convenient access to said waters over said lands for said purpose.

Right to fish reserved to people.

SEC. 2. This act shall take effect immediately.

CHAPTER 655.

An act to provide for the erection and equipment of a building at the California Institution for the Deaf and the Blind at Berkeley, to be used for instruction in manual and industrial arts, and to make an appropriation therefor.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation building, California Institution for Deaf and Blind.

SECTION 1. The sum of sixty thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the purpose of erecting and equipping a building at said institution to be used for instruction in manual and industrial arts.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same. The amount hereby appropriated shall be available July 1, 1911.

SEC. 3. All bills for material and labor, incurred in carrying out the provisions of section 1 of this act, and all bills for payment in whole, or in part, of any contract made to carry out the provisions of section 1 of this act, shall be first audited by the board of directors of said institution and approved by the state board of examiners before being made.

CHAPTER 656.

An act granting to the city of Los Angeles the tide lands and submerged lands of the state within the boundaries of the said city.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Tide lands granted to Los Angeles.

SECTION 1. There is hereby granted to the city of Los Angeles, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the

State of California, held by said state by virtue of its sovereignty, in and to all tide lands and submerged lands, whether filled or unfilled, within the present boundaries of said city, and situated below the line of mean high tide of the Pacific ocean, or of any harbor, estuary, bay or inlet within said boundaries, to be forever held by said city, and by its successors, in trust for the uses and purposes, and upon the express conditions following, to wit:

(a) That said lands shall be used by said city, and by its successors, solely for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatsoever: *provided*, that said city, or its successors, may grant franchises thereon for limited periods, for wharves and other public uses and purposes, and may lease said lands or any part thereof for limited periods, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce or navigation at said harbor:

Purposes for which lands may be used.

(b) That said harbor shall be improved by said city without expense to the state, and shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have, at all times, the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands, or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California;

Harbor improved without expense to state.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures or appliances mentioned in paragraph (a), no discrimination in rates, tolls, or charges, or in facilities, for any use or service in connection therewith shall ever be made, authorized or permitted by said city, or by its successors;

No discrimination in rates.

Reserving, however, in the people of the State of California, the absolute right to fish in the waters of said harbor, with the right of convenient access to said waters over said lands for said purposes.

Right to fish reserved to people.

SEC. 2. This act shall take effect immediately.

CHAPTER 657.

An act granting certain tide lands and submerged lands of the State of California to the city of Oakland and regulating the management, use and control thereof.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Tide lands
granted to
Oakland.

SECTION 1. There is hereby granted to the city of Oakland, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California held by said state by virtue of its sovereignty in and to all tide lands and submerged lands whether filled or unfilled, which are included within that portion of the city of Oakland that lies westerly of the western line of Pine street, as Pine street exists between Atlantic street and Goss street and as shown upon that certain map entitled "Map of land on Oakland point (railroad ferry landing) city of Oakland, tract 406," filed May 24, 1864, in book of maps 5, page 33, records of Alameda county, and said western line of Pine street produced northerly and southerly, excepting, however, from said tide lands and submerged lands such of said lands as lie northerly of the northern boundary line of the city of Oakland, and the western extension thereof, as said northern boundary line was established by an act of the legislature of the State of California, entitled, "An act to amend an act entitled 'An act to incorporate the city of Oakland,' passed March twenty-fifth, 1854, and repealing certain other acts in relation to said city," approved April 24th, 1862, to be forever held by said city and by its successors in trust for the use and purposes and upon the expressed conditions following, to wit:

Purposes
for which
lands may
be used.

(a) That said lands shall be used by said city and its successors, only for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city, or its successors shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; *provided*, that said city, or its successors, may grant franchises thereon for limited periods, for wharves and other public uses and purposes, and may lease said lands or any part thereof, for limited periods, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce or navigation at said harbor.

(b) That said harbor shall be improved by said city without expense to the state, and shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have, at all times, the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands, or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California.

Harbor improved without expense to state.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures or appliances mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

No discrimination in rates.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor, with the right of convenient access to said waters over said land for said purpose.

Right to fish reserved to people.

SEC. 2. This act shall take effect immediately.

CHAPTER 658.

An act to amend section 1750 of the Political Code relating to course of study for high schools.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1750 of the Political Code is hereby amended to read as follows:

1750. The course of study for every high school shall be prepared by, or under the direction of, the high school board or trustees having control thereof, and except in incorporated cities and towns having boards of education, shall be subject to the approval of the county board of education. Said course of study shall embrace a period of not less than four years, and for every high school there shall be prescribed at least one course of study that will prepare graduates therein for admission into the State University; and every high school course may include training in athletics and military drill and tactics, for which may be given credit as a part of said high school work, and instruction therein shall be given at such times and in such manner as said high school board shall determine. The high school board or trustees may prescribe an additional course or additional courses of study subject to approval as herein provided, including instruction in manual training, domestic science and art, agriculture, horticulture and dairying to be duly credited as a part of such high school

Course of study in high schools.

Text-
books.

work. The high school board of each district, which has not already done so, shall adopt a list of text-books for use in such high school district of text-books prescribed by the state board of education, and the clerks or secretary of said board shall certify to the superintendent of schools having jurisdiction over such high school, a list of all text-books so adopted or previously adopted by order of said board or then in use in said high school; and no change shall thereafter be made in said list of books for the term of four years after adoption; *provided*, that the high school board may, at a regular meeting, adopt for a period of not less than four years such additional or other text-books as they may deem best, but the same shall not be changed for four years. The order of adoption shall be entered upon the minutes of the board, and a certified copy thereof shall be at once transmitted by the clerk or secretary of the high school board or trustees to the superintendent of schools having jurisdiction over such high school. The said board shall enter into a written contract with the publisher of the text-books so adopted for their use or purchase, during such period. The high school board of any high school district, or trustees of any county high school, may prescribe post-graduate courses of study for the graduates of such high school, or other high schools, which course of study shall approximate the studies prescribed in the first two years of university courses. The high school board of any high school district, or trustee of any high school wherein such post-graduate courses of study are taught, may charge tuition for pupils living without the boundaries of the district or county wherein such courses are taught.

Post-
graduate
courses.

CHAPTER 659.

An act to amend section two thousand nine hundred eighty-two, of the Political Code, relating to the secretary and assistant to the secretary of the state board of health.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section two thousand nine hundred eighty-two of the Political Code is hereby amended to read as follows:

Secretary
of state
board of
health,
salary,
duties.

2982. The secretary of the state board of health shall receive an annual salary of thirty-six hundred dollars and necessary expenses incurred in the performance of his duties. He shall enforce all orders and regulations of the state board of health, and shall vigilantly observe sanitary conditions throughout the state, and take all necessary precautions to protect it in its sanitary relations with other states and countries. He shall keep an accurate record of the proceedings of the state board of

health and of his own acts, and shall file a written report of the same at each regular meeting of the board. There shall be an Assistant. assistant to the secretary of the state board of health, who shall be appointed by and hold office at the pleasure of, and perform such duties as shall be prescribed by, said board. The assistant to the secretary of the state board of health shall receive an annual salary of twenty-four hundred dollars. The salaries of the secretary and assistant to the secretary shall be paid out of the general fund at the times and in the manner in which state officers are paid.

SEC. 2. This act shall be in effect from its passage.

CHAPTER 660.

An act to amend section three thousand and seventy-five of the Political Code of the State of California relating to the office of the state registrar of the bureau of vital statistics and the state board of health, and providing for deputies, clerks and assistants and their compensation.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section three thousand and seventy-five of the Political Code of the State of California is hereby amended to read as follows:

3075. There shall be a clerk to the state board of health, Employees of state board of health. and a competent statistician, a deputy statistician, and two copyists to assist the state registrar of the bureau of vital statistics, all of whom shall be appointed by, and hold office at the pleasure of, the state board of health. The clerk shall receive an annual salary of sixteen hundred dollars, the statistician an annual salary of twenty-four hundred dollars, the deputy statistician an annual salary of sixteen hundred dollars, and the copyists each an annual salary of nine hundred dollars. All such salaries shall be paid in the same manner and at the same time as the salaries of state officers. The state board of health may employ and fix the compensation of other additional clerical and professional assistants, but such compensation shall be paid from its fund for contingent expenses, provided in the general appropriation act.

SEC. 2. This act shall take effect from its passage.

CHAPTER 661.

An act to amend section 1236 of the Political Code, relating to officers and salaries in counties of the seventh class, and to amend section 1265 of the Political Code, relating to officers and salaries in counties of the thirty-sixth class.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four thousand two hundred and thirty-six of the Political Code is hereby amended as follows:

Salaries of
officers in
counties of
seventh
class.

4236. In counties of the seventh class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

County
clerk.

1. The county clerk, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk one chief deputy who shall receive a salary of one thousand eight hundred dollars per annum; one registration clerk, who shall receive a salary of one thousand two hundred dollars per annum; three court clerks, who shall receive salaries of one thousand five hundred dollars per annum each; one deputy, who shall receive a salary of one thousand two hundred dollars per annum, and one judgment clerk, who shall receive a salary of nine hundred dollars per annum.

Sheriff.

2. The sheriff, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff one under-sheriff, whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum, and the following deputies and employees: One deputy who shall be head jailer, who shall receive a salary of one thousand five hundred dollars per annum; one additional deputy, who shall receive a salary of one thousand five hundred dollars per annum; five deputies, one of whom shall be assistant jailer, who shall receive salaries of one thousand two hundred dollars per annum each; one deputy, who shall be assistant jailer, who shall receive a salary of nine hundred dollars per annum; three deputies, who shall be known as country deputies, who shall receive salaries of twelve hundred dollars per annum each; one stenographer, who shall receive a salary of nine hundred dollars per annum. In counties of this class there shall be a matron of the county jail, to be appointed by the sheriff, who, under the direction of the sheriff, shall have charge of all female prisoners in the county jail, and who shall receive a salary of nine hundred dollars per annum, to be paid by the county in monthly installments at the same time and in the same manner, and out of the same fund as is the salary of the sheriff. In counties of this class the

sheriff shall be allowed by the board of supervisors his actual necessary expenses for pursuing criminals or for transacting of criminal business, and his actual necessary expenses for service of all process and notices, and each and all such expenses shall be a charge against the county and allowed by the board of supervisors and paid as other county charges are paid.

3. The recorder, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the recorder the following deputies and copyists, who shall be appointed by the recorder of said county and paid as follows: One chief deputy at a salary of one hundred and fifty dollars per month; one index deputy at a salary of one hundred dollars per month; one comparing deputy at a salary of one hundred dollars per month; one filing clerk at a salary of one hundred dollars per month, and as many copyists as may be required, who shall receive as compensation the sum of five cents per folio for recording all instruments or notices except maps and plats, and for copies of any records or papers, five cents per folio. The salaries of all deputies and copyists herein provided for shall be paid by the county in monthly installments, at the same time and in the same manner, and out of the same funds as the salary of the county recorder is paid. Recorder.

4. The auditor, three thousand six hundred dollars per annum; *provided*, that there is hereby allowed to the auditor the following deputies: One chief deputy, who shall receive a salary of one thousand eight hundred dollars per annum; one deputy, who shall receive a salary of one thousand two hundred dollars per annum, and one deputy, who shall receive a salary of nine hundred dollars per annum. Auditor.

5. The treasurer, three thousand six hundred dollars per annum, and one deputy who shall receive a salary of one thousand five hundred dollars per annum. Treasurer.

6. The tax collector, three thousand six hundred dollars per annum and such fees as are allowed by law; one chief deputy, who shall receive a salary of one thousand eight hundred dollars per annum; two deputies who shall receive salaries of one thousand two hundred dollars each per annum; one deputy who shall receive a salary of one thousand dollars per annum, and one stenographer who shall receive a salary of nine hundred dollars per annum. The tax collector may also employ six clerks for a period not to exceed six months in any one year, at a salary of four dollars per day for each day employed. Tax collector.

7. The license tax collector, eighteen hundred dollars per annum. License tax collector.

8. The assessor, three thousand six hundred dollars per annum, and such fees and commissions as are allowed by law; one chief deputy, who shall receive a salary of one thousand eight hundred dollars per annum; one deputy, who shall receive a salary of one thousand two hundred dollars per annum; two deputies, during six months of each year, who Assessor.

shall receive one hundred dollars per month each; one deputy, during five months of each year, who shall receive one hundred dollars per month; four deputies during four months of each year, who shall receive one hundred dollars each per month. And the assessor in counties of this class may, during the year 1911 and every fourth year thereafter, appoint six clerks, who shall serve for a period of not to exceed four months in any of said years, and said clerks shall each receive as compensation the sum of four dollars per day for each day employed. The assessor may also appoint such number of additional deputies as he shall deem necessary, the salaries of such additional deputies to be paid by the assessor.

District
attorney.

9. The district attorney, four thousand dollars per annum; also one assistant district attorney, who shall receive a salary of two thousand five hundred dollars per annum; one deputy district attorney, who shall receive a salary of one thousand five hundred dollars per annum, and a second deputy district attorney who shall receive a salary of one thousand two hundred dollars per annum, and two stenographers one of whom shall receive a salary of twelve hundred dollars per annum, and one of whom shall receive a salary of nine hundred dollars per annum.

Superintendent of
schools.

10. The superintendent of public schools, two thousand five hundred dollars per annum; also one deputy at a salary of one thousand two hundred dollars per annum, and one book-keeper at a salary of one hundred dollars per month.

Admini-
strator.

11. The public administrator, such fees as are now or may hereafter be allowed by law.

Coroner.

12. The coroner, seventy-five dollars per month, and in addition thereto the board of supervisors shall allow the coroner his actual traveling expenses in the performance of his official duties within the county when called away from the county seat.

Surveyor.

13. The surveyor, three thousand dollars per annum; also one deputy, who shall receive one thousand five hundred dollars per annum; and two draughtsmen, who shall receive salaries of ninety dollars each per month, and such number of chainmen as may be necessary for field work, who shall receive a compensation of three dollars per day when working in the field.

Con-
stables

14. Constables, in civil cases, such fees as are now or may hereafter be allowed by law; and in criminal cases in townships having a population of sixteen thousand or more, in lieu of fees now allowed by law, the sum of one hundred dollars per month; and in all townships having a population of less than sixteen thousand, such fees as are now or may hereafter be allowed by law; *provided, however*, that no constable in such township shall be allowed in any one month out of the county treasury more than one hundred dollars as fees in misdemeanor cases; *provided, further*, that in such townships they shall receive for each day's attendance in criminal cases, when required by the justice to be present, two dollars per day; *provided, further*, that in all townships the constables thereof

shall be allowed actual traveling expenses only, in lieu of mileage, for taking prisoners to the county jail.

15. Justices of the peace, in all townships having a population of sixteen thousand or more, one hundred and fifty dollars per month in full of all compensation in both civil and criminal cases; in townships having a population of less than sixteen thousand, such fees as are now or may hereafter be allowed by law; *provided, however,* that no justices of the peace in such townships shall be allowed, in any one month out of the county treasury, more than one hundred dollars in misdemeanor cases.

Justices of
the peace.

The board of supervisors of such county shall furnish the township justice of the peace and the constables in townships having a population of sixteen thousand or more, with suitable court room and furniture for said justice of the peace, and an office with necessary and proper furniture therefor, for each of said constables.

16. Each member of the board of supervisors, one thousand dollars per annum and fifteen cents per mile in going from his residence to the county seat at each meeting of the board; also five hundred dollars per annum each and fifteen cents for each mile actually traveled in performing services as road commissioner; *provided,* that said supervisors shall not in any one year receive more than one thousand dollars each in mileage as road commissioner.

Super-
visors.

17. In any office in counties of the seventh class, when the work of said office has not been brought down to date, and was in such condition when the present incumbent was inducted into office, the board of supervisors may authorize said incumbent to perform the labors that should have been performed by his predecessors in office, and for that purpose may authorize said incumbent to employ special clerical help, at a compensation to be fixed by the board of supervisors, at so much per diem: *provided,* that the provisions herein shall apply only to work that should have been done by the incumbent's predecessor in office.

Bringing
records
down to
date.

18. The deputies mentioned in this section are hereby allowed to the respective county officers named, who shall appoint the same, and said deputies shall be paid by the counties of this class in monthly installments, at the same time, in the same manner and out of the same fund as the salaries of the county officers are paid.

Deputies.

SEC. 2. Section four thousand two hundred sixty-five of the Political Code is hereby amended as follows:

4265. In counties of the thirty-sixth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

Salaries of
officers in
counties of
thirty-sixth
class.

1. The county clerk, two thousand four hundred dollars per annum; also one deputy who shall receive a salary of nine hundred dollars per annum.

County
clerk.

2. The sheriff, five thousand dollars per annum and all com-

- Sheriff.** missions, fees and mileage for the service of papers or process issued without his county. He shall also have for use in his office and under his supervision and control one under-sheriff, which office of under-sheriff is hereby by the terms of this act expressly created. The said position of under-sheriff to be filled by the sheriff in the same manner as are deputies appointed by him, and said under-sheriff is to be at all times as to his duties under the supervision and control of the sheriff, which said under-sheriff shall receive the salary of fifteen hundred dollars per annum. He shall have for use in his office and under his supervision and control, a court deputy, which office of court deputy is hereby by the terms of this act expressly created. The said position of court deputy to be filled by the sheriff in the same manner as deputies are appointed by him, and said court deputy is to be at all times as to his duties under the supervision and control of the sheriff, which said court deputy shall receive a salary of nine hundred dollars per annum. The salary of said under-sheriff and court deputy shall be paid by the county in equal monthly installments as other salaries are paid.
- Recorder.** 3. The recorder, two thousand dollars per annum, and one deputy recorder, which office of deputy recorder is hereby expressly created. The office of deputy recorder shall be filled by the recorder by appointment, and said deputy recorder is to be at all times as to his duties under the supervision and control of the recorder, and said deputy recorder shall receive a salary of twelve hundred dollars per annum. The recorder is hereby allowed as many copyists as may be required who shall receive as compensation the sum of five cents per folio, for recording any instrument or notice, except maps or plats, and for copies of any records or papers, five cents per folio. The salaries of the deputy recorder and copyists herein provided shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid. The salaries of copyists herein provided for shall be paid by the county in monthly installments at the same time, in the same manner, and out of the same fund as the salary of the county recorder is paid.
- Auditor.** 4. The auditor, one thousand eight hundred dollars per annum.
- Treasurer.** 5. The treasurer, one thousand eight hundred dollars per annum.
- Tax collector.** 6. The tax collector, one thousand eight hundred dollars per annum, and five per cent on all licenses collected by him as license collector.
- Assessor.** 7. The assessor, three thousand dollars per annum.
- District attorney.** 8. The district attorney, two thousand five hundred dollars per annum; also one deputy, who shall receive a salary of one thousand two hundred dollars per annum.
- Coroner.** 9. The coroner, such fees as are now or may hereafter be allowed by law.
- Administrator.** 10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. The superintendent shall be allowed one deputy for a period of not exceeding ten months in any one year, which said deputy shall be allowed a salary of seventy-five dollars per month, to be paid at the same time and in the same manner as other county officers.

Superintendent of schools.

12. The surveyor, one thousand five hundred dollars per annum, which shall be in full for all services required of him by the superior court or the board of supervisors; *provided*, that he shall be entitled to receive from the county his actual expenses incurred in the performance of any order of the court or the board of supervisors; *provided, further*, that whenever the surveyor is directed by the board of supervisors to plat, trace or otherwise prepare maps, plats or block books for the use of the county assessor, he shall be allowed only the actual cost of preparing the same.

Surveyor.

13. Justices of the peace shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than four thousand, fifty dollars per month; in townships having a population of less than four thousand and more than twenty-five hundred, thirty dollars per month; in townships having a population of less than twenty-five hundred and more than six hundred, twenty dollars per month; and in all civil cases such fees as are now or may hereafter be allowed by law.

Justices of the peace.

14. Constables shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than four thousand, fifty dollars per month; in townships having a population of less than four thousand and more than twenty-five hundred, thirty dollars per month; in townships having a population of less than twenty-five hundred and more than six hundred, twenty dollars per month; and in all civil cases such fees as are now or may hereafter be allowed by law. Constables shall also be allowed by the board of supervisors, in criminal cases only, necessary traveling expenses, and necessary expenses of conveying criminals and persons charged with crime.

Constables.

15. Each supervisor, twelve hundred dollars per annum, which shall be in full for all services as supervisor and road commissioner for each year. Said salary of twelve hundred dollars shall be payable monthly.

Supervisors.

16. For the purpose of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors by multiplying by five the vote cast for governor in each township at the general election next preceding.

Population of townships.

Sec. 3. This act shall take effect immediately.

CHAPTER 662.

An act to amend section 1550 of the Political Code of the State of California, relating to the compensation of deputy school superintendent of any city, or city and county, as prescribed by the board of education thereof.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1550 of the Political Code of the State of California is hereby amended to read as follows:

Deputy
school
superin-
tendents.

1550. Each deputy school superintendent of any city, or city and county, may receive such compensation as the board of education thereof prescribes, payable in the same manner and out of the same fund as the superintendent of schools thereof is paid; *provided*, that the compensation of each deputy school superintendent of any city and county shall be not less than the minimum received by any high school principal in said city and county.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 663.

An act providing for the time of payment of wages.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Wages of
discharged
employees.

SECTION 1. Whenever an employer discharges an employce, the wages earned and unpaid at the time of such discharge shall become due and payable immediately. When any such employce not having a contract for a definite period quits or resigns his employment the wages earned and unpaid at the time of such quitting or resignation shall become due and payable five days thereafter.

Wages to
be paid
monthly.

SEC. 2. All wages other than those mentioned in section one of this act earned by any person during any one month shall become due and payable at least once in each month and no person, firm or corporation for whom such labor has been performed, shall withhold from any such employce any wages so earned or unpaid for a longer period than fifteen days after such wages become due and payable; *provided, however*, that nothing herein shall in any way limit or interfere with the right of any such employce to accept from any such person.

firm or corporation wages earned and unpaid for a shorter period than one month.

SEC. 3. Any person, firm or corporation who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars. Penalty.

SEC. 4. None of the provisions of this act shall apply to any county, city and county, incorporated city or town, or other municipal corporation. Not applicable.

CHAPTER 664.

An act to repeal an act entitled "An act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington and the bay of San Pedro," approved March 19, 1889.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. An act entitled "An act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington and the bay of San Pedro," approved March 19, 1889, is hereby repealed. Repealed.

CHAPTER 665.

An act to amend section 596 of the Political Code of the State of California, relating to the transaction of insurance business.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 596 of the Political Code of the State of California is hereby amended to read as follows:

596. No company shall transact any insurance business in this state without first complying with all the provisions of the laws of this state, and thereafter procuring from the insurance commissioner a certificate of authority, and continuing to comply with the laws of this state: *provided*, that insurance may be procured from or placed with companies not authorized to transact business in this state upon the terms and conditions hereinafter stated. Every such certificate of authority shall expire on the first day of the July after its issuance, unless

Transaction of insurance business in state.

Certificates as per.

Certificates
not to be
renewed if
company
is in ar-
rears for
taxes.

Surplus
line
broker.

"Author-
ized com-
pany."

License for
surplus line
broker.

sooner revoked. No certificate of authority shall be granted or renewed to any company in arrears to the state or to any county, city and county, city or town in the state for fees, licenses, taxes, assessments, fines or penalties accrued on business previously transacted in the state, nor while said company is otherwise in default for failure to comply with any of the laws of this state regarding the governmental control of such company by the state. No person shall act as agent in any transaction of any insurance business for any insurance company not authorized to transact such business in this state. A surplus line broker is one licensed by the insurance commissioner to act as broker in soliciting, negotiating, and effecting insurance under conditions hereinafter stated, to be procured from or placed with companies not authorized to transact such business in this state. Within the meaning of this law "authorized companies" are those authorized by the insurance commissioner to transact in the State of California the kinds of insurance business that they are transacting. All others are "unauthorized companies." The insurance commissioner may issue a license authorizing any individual to act as surplus line broker from its date until the first of July following, on the following conditions:

(a) Payment to the insurance commissioner of a fee of twenty-five (\$25.00) dollars in advance.

(b) Delivery to the insurance commissioner of a bond to the State of California in the sum of five thousand (\$5000) dollars with sureties having the qualifications mentioned in sections 1056 and 1057 of the Code of Civil Procedure, conditioned that said licensee will fully and faithfully comply with the requirements of section 596 of the Political Code

A surplus line broker, after having procured from and placed with authorized companies the total amount of insurance obtainable on any property from a majority of all authorized companies, may place the excess of insurance desired over such amount with unauthorized companies. No insurance is to be procured from or placed with unauthorized companies by any one except by a surplus line broker and under such conditions. The following are the duties of a surplus line broker with which he is required to comply.

Duties of
surplus line
broker.

1. To maintain in good faith an office in this state.
2. To keep in said office books of account correctly showing in separate accounts all business transacted with unauthorized companies. Said books are to specify the dates of such insurance going into effect, the name of the insurers and of the insured, the gross premiums payable therefor, the terms, character of insurance and locations of the insured property. They shall also contain statements in the same detail of all such insurance canceled, or on which premiums have been increased or reduced and the amounts of additional or of return premiums thereon. Such books are to be open at all times for the inspection of, and examination by, the insurance commissioner, or any one appointed by him for said purpose.

3. Within one week after the surplus line broker shall have

obtained knowledge of the completion of the procurement of insurance on any property from an unauthorized company, he shall file with the insurance commissioner a true report showing the name of the insured and of the insurers, the character of the insurance, location of the property, gross premium payable therefor, and the date of such insurance taking effect and the term thereof; also a list of authorized companies comprising a majority thereof from whom the insurance so effected was not obtainable. As soon as practicable after any such insurance has been canceled or any premium thereon has been increased or reduced, such surplus line broker shall file with the insurance commissioner a report thereof in the same detail as above required in the case of the report above referred to.

4. On or before the first day of March of each year he shall file with the insurance commissioner a sworn statement of all business transacted under his license during the last preceding calendar year ending December 31st. Such statements shall contain true accounts of the gross amount of insurance procured from and placed with unauthorized companies during said calendar year, the gross premiums charged therefor including additional insurance premiums, and the gross amount of all insurance canceled during said year, and the gross return premiums thereon. Such statements shall also include additional premiums charged during said calendar year on insurance previously effected and the gross return premiums during said calendar year on insurance previously effected.

5. All such reports and statements shall be made on blanks to be furnished surplus line brokers by the insurance commissioner on application therefor.

6. On or before the first day of June of each year said surplus line broker shall pay to the insurance commissioner for use of the State of California three (3%) per cent of the gross premiums charged, less three (3%) per cent of all return premiums on policies canceled, or upon which the premiums have been reduced during the year ending December 31st last preceding.

The insurance commissioner shall revoke the license of any surplus line broker who wilfully fails or refuses to perform any of his duties hereinabove specified. If in the opinion of the insurance commissioner the solvency of any surety on a bond hereby required has become impaired or doubtful, he shall notify the surplus line broker in writing, and unless within ten (10) days after receipt of such notice the solvency of such surety is proved to the satisfaction of the insurance commissioner, or a new bond is substituted therefor, said insurance commissioner shall revoke the license of the surplus line broker. The removal of the office of the surplus line broker from this state, or the removal therefrom of his accounts of his business as such, or the closing of his said office for a period of more than twenty (20) consecutive days, shall constitute a termination of the authority of said surplus line broker, and shall be tantamount to an express revocation of his license.

Revoking
license.

Examination of policies, etc., by insurance commissioner.

Policies null and void.

whether or not the insurance commissioner thereafter revokes the same. No new license shall be issued to any surplus line broker whose license has been revoked for any reason other than the insufficiency of his sureties, within the period of one year after such revocation, and until all indebtedness of said surplus line broker on former business has been paid to said insurance commissioner. Every insured for whom insurance has been effected with unauthorized companies shall produce for examination by the insurance commissioner, whenever requested by him, in writing, so to do, all policies, contracts, and other documents evidencing such insurance and disclose to him the true amount of the gross premiums paid or agreed to be paid therefor, or, upon refusal so to do, he shall forfeit to the State of California, the sum of two hundred (\$200) dollars for each refusal. All policies and other contracts of insurance, issued without full compliance by all parties concerned with the laws of this state, shall be null and void.

Sec. 2. This act shall take effect on July 1st, 1911.

CHAPTER 666.

An act to amend section 450 of the Civil Code of the State of California, relating to provisions which must be contained in policies of life insurance.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four hundred and fifty of the Civil Code of the State of California is hereby amended to read as follows:

Provisions of life insurance policies issued in this state.

450. Every contract or policy of life insurance hereinafter made by any person or corporation, with and upon the life of a resident of this state, and delivered within this state, shall provide, in event of default of any premium payment after three full annual premiums shall have been paid on such policy, that without any action on the part of the insured, the net value of such policy based upon the reserve basis used in computing the premiums and values thereunder (the policy to specify the mortality table and rate of interest so adopted) which net value shall be at least equal to its entire net reserve at the date of default, including that of dividend additions, if any, based upon a standard not lower than the American experience tables of mortality with interest at three and one half per cent yearly, less a surrender charge of not more than two and one half per cent of the face amount of the policy and of any existing dividend additions thereto and less any indebtedness to the company on or secured by the policy, shall

be applied as a single premium to the purchase of one of the following stipulated forms of insurance:

First—Paid-up non-participating term insurance in the amount of the face of the policy, plus dividend additions, if any, for such a period as the net value outlined above will purchase at the net single premium, at the attained age of the insured at the time of the lapse, based upon the reserve basis described in the policy; *provided, however*, that under endowment contracts the term shall not extend beyond the endowment period named in the original contract, and the excess value, if any, shall be applied as a net single premium to purchase in the same manner paid-up pure endowment insurance, payable at the end of the endowment period named in the contract if the insured be then living, or,

Second—Paid-up non-participating term insurance in the amount of the face of the policy, plus dividend additions, if any, and less any outstanding indebtedness, for such a period as the net value outlined above will purchase at the net single premium, at the attained age of the insured, based upon the reserve basis described in the policy; *provided, however*, that under endowment contracts the term shall not extend beyond the endowment period named in the original contract, and the excess value, if any, shall be applied as a net single premium to purchase in the same manner paid-up pure endowment insurance, payable at the end of the endowment period named in the contract if the insured be then living, or,

Third—Paid-up non-participating insurance payable at the time and on the conditions named in the policy for such an amount as the net value outlined above will purchase at the net single premium, at the attained age of the insured, based upon the reserve basis described in the policy; *provided, however*, that the policy may be surrendered to the company, at its home office, upon due application by the legal owner thereof, within one month after date of premium default, for a specified cash value which shall be at least equal to the sum which would be otherwise available for the purchase of the automatic form of insurance provided therein; *and provided, further*, that the company may defer payment of such cash value for not more than six months after application therefor is made. No agreement between the company and the policy holder or applicant for insurance contrary to the foregoing shall be held to waive any of the provisions provided above. Any life insurance policy issued upon the life of a resident of this state, and delivered within this state, which does not contain an automatic non-forfeiture value in conformity with the foregoing shall be construed as granting non-participating term insurance, as provided in paragraph first of this section, and such a benefit shall be read into the contract. The provisions of this section shall not apply to annuities, industrial policies or to term contracts issued for periods of twenty years or less.

Surrender
of lapsed
policy.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

CHAPTER 667.

An act to amend section six hundred and eleven of the Political Code relative to the publication of statements of insurance companies.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 611 of the Political Code is hereby amended to read as follows:

Publi-
cation
of
statements
of
insur-
ance
com-
panies.

611. All insurance companies doing business in this state must make and file with the insurance commissioner, on or before the first day of March of each year, statements which must exhibit the condition and affairs of every such company, on the thirty-first day of December then next preceding, a synopsis of which statements, as adjusted by the commissioner upon a proper examination of the same, must be published by such company in the city or city and county where the principal office in this state is located, said publication to be daily for the period of one week in some daily newspaper of general circulation or four consecutive times in some weekly newspaper of general circulation.

CHAPTER 668.

An act to amend section 1513 of the Political Code of the State of California, relating to the powers and duties of the county superintendent of schools of each county.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Duties
of
county
superin-
tendents
of
schools.

SECTION 1. Section fifteen hundred forty-three of the Political Code of the State of California is hereby amended to read as follows:

1543. It is the duty of the county superintendent of schools of each county:

First—To superintend the schools of his county.

Apportion
school
moneys.

Second—1. To apportion the school moneys to each school district, as provided in section one thousand eight hundred and fifty-eight of this code, at least four times a year. For this purpose he may require of the county auditor a report of the amount of all school moneys on hand to the credit of the several school funds of the county not already apportioned; and it is hereby made the duty of the auditor to furnish such report when so required; and whenever an excess of money has accu-

mulated to the credit of a school district by reason of a large census roll and small attendance, beyond a reasonable amount necessary to maintain a school for eight months in such district for the year, the superintendent of schools shall place said excess of money to the credit of the unapportioned school funds of the county, and shall apportion the same as other school funds are apportioned.

2. If in any school district there has been an average daily attendance of only five or a number of pupils less than five during the whole school year, the superintendent shall, after giving due notice to all parties interested by sending notices by registered mail to each of the trustees, or, by causing notices to be posted in three public places in the district, one of which shall be at the door of the schoolhouse, for not less than ten days, report the fact to the board of supervisors at their first meeting in August. The board of supervisors shall investigate the matter, and, if in its judgment it would be better to temporarily suspend the school district, they shall immediately so suspend it. If the board of supervisors find that there are other school facilities or that there is no reasonable chance to reestablish the district they shall declare the district lapsed, and shall attach the territory thereof to one or more of the adjoining districts in such manner as may be by them considered most convenient for the residents of said lapsed district.

Suspension
of school
districts.

3. At the meeting of the board of supervisors in the months of July, August, or September, the board of supervisors may reestablish a suspended school district upon proper showing of the people or board of school trustees of the district that there are eight or more pupils of the district ready to attend school.

Re-estab-
lishment of
suspended
districts.

4. After a district has been suspended, the county superintendent shall at the time of making the apportionment of school moneys as provided in section 1858 of the Political Code, set aside for such suspended district, the sum of five hundred and fifty dollars. This amount, with any unexpended balance to the credit of the district, shall be held for the use of the suspended district, in case it should be reestablished, and so much of it as may be needed to keep the property of the suspended district insured, and to pay the census marshal, may be expended by the trustees in the same manner as if the district were not suspended. But no subsequent apportionment shall be made to a suspended district, until it is reestablished as provided in subdivision three of this section.

Money for
suspended
districts
set aside.

5. Trustees shall be elected and a school census taken in suspended districts just as if they were not suspended.

Trustees of
suspended
districts.

6. The superintendent may at any time in the month of July of any year give notice, as provided in subdivision two of this section, to any suspended district which has not maintained school during the year past, and at the first meeting of the board of supervisors in August ask that such district be declared lapsed.

Suspended
districts
declared
lapsed.

7. A suspended district may be merged with one or more

Suspended districts may be merged with adjoining districts.

adjoining districts whenever a petition signed by the majority of heads of families as shown by the last preceding school census residing in each of said districts shall be presented to the board of supervisors. Such petition must be filed with the county superintendent and by him presented to the board of supervisors with such suggestions as he thinks best. A temporarily suspended district when reopened shall be considered the same as a new district in regard to its next apportionment.

Property of lapsed districts sold.

8. When any district has been declared lapsed, the board of supervisors shall sell or otherwise dispose of the property thereto belonging, and shall place the proceeds of such sale to the credit of the district. Thereupon the superintendent shall determine all outstanding indebtedness of said lapsed district, and shall draw his requisition upon the county auditor in payment thereof. Any balance of moneys remaining to the credit of said lapsed district after all indebtedness has been paid shall be transferred by the superintendent to the credit of the district into which the said lapsed district has been merged. If the lapsed district has been attached to more than one of the adjoining districts, the superintendent must apportion the moneys remaining to the credit of the lapsed district to the several districts pro rata according to the number of school census children of the respective districts as shown by the last preceding school census. Should there not be sufficient funds to the credit of the lapsed district to liquidate all of the outstanding indebtedness thereof, the superintendent shall draw his requisition upon the county auditor pro rata for the several claims.

Requisitions for expenses.

Third—On the order of the board of school trustees, or board of education of any city or town having a board of education, to draw his requisition upon the county auditor for all necessary expenses against the school fund of any district. The requisitions must be drawn in the order in which the orders therefor are filed in his office. Each requisition must specify the purpose for which it is drawn, but no requisition shall be drawn upon the order of the board of school trustees or board of education against the funds of any district except the teachers' or janitors' salaries, unless such order is accompanied by an itemized bill showing the separate items, and the price of each, in payment for which the order is drawn; nor shall any requisition for teachers' or janitors' salaries be drawn unless the order shall state the monthly salary of teacher or janitor, and name the months for which such salary is due. Upon the receipt of such requisition the auditor shall draw his warrant upon the county treasurer in favor of the parties for the amount stated in such requisition.

Form of order blanks.

The order of the board of school trustees, or board of education, shall be made only on the form of blank approved by the superintendent of public instruction; *provided*, that said blanks shall be printed and furnished to the school districts by the board of supervisors of the respective counties of the state, and when signed by at least two members of the board of

trustees, or the officials authorized to sign orders for the board of education shall be transmitted to the superintendent, who shall, in case he approve said demand, indorse upon it, "Examined and approved," together with the number and date when approved, and shall, in attestation thereof, affix his signature thereto, and deliver the same to the claimant, or his order, who shall transmit the same to the auditor, who shall, in case he allows said demand, indorse upon it, "Allowed," together with the number and date when allowed, and shall, in attestation thereof, affix his signature thereto, and deliver the same to the claimant and make a proper record thereof and charge against the particular fund of the particular district against which such demand was allowed; and said demand, when so approved, and signed by the superintendent, and when so allowed and signed by the auditor, shall constitute the requisition on the auditor, and the warrant on the treasury within the meaning of this act.

Fourth—To keep open to the inspection of the public a register of requisitions, showing the fund upon which the requisitions have been drawn, the number thereof, in whose favor, and for what purpose they were drawn, and also a receipt from the person to whom the requisition was delivered. Register of requisitions.

Fifth—To visit and examine each school in his county at least once in each year. For every school not so visited the board of supervisors must, on proof thereof, deduct ten dollars from his salary. Visit to schools at least annually.

Sixth—To preside over teachers' institutes held in his county, and to secure the attendance thereof of lecturers competent to instruct in the art of teaching, and to report to the county board of education the names of all teachers in the county who fail to attend regularly the sessions of the institute; to enforce the course of study, the use of text-books, and the rules and regulations for the examination of teachers prescribed by the proper authority. Preside over teachers' institutes.

Seventh—He shall have power to issue temporary certificates of equivalent grades to persons holding valid secondary or high school, elementary or grammar school, kindergarten-primary and special certificates granted by county boards of education of California; or to persons who are graduates of colleges, normal schools, or universities and who hold valid certificates issued outside of California when, in the judgment of the superintendent, such certificates correspond in grade to any certificate which may be issued under the provisions of section seventeen hundred and seventy-five of the Political Code of California; which temporary certificate when issued between July first and December thirtieth shall expire on January first following; and when issued between January first and June twenty-ninth shall expire on July first following; *provided, further*, that he shall have power to issue temporary elementary certificates valid for two years to graduates of the University of California and to graduates of the Leland Stanford Junior University: *and provided, further*, that no person Issue temporary certificates.

shall be entitled to receive a temporary certificate more than once in the same county.

Distribute laws, etc.

Eighth—To distribute all laws, reports, circulars, instructions, and blanks which he may receive for the use of school officers.

Keep reports.

Ninth—To keep in his office the reports of the superintendent of public instruction.

Keep record of official acts.

Tenth—To keep a record of his official acts, and of all the proceedings of the county board of education, including a record of the standing, in each study, of all applicants examined, which shall be open to the inspection of any applicant or his authorized agent.

Pass upon school-house plans.

Eleventh—Except in incorporated cities having boards of education, to pass upon and approve or reject all plans for schoolhouses. To enable him to do so, all boards of trustees, before adopting any plans for school buildings, must submit the same to the county superintendent for his approval.

Appoint certain trustees.

Twelfth—To appoint trustees to fill all vacancies for the full term thereof; when new districts are organized to appoint trustees for the same, who shall hold office until the first day of May next succeeding their appointment. In case of the failure of the trustees to employ a janitor, as provided in section sixteen hundred and seventeen, subdivision seventh, of this code, he shall appoint a janitor, who shall be paid out of the school fund of the district. Should the board of school trustees of any district fail or refuse to issue an order for the compensation of such service, the superintendent is hereby authorized to issue, without such order, his requisition upon the county school fund apportioned to such district.

Make reports.

Thirteenth—To make reports, when directed by the superintendent of public instruction, showing such matters relating to the public schools in his county as may be required of him.

Preserve records.

Fourteenth—To preserve carefully all reports of school officers and teachers, and, at the close of his official term, deliver to his successor all records, books, documents, and papers belonging to the office, taking a receipt for the same, which will be filed in the office of the county clerk.

Grade schools.

Fifteenth—The county superintendent shall, unless otherwise provided by law, in the month of July of each year grade each school, and a record thereof shall be made in a book to be kept by the county superintendent in his office for this purpose. And no teacher holding a certificate below the grade of said school shall be employed to teach the same.

Appoint census marshal.

Sixteenth—To appoint a school census marshal in any district if the board of trustees or board of education therefor fail to appoint a census marshal within the time fixed by law.

SEC. 2. This act shall take effect immediately.

CHAPTER 669.

An act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Individuals, partnerships or corporations may exchange reciprocal or inter-insurance contracts providing indemnity among each other from fire loss or from other damage to their own property in accordance with the following provisions of this act; *provided*, that no individual, partnership or corporation thus exchanging indemnity shall assume on any single risk an amount greater than ten per cent of the net financial rating of such individual, partnership or corporation; such financial rating to be shown by the reports of a commercial agency having at least one hundred thousand members.

SEC. 2. Such individuals, partnerships or corporations so contracting among themselves shall have the power to appoint an attorney, agent or other representative and shall, through their attorney, agent or other representative, file with the insurance commissioner of this state a certificate in writing, verified by the oath of said attorney, agent or other representative, setting forth:

(a) The name or title by which said individuals, partnerships or corporations intending to make such contracts shall be known. The insurance commissioner may reject any name or title so submitted when the same is an interference with or too similar to one already appropriated or likely to mislead the public in any respect and, in such case, a name not liable to such objection must be chosen.

(b) A verified copy of the form of policy, contract or agreement under or by which such indemnity is to be exchanged.

(c) A verified copy of the form of power of attorney or other authority of any said attorney, agent or other representative setting forth the character of such representation and the authority of such representative.

(d) The location of the office or offices through which said policies, contracts or agreements are to be issued.

(e) Such attorney in fact shall also file a stipulation or agreement in writing that any notice, provided by law or by any insurance policy, proof of loss, summons or other process may be served upon the attorney in fact or upon the insurance commissioner of the State of California, in all actions or in other legal proceedings against such individuals, partnerships or corporations thus exchanging indemnity under the provisions of section one of this act. All notices, proofs of loss, sum-

Exchange of reciprocal insurance contracts.

Attorney.

Certificate

Summons, etc., served on attorney.

mons or other legal process so served shall give jurisdiction over the persons of such individuals, partnerships or corporations thus exchanging indemnity. Whenever such service of notice, proofs of loss, summons or other process shall be made upon the insurance commissioner, he must, within ten days thereafter, transmit by mail, postage paid, a copy of such notice, proof of loss, or summons or other process to the attorney in fact so appointed by such individuals, partnerships or corporations so contracting among themselves and shall be addressed to such attorney in fact at the home or principal office through which such policies are to be issued. The sending of such copy by the insurance commissioner shall be a necessary part of the service of the notice, proof of loss, summons or other process. When any notice, summons or other legal process is served upon the insurance commissioner pursuant to the provisions of this section, the service as to such individuals, partnerships, or corporations thus exchanging indemnity shall be deemed complete at the end of sixty days after the date of the mailing of such copy of such notice, proof of loss, summons or other legal process to the attorney in fact as herein provided for.

Examination of rating of subscribers.

(f) The attorney, agent or other representative shall, whenever and as often as the same shall be requested, file with the insurance commissioner a statement verified by his oath to the effect that he has examined the commercial rating of the individuals, partnerships or corporations, composing the subscribers in such reciprocal or inter-insurance exchange as shown by a commercial agency having at least one hundred thousand subscribers and that, from such examination, it appears that no subscriber of such exchange has assumed on any single risk an amount of liability greater than ten per cent of the net financial rating of such subscriber when such risk was assumed.

Business done in state.

(g) There shall also be filed with the insurance commissioner by any said attorney, agent or other representative, a written stipulation to the effect that all insurance written by him upon property situated within this state shall be deemed to be business done in this state and within the terms and subject as to taxation to the provisions of section 14 of article XIII of the constitution of this state.

Attorney to procure certificate of authority

SEC. 3. The agent, attorney or other representative, by or through whom are issued or negotiated any policies of or contracts or agreements for any insurance or indemnity of the character referred to in section one of this act, shall procure from the insurance commissioner a certificate of authority stating that all the requirements of this act have been complied with and upon such compliance and the payment of a fee of fifty dollars the insurance commissioner shall issue such certificate. Such certificate must be renewed annually, for which a fee of ten dollars shall be paid. Any such certificate so issued as above may be revoked or suspended by the insurance commissioner if any of such individuals, partnerships or corporations exchanging indemnity under the provisions of this act fail to comply with any or all of the requirements of this act.

SEC. 4. The attorney in fact of such individuals, partnerships or corporations composing such reciprocal or inter-insurance exchange shall file with the insurance commissioner of this state, on or before the first of March of each year, upon forms to be prepared by the insurance commissioner, a statement which must exhibit the condition and affairs of such exchange on the 31st day of December then next preceding.

Annual
Statement.

SEC. 5. The insurance commissioner, whenever he deems necessary, must make an examination of the condition and affairs relating to the exchange of indemnity of such individuals, partnerships or corporations composing such reciprocal or inter-insurance exchange and must make such an examination before issuing its original certificate of authority to do business in this state: or where the home office of the inter-insurance or reciprocal exchange is located outside of the State of California, and when such inter-insurance or reciprocal exchange is licensed by the insurance commissioner or department of the state where such home office is located, the insurance commissioner shall accept as satisfactory a certificate of compliance issued by the insurance commissioner or department of the state where said home office is located. Such examination shall verify the certificate and statement filed by the attorney in fact. Such exchange must open its books and papers for the inspection of the insurance commissioner and shall otherwise facilitate such examination and the commissioner may administer oaths and examine under oath any person relative to the contracts of such exchange, and if he finds the books to have been carelessly or improperly kept or posted he must employ sworn experts to rewrite, post and balance the same at the expense of such individuals, partnerships or corporations composing such reciprocal or inter-insurance exchange. Such examination must be conducted in the county where such individuals, partnerships or corporations composing such reciprocal or inter-insurance exchange has its principal office and must be private. Whenever the commissioner shall make such examination as aforesaid the same must be at the expense of the individuals, partnerships and corporations composing such reciprocal or inter-insurance exchange; such expense to be paid in advance, and in the event of refusal to pay such expenses the insurance commissioner may refuse to issue any such certificate of authority and must revoke any existing certificate of authority authorizing such individuals, partnerships and corporations composing such reciprocal or inter-insurance exchange to execute such contracts of indemnity.

Examinations to be made by insurance commissioner.

SEC. 6. Unincorporated inter-indemnity companies who do not issue policies of insurance, who do not charge expenses of management except in liquidation of losses, nor accept premiums from its members shall be exempt from the provisions of this act.

Unincorporated companies exempt.

SEC. 7. All policies and insurance contracts or contracts of

Policies of exchanges not authorized are void.

indemnity upon a risk or risks situated in the State of California, held by an individual, partnership or corporation as a subscriber of any reciprocal or inter-insurance exchange which exchange is not authorized to do business in the State of California shall be null and void; *provided*, that any insurance agreement or agreement for indemnity on goods in transit or the property of common carriers used by such common carriers in the transaction of their business as such carriers shall be deemed not rendered void.

Taxation.

SEC. 8. For the purpose of taxation under the provisions of section 14 of article XIII of the constitution of the State of California all contracts of indemnity upon risks located in this state between individuals, partnerships and corporations under the provisions of this act shall be deemed to be contracts of insurance upon business done in this state under and subject to the provisions of such section 14, article XIII of the constitution of the State of California.

SEC. 9. Individuals, partnerships and corporations exchanging reciprocal or inter-insurance contracts providing indemnity among each other shall be exempt from the provisions of other insurance laws of this state.

SEC. 10. This act shall take effect July 1, 1911.

CHAPTER 670.

An act to amend section 4233 of the Political Code of the State of California, relating to the duties and salaries of officers in counties of the fourth class.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4233 of the Political Code of the State of California is hereby amended to read as follows:

4233. In counties of the fourth class county officers shall receive as compensation for the services required of them by law or by virtue of their office the following salaries, to wit:

1. The county clerk, thirty-six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one deputy county clerk who shall act as clerk of the probate department, who shall receive a salary of eighteen hundred dollars per annum, also one deputy county clerk to act as clerk to the board of supervisors, who shall receive a salary of sixteen hundred dollars per annum, also one deputy county clerk who shall have charge of the registration of voters and who shall receive a salary of fifteen hundred dollars per annum, also three deputy county clerks who shall serve as clerks of the several departments of the superior court, who shall receive a salary of twelve

Salaries of officers in counties of fourth class, county clerk.

hundred dollars per annum each, also one deputy county clerk who shall serve as desk clerk, who shall receive a salary of twelve hundred dollars per annum; *provided, however,* the county clerk shall not be allowed the additional deputy provided by section 4290 of the Political Code of the State of California; also one deputy county clerk who shall receive a salary of nine hundred dollars per annum; the deputies herein provided for shall be appointed by the clerk of said county, and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the county clerk; *provided further,* that in such years as the compilation of a great register of voters is required by law to be made the said clerk may appoint two deputies who shall serve for a term of six months and shall each receive a salary of seventy-five dollars per month, to be paid as are other deputies herein provided for; and also for any such year one additional deputy in each voting precinct in the county, outside the corporate limits of municipalities containing twenty-five thousand or more inhabitants for the purpose of registering electors in such precincts who shall be paid seven cents per name for each elector legally registered by them; *provided,* that the said county clerk may be allowed the actual and necessary expenses incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived, including fees allowed by the government of the United States of America, in all matters pertaining to the naturalization of aliens.

2. The sheriff, four thousand dollars per annum; *provided,* Sheriff. that there shall be and hereby is allowed to the sheriff one under-sheriff whose salary is hereby fixed at the sum of eighteen hundred dollars per annum, also seven deputies who shall each receive a salary of twelve hundred dollars per annum; also one deputy who shall act as matron of the county jail who shall receive a salary of nine hundred (900) dollars per annum. The under-sheriff and deputies herein provided for shall be appointed by the sheriff and paid at the same time and in the same manner and out of the same funds as is the salary of the sheriff; *provided,* that said sheriff shall be allowed the actual necessary expenses incurred in the performance of his official duties. He shall pay into the county treasury all fees and mileage collected by him for the service of papers or process issued by any court of this state.

3. The county recorder, thirty-six hundred dollars per annum, and said recorder may appoint one deputy recorder who shall receive a salary of sixteen hundred dollars per annum, one deputy recorder who shall receive a salary of twelve hundred dollars per annum, also seven deputy recorders who shall receive a salary of nine hundred dollars per annum each. The deputies herein provided for shall be paid at the same time and in the same manner and out of the same funds as the Recorder.

county recorder; *provided*, that such recorder may be allowed the actual necessary expenses incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

Auditor.

4. The county auditor, thirty-six hundred dollars per annum, and said auditor may appoint one deputy auditor who shall receive a salary of sixteen hundred dollars per annum; *provided*, that for the purpose of performing the work imposed upon him by law, in connection with the annual assessment and collection of property taxes, the auditor may be allowed five additional deputies for a period of one month who shall each receive a salary of one hundred dollars, and three additional deputies for a period of one and one half months, who shall each receive a salary of one hundred dollars per month. The deputies herein provided for shall be paid at the same time and in the same manner as is the county auditor; *provided*, that such auditor shall pay into the county treasury all fees received by him in his official capacity.

Treasurer.

5. The county treasurer, thirty-six hundred dollars per annum, and said treasurer may appoint one deputy treasurer who shall receive a salary of sixteen hundred dollars per annum. All fees and commissions collected by him in his official capacity shall be paid into the county treasury; *provided*, that the county treasurer shall be entitled to retain for his own use the fees which are now or which may hereafter be allowed by the state law for the collection and payment to the state treasurer of inheritance taxes. Whenever the fees received on account of any one estate paying inheritance taxes shall exceed the sum of one hundred dollars such excess shall be by the county treasurer paid into the county treasury, as in the case of fees received by him from other sources. The deputy herein provided for shall be paid at the same time and in the same manner and out of the same funds as is the county treasurer.

Tax collector.

6. The tax collector, thirty-six hundred dollars per annum, and said tax collector may appoint one deputy tax collector who shall receive a salary of eighteen hundred dollars per annum, one additional deputy tax collector who shall receive a salary of fifteen hundred dollars per annum, also seven additional deputy tax collectors to serve as such only for a period of two and one half months each year, and who shall receive a salary of one hundred dollars each per month, also three additional deputy tax collectors who shall serve as such only during two months of each year and who shall receive a salary of one hundred dollars each per month, also nine copyists who shall serve only during one month and one half month of each year and shall each receive a salary of seventy-five dollars per month. The deputies and copyists herein provided for shall be paid at the same time and in the same manner and out of the same funds as is the salary of the tax collector; *provided*, that said tax collector shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties and shall pay into the county treasury all

fees received by him in his official capacity from whatever source they may be derived.

7. The license collector, fifteen per cent on the whole amount of licenses collected by him; *provided*, that the entire compensation of said license collector shall not exceed the sum of fifteen hundred dollars per annum. License collector.

8. The county assessor, thirty-six hundred dollars per annum; and said assessor may appoint one chief deputy assessor who shall receive a salary of sixteen hundred dollars per annum, two office deputy assessors who shall each receive a salary of fifteen hundred dollars per annum, also seventeen deputy assessors who shall serve as such during the months of March, April, May and June of each year, who shall each receive a salary of one hundred dollars per month, also eight additional deputy assessors who shall serve as such only during the months of March, April, May, June and July of each year who shall each receive a salary of one hundred dollars per month, also one draughtsman at a salary of twelve hundred dollars per annum, and also seven copyists to serve as such only during four months of each year who shall receive a salary of seventy-five dollars each per month: *provided*, that the above salaries and compensations shall be in full for all services rendered by him as such assessor and that no commission for the collection of state or infirmity poll taxes or personal property taxes shall be retained by him but that all such commissions shall be paid into the county treasury. The deputies and copyists and draughtsman herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the county assessor; *provided*, that the assessor shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties. Assessor.

9. The district attorney, three thousand six hundred dollars per annum; he may appoint a chief deputy at a salary of two thousand two hundred dollars per annum, one assistant district attorney at a salary of eighteen hundred dollars per annum, and one assistant district attorney at a salary of one thousand five hundred dollars per annum; also a deputy district attorney at a salary of one thousand five hundred dollars per annum, one detective who shall serve at a salary of twelve hundred dollars per annum; *provided, however*, that this amount shall be in full for all detective services rendered in counties of this class and no additional sum shall be allowed by the board of supervisors therefor, and a clerk at a salary of twelve hundred dollars per annum, all of whom shall be paid in the same manner as said district attorney; *provided*, that said district attorney shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties. All fees and commissions collected by him shall be paid into the county treasury. District attorney.

10. The coroner and public administrator, such fees as are now or may hereafter be allowed by law. Coroner.

11. The county superintendent of schools, three thousand dollars per annum, and the said superintendent of schools may Superintendent of schools.

appoint a deputy superintendent of schools who shall receive a salary of twelve hundred dollars per annum and the said superintendent of schools shall also be paid his actual traveling expenses when visiting the schools of the county. The deputy herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the superintendent of schools.

Surveyor.

12. The county surveyor, the sum of three thousand dollars per annum. Said surveyor may appoint the chief deputy surveyor who shall receive a salary of sixteen hundred dollars per annum, also one deputy who shall receive a salary of twelve hundred dollars per annum, and one deputy at nine hundred dollars per annum. Such compensation and salaries as above set forth shall be in full for all services as such county surveyor, and all fees and compensation received or collected by him for surveying other than for the county, shall be paid into the county treasury; *provided*, that said county surveyor shall be allowed all necessary transportation and expenses incurred by himself or deputies for work performed in the field, and in the official discharge of his duties, such salaries to be paid at the same time and in the same manner as the salaries of other county officers are paid.

Game warden.

13. The fish and game warden, twelve hundred dollars per annum and the actual and necessary expenses incurred by him in the performance of his official duties, not to exceed fifty dollars for any one month.

Justices of the peace.

14. In counties of this class justices of the peace shall be compensated as follows, and all salaries shall be payable monthly in the same manner as the salaries of county officers are paid, viz.:

(1) In townships having a population of twenty thousand or more, justices of the peace shall each receive a salary of one hundred and fifty dollars per month as for all services rendered by them in criminal cases: *provided, however*, that in all such townships having a population of twenty thousand or more, there shall be two township justices of the peace in and for any such townships, and such justices shall each be allowed a clerk, to be appointed by the justices of the peace at a salary of one hundred dollars per month, payable monthly, in the same manner as salaries of county officers are paid, and shall be furnished with offices and necessary supplies by the board of supervisors.

As compensation for all services rendered in civil cases and in all other matters wherein a justice of the peace may lawfully charge fees for his services, including fees for celebrating marriages and returning certificates thereof, taking acknowledgments, taking depositions, administering oaths, issuing commissions to take testimony, performing services connected with post estrays, performing the duties of coroner, and taking and approving bonds or undertakings including the justification of sureties, justices of the peace may receive and retain for their own use such fees as are now or may hereafter be allowed for such service.

(2) In townships having a population of five thousand and

less than twenty thousand. justices of the peace shall receive the sum of one hundred and thirty-seven dollars and fifty cents per month as salaries for all services rendered by them in criminal cases; as compensation for all services rendered in civil cases and all other matters wherein a justice of the peace may lawfully charge fees for his services, including fees for celebrating marriages and returning certificates thereof, taking acknowledgments, taking depositions, administering oaths, issuing commissions to take testimony, performing services connected with posting estrays, performing the duties of coroner and taking and approving bonds or undertakings, including the justification of sureties, justices of the peace may receive and retain for their own use such fees as are now or may hereafter be allowed for such services.

Justices of
the peace.

(3) In townships having a population of forty-four hundred and less than five thousand, justices of the peace shall each receive as a salary the sum of one hundred and thirty-five dollars per month as full compensation for all services rendered by them in criminal cases; as compensation in all other matters wherein a justice of the peace may lawfully charge fees for his services, including fees in civil cases for celebrating marriages and returning certificates thereof, taking acknowledgments, taking depositions, administering oaths, issuing commissions to take testimony, performing services connected with posting estrays, and taking and approving bonds and undertakings, including the justification of sureties, justices of the peace may receive and retain for their own use such fees as are now or may hereafter be, allowed for such services.

(4) In townships having a population of four thousand and less than forty-four hundred, justices of the peace shall each receive as a salary the sum of one hundred and thirty-five dollars per month, as full compensation for all services rendered by them in both criminal cases and civil cases, and in all cases wherein the justice of the peace performs the duties of coroner. All fees chargeable and collectible by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury.

All matters wherein a justice of the peace may lawfully charge fees for his services, including fees for celebrating marriages and returning certificates thereof, taking acknowledgments, taking depositions, administering oaths, issuing commissions to take testimony, performing services connected with posting estrays, and taking and approving bonds and undertakings, including the justification of sureties, a justice of the peace may collect and retain for his own use such fees as are chargeable by law as his compensation.

(5) In townships having a population of fifteen hundred and less than four thousand, justices shall each receive as a salary the sum of seventy-five dollars per month as full compensation for all services rendered by them in both criminal cases and civil cases. All fees chargeable and collected by

Justices of
the peace.

justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury.

All other matters wherein a justice of the peace may lawfully charge fees for the services, he may collect and retain for his own use such fees as are chargeable by law as his compensation.

(6) In townships having a population of one thousand and less than fifteen hundred, justices of the peace shall each receive as a salary the sum of fifty dollars per month as full compensation for all services rendered by them in both criminal cases and civil cases. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them shall be collected and by them paid monthly into the county treasury.

In all other matters wherein a justice of the peace may lawfully charge fees for his services, he may collect and retain for his own use such fees as are chargeable by law as his compensation.

(7) In townships having a population of less than one thousand, justices of the peace shall each receive as a salary the sum of thirty dollars per month as full compensation for all services rendered by them in both criminal and civil cases. All fees chargeable and collectible by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected and by them paid monthly into the county treasury.

In all other matters wherein a justice of the peace may lawfully charge fees for his services, he may collect and retain for his own use such fees as are chargeable by law as his compensation.

Con-
stables.

15. In counties of this class constables shall be compensated as follows, and all salaries herein provided shall be paid as follows, in the same manner as the salaries of county officers are paid, viz.:

(1) In townships having a population of twenty thousand or more, constables shall each receive a salary of one hundred dollars per month for all services rendered by them in criminal cases. As compensation for all services rendered in civil cases and all other matters wherein they may charge fees for their services, a constable may collect and retain for his own use as his compensation such fees as are now, or may hereafter be allowed by law.

(2) In townships having a population of five thousand and less than twenty thousand, constables shall each receive the sum of seventy-seven dollars and fifty cents per month as a salary for all services rendered by them in criminal cases. As compensation for all services rendered in civil cases and in all other matters wherein they may charge fees for their services, a constable may collect and retain for his own use as his compensation such fees as are now or may hereafter be allowed by law.

(3) In townships having a population of forty-four hundred and less than five thousand, constables shall each receive the sum of seventy-seven dollars and fifty cents per month as a salary for all services rendered by them in criminal cases, civil cases and in the performance of all other duties imposed upon them by law. All fees chargeable and collectible in both criminal cases, civil cases, and in all other cases wherein fees are chargeable by constables, they shall collect in advance and pay monthly into the county treasury.

(4) In townships having a population of four thousand, and less than forty-four hundred, constables shall each receive the sum of seventy-five dollars per month as a salary for all services rendered by them in both criminal and civil cases. All fees collected by them in civil and criminal cases shall be paid by them monthly into the county treasury. For all other services performed by them they may charge and retain for their own use such fees as are chargeable at law.

(5) In townships having a population of fifteen hundred and less than four thousand, constables shall each receive the sum of sixty dollars per month, as a salary for all services rendered in both civil and criminal cases. All fees collected by them in civil and criminal cases shall be paid monthly by them into the county treasury. For all other services performed by them they may charge and collect for their own use such fees as are allowed by law.

(6) In townships having a population of less than fifteen hundred, constables shall each receive the sum of forty dollars per month, as a salary for all services rendered by them both in civil and criminal cases. All fees collected by them both in criminal and civil cases shall be paid monthly into the county treasury. For all other services performed by them, they may charge and collect for their own use such fees as are allowed by law.

Constables shall be allowed all necessary expenses incurred in conveying prisoners. The population herein referred to in classifying the townships for the purpose of regulating the compensation of justices of the peace and constables shall be the population found and determined by the federal census taken in the year 1900; *provided*, that if a township census be taken after the taking of the federal census, under the provisions of section four thousand and fifty-five then such census shall be known and shall become the official census of the township in which the same is taken, and the population therein determined shall be and become the official population of such township; *and provided, further*, that any census of the population of a township under the provisions of subdivisions twelve and a half of section twenty-five of an act entitled, "An act to establish a uniform system of county and township government," approved April 1st, 1897, taken after the federal census of 1900 and prior to the repeal of said subdivision twelve and a half of said act, shall be the official census of said township until the next lawful census thereof.

Popu-
tion of
township.

Supervisors.

16. Each supervisor, two thousand four hundred dollars per annum and mileage of ten cents per mile for each mile actually traveled in going to and from their residence to the county seat or in the performance of the duties required of them by law or by virtue of their office; *provided*, that in attending sessions of the board only four milages shall be allowed for each month and that the total mileage allowed shall not exceed five hundred dollars in any one calendar year; *provided*, that nothing in this subdivision shall be deemed to affect the compensation or mileage of any incumbent supervisor, but said incumbent shall be paid such compensation and allowed such mileage as is now provided and allowed by law.

Jurors.

17. The fees of grand jurors and trial jurors in the superior courts of said counties of the fourth class, in civil and criminal cases shall be three dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only.

In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriation for the payment of the fees herein provided for.

SEC. 2. The provisions of this act shall be in full force and effect from and after its passage.

CHAPTER 671.

An act to provide for the incorporation and organization and management of municipal water districts.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Municipal water district.

SECTION 1. A municipal water district may be organized and incorporated and managed as herein expressly provided and may exercise the powers herein expressly granted or necessarily implied.

People of county may organize.

SEC. 2. The people of any county or portion of a county, whether such portion includes unincorporated territory or not, in the State of California, may organize a municipal water district under the provisions of this act by proceeding as herein provided.

SEC. 3. A petition shall be presented at a regular meeting

of the board of supervisors of the county in which the proposed water district is located, signed by at least twenty-five per centum (25%) of the freeholders, owners of real property, within the boundaries of the proposed municipal water district, which petition shall set forth and particularly describe the proposed boundaries of such water district, and shall pray that the same be incorporated under the provisions of this act, and such petition shall be published for at least two weeks before the time at which the same is to be presented, in some newspaper printed and published in such county or counties, together with a notice stating the time of the meeting at which same will be presented. When such petition is presented the board of supervisors shall give notice of an election to be held in said proposed water district for the purpose of determining whether or not same shall be incorporated. Such notice shall particularly describe the boundaries so established and shall state the proposed name of the proposed incorporation (which name shall contain the words "..... municipal water district") and this notice shall be published at least four weeks prior to such election in a newspaper printed and published within the boundaries named and the said notice shall be posted in two places in each precinct within such boundaries. At such election the proposition to be submitted shall be: "Shall the proposition to organize municipal water district under (naming the chapter containing this act) of the acts of the thirty-ninth session of the California legislature be adopted?" and the election thereupon shall be conducted, the vote canvassed and the result declared in the same manner as provided by law in respect to other county elections. Within four days after such election the vote shall be canvassed by the board of supervisors. If a majority of the votes cast at such election shall be in favor of organizing such municipal water district the county clerk shall immediately transmit to the secretary of state and to the county recorder each a certificate stating that such proposition was adopted. In case less than a majority of the votes cast are in favor of said proposition the organization fails but without prejudice to renewing proceedings at any time in the future.

Petition
to super-
visors.Notice of
election.Proposi-
tion sub-
mitted.

Sec. 4. At an election to be held within such water district under the provisions of this act and the laws governing county elections not inconsistent herewith, the municipal water district thus organized shall proceed within ninety days after its formation, to the election of a board of directors consisting of five members. Two of these members determined by lot among themselves shall hold office for two years and three of them for four years. Thereafter at each biennial water district election either two or three directors, as the case may be, shall be elected for a term of four years. The election of directors of such municipal water district shall be in every second year after its organization, on the fourth Saturday in March and shall be known as the general water district election. A second election shall be held, when necessary, as hereinafter provided, on the third Saturday after such general election.

Elections.

and shall be known as the second general water district election. All other elections which may be held by authority of this act, or of the general laws, shall be known as special water district elections.

Nomina-
tions.

SEC. 5. (1) The mode of nomination and election of all elective officers of such water district to be voted for at any water district election shall be as follows and not otherwise:

(2) The name of a candidate shall be printed upon the ballot when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

Petition.

(3) The petition of nomination shall consist of not less than twenty-five individual certificates, which shall read substantially as follows:

PETITION OF NOMINATION.

Individual certificate.

STATE OF CALIFORNIA }
COUNTY OF..... } ss.

Prec. No.....

I, the undersigned, certify that I do hereby join in a petition for the nomination of whose residence is at No. street, for the office of of the municipal water district to be voted for at the water district election to be held in the municipal water district on the day of, 19...., and I further certify that I am a qualified elector and am not at this time a signer of any other petition nominating any other candidate for the above named office, or, in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office; that my residence is at No. street, and that my occupation is

.....
(Signed).....

STATE OF CALIFORNIA }
COUNTY OF..... } ss.

.....being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed).....

Subscribed and sworn to before me this.....day of....., 19....

.....
Notary Public or Verification Deputy.

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to..... at No. street, California.

County
clerk to
furnish
blanks.

(4) It shall be the duty of the county clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

(5) Each certificate must be a separate paper. All certificates must be of uniform size as determined by the county clerk. Each certificate must contain the name of one signer thereto and no more. Each certificate shall contain the name of one candidate and no more. Each signer must be a qualified elector, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, nor, in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in such office. In case an elector has signed two or more conflicting certificates, all such certificates shall be rejected. Each signer must verify his certificate and make oath that the same is true, before a notary public or a verification deputy, as provided for in this section. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient.

Each certificate separate.

(6) Certification deputies, under this section, must be qualified electors of such municipal water district and shall be appointed by the county clerk or clerks upon application in writing, signed by not less than five qualified electors of such municipal water district. The application shall set forth that the signers thereto desire to procure the necessary signatures of electors for the nomination of candidates for municipal office at an election therein specified, and that the applicants desire the person or persons whose names and addresses are given, appointed as verification deputies, who shall upon appointment be authorized and empowered to take the oath of verification of the signers of petitions of nomination. Such verification deputies need not use a seal, and shall not have power to take oaths for any other purposes whatsoever and their appointments shall continue only until all petitions of nomination, under this section, shall have been filed by the county clerk.

Certification deputies.

(7) A petition of nomination, consisting of not less than twenty-five individual certificates for any one candidate, may be presented to the county clerk not earlier than forty-five days, nor later than thirty days before the election. The county clerk shall endorse thereon the date upon which the petition was presented to him.

Petition presented to county clerk.

(8) When a petition of nomination is presented for filing to the county clerk, he shall forthwith examine the same, and ascertain whether or not it conforms to the provisions of this section. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition can not be filed, and shall return the petition to the person named as the person to whom the same may be returned in accordance with this section. The petition may then be amended and again presented to the clerk as in the first instance. The clerk shall forthwith proceed to examine the petition as hereinbefore provided. If necessary, the board of supervisors shall provide extra

Examination of petition.

help to enable the clerk to perform satisfactorily and promptly the duties imposed by this section.

Signer may withdraw name.

(9) Any signer to a petition of nomination and certificate, may withdraw his name from the same by filing with the county clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Candidate may withdraw name.

(10) Any person whose name has been presented under this section as a candidate may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the county clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election.

Petition filed.

(11) If either the original or amended petition of nomination be found sufficiently signed as hereinbefore provided, the clerk shall file the same twenty-five days before the date of the election. When a petition of nomination shall have been filed by the clerk it shall not be withdrawn nor added to and no signature shall be revoked thereafter.

Petition preserved two years.

(12) The county clerk shall preserve in his office for a period of two years, all petitions of nomination and all certificates belonging thereto, filed under this section.

Certified list of candidates.

(13) Immediately after such petitions are filed, the clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty days before the election certify such list as being the list of candidates nominated as required by the provisions of this act, and the board of supervisors shall cause said certified list of names and the offices to be filled, designating whether for a full term or unexpired term, to be published in the proclamation calling the election at least ten successive days before the election in not more than four newspapers of general circulation published in the county in which such municipal water district is located. Said proclamation shall conform in all respects to the general state law governing the conduct of municipal elections now or hereafter in force, except as above required.

Ballots.

(14) The county clerk shall cause the ballots to be printed and bound and numbered as provided by state law except as otherwise required in this act. The ballots shall contain the list of names and the respective offices as published in the proclamation and shall be in substantially the following form:

GENERAL (OR SPECIAL) DISTRICT ELECTION,
..... *municipal water district*
(inserting date thereof).

Instructions to voters: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing

marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election and obtain another.

(15) All ballots printed shall be precisely on the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the name of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right hand side for questions to be voted upon at municipal water district elections, as provided for under this act. The names of the candidates for each office shall be arranged in alphabetical order, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

All ballots of same size, etc.

(16) The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

No name to be omitted.

(17) The officers to be filled shall be arranged in separate columns in the following order:

Order of officers.

“For director (if any) vote for five.”

“For _____ (if any) vote for one.”

“For _____ (if any) vote for (giving number).”

(18) Half-inch square shall be provided at the right of the name of each candidate wherein to mark the cross.

(19) Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

(20) The county clerk shall cause to be printed sample ballots identical with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election.

Sample ballots.

(21) In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast for all the candidates for that office shall be declared elected; in case there are two or more persons to be elected to an office, as that of director, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected; *provided, however*, that no person shall be declared elected to any office at such first election unless the number of votes received by him shall be greater than one half the number of ballots cast at such election.

Votes necessary to elect.

(22) If at any election held as above provided there be any office to which the required number of persons was not elected, then as to such office the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill said office. The candidates not elected at such first election, equal in number to twice the number to be elected to any given office, or less if so

Second election.

there be, who receive the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election; *provided*, that if there be any person who, under the provisions of this subdivision, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such second election shall be declared elected to such office.

(23) The said second election, if necessary to be held, shall be held three weeks after the first election.

(24) All the provisions and conditions above set forth as to the conduct of an election, so far as they may be applicable, shall govern the second election, except that notice of election need be published twice only; *and provided, also*, that the same precincts and polling places shall, if possible, be used.

(25) If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as hereinafter provided.

(26) No informality in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this act.

Provi-
sions of
municipal
election to
govern.

SEC. 6. The provisions of the law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of municipal elections so far as they may be applicable, shall govern all water district elections; *provided*, that the boards of supervisors shall canvass the returns of the first election, and that thereafter the board of directors shall meet as a canvassing board, and duly canvass the returns within four days after any water district election.

Officer
subject to
recall.

SEC. 7. Every incumbent of an elective office, whether elected by popular vote or appointed to fill a vacancy, is subject to recall by the voters of any municipal water district organized under the provisions of this act, in accordance with the recall provisions of the general laws of the state with reference to municipal corporations.

Board of
directors.

SEC. 8. The board of directors shall be the governing body of such municipal water district. It shall hold its first meeting on the third Monday after its election. It shall choose one of its members president, and shall thereupon provide for the time and place of holding its meetings and the manner in which its special meetings may be called. All legislative sessions of the board of directors whether regular or special shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business. The board of directors shall establish rules for its proceedings.

To act by
ordinance.

SEC. 9. The board of directors shall act only by ordinance or resolution. The ayes and noes shall be taken upon the passage of all ordinances or resolutions and entered upon

the journal of the proceedings of the board of directors. No ordinance or resolution shall be passed or become effective without the affirmative votes of at least three members of the board. The enacting clause of all ordinances passed by the board shall be in these words: "Be it ordained by the board of directors of municipal water district as follows:". All resolutions and ordinances shall be signed by the president of the board of directors and attested by the secretary.

SEC. 10. The board of directors shall, at its first meeting or as soon thereafter as practicable, elect by majority vote, three commissioners who shall constitute the commissioners of the named water district but no director shall be eligible to appointment to such commission. The said commissioners shall have the power of making and entering into all contracts, to appoint a secretary who may be a member of the commission, and such other assistants and employes as may be necessary for the exercise of the powers of the district, to fix their compensation, prescribe their duties and remove any appointee at pleasure, and to generally manage its affairs subject to such restrictions as the board of directors may impose. The commissioners shall receive such compensation as the board of directors shall determine and shall serve during its pleasure. Vacancies in the board of commissioners shall be filled by the board of directors. The secretary of the commission shall act as secretary of the board of directors. Each of the members of the board of directors shall receive, for each attendance at the meetings of the board, five dollars and his necessary expenses and shall receive no other compensation. Any vacancy in the board of directors shall be filled by the remaining members.

Board to elect three commissioners.

SEC. 11. No informality in any proceeding or informality in the conduct of any election, not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the incorporation of any municipal water district, and any proceedings, wherein the validity of such incorporation is denied, shall be commenced within three months from the date of the certificate of incorporation, otherwise said incorporation and the legal existence of said municipal water district and all proceedings in respect thereto shall be held to be valid and in every respect legal and incontestable.

Informality not to invalidate.

SEC. 12. Any municipal water district incorporated as herein provided, shall have power:

Powers of district.

1. To have perpetual succession;
2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;
3. To adopt a seal and alter it at pleasure;
4. To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the district, necessary to the full exercise of its powers;

5. To acquire, or contract to acquire, lands, rights and privileges, and construct, maintain and operate conduits, pipe lines, reservoirs, works, machinery and other property useful or necessary to store, convey, supply or otherwise make use of water for the benefit of the district;

6. To sell water under the control of the district to the municipalities and precincts comprising the same and to the inhabitants thereof without preference to such municipalities and precincts; and it may, whenever there is a surplus above that which may be required by such municipalities and precincts, sell or otherwise dispose of such surplus outside of the district to persons, firms, public or private corporations;

7. To have and exercise the right of eminent domain and, in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the district or any portion thereof with water, whether such property be already devoted to the same use or otherwise, and may condemn any existing water works or system, or any portion thereof owned by any person or corporation. In proceedings relative to the exercise of such right, the district shall have the same rights, powers and privileges as a municipal corporation;

8. To borrow money and incur indebtedness and to issue bonds or other evidences of such indebtedness; also to refund or retire any indebtedness or lien that may exist against the district or property thereof;

9. To cause taxes to be levied for the purpose of paying any obligation of the district;

10. To make contracts, to employ labor and do all acts necessary for the full exercise of the foregoing powers.

SEC. 13. The powers herein enumerated shall, except as herein otherwise provided, be exercised by the board of directors above provided for and elected as prescribed herein.

*President
of commis-
sioners.*

Auditor.

SEC. 14. The commissioners shall elect one of its members president, who shall sign all contracts on behalf of the district and perform such other duties as may be imposed by the commissioners or the board of directors. They shall appoint an auditor, who shall not be a member of the board of directors, and who shall be charged with the duty of installing and maintaining a system of auditing and accounting that shall completely and at all times show the financial condition of the district. He shall draw warrants to pay demands made against the district when such demands have been first approved by at least two of the commissioners. The commissioners shall also designate a depositary or depositaries to have the custody of the funds of the district, all of which depositaries shall give security sufficient to secure the district against possible loss, and who shall pay the warrants drawn by the auditor for demands against the district under such rules as the directors may prescribe.

*Resolution
to incur
bonded in-
debtedness.*

SEC. 15. Whenever the board of directors deem it necessary for the district to incur a bonded indebtedness it shall, by resolution, so declare and state the purpose for which the

proposed debt is to be incurred and the amount thereof, and shall direct the commissioners to take, or cause to be taken, such proceedings as may be necessary to incur such debt and in the manner herein provided.

SEC. 16. The commissioners shall adopt a resolution reciting the adoption of the resolution mentioned in the foregoing section, state the proposition to be submitted to the electors, the amount of debt proposed to be incurred, the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed forty years, and the maximum rate of interest to be paid, which shall not exceed five per cent per annum.

Proposition submitted to electors.

They shall fix a date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred, and shall transmit a certified copy of the resolution fixing such date to the county board of supervisors. It shall be the duty of such board to provide for holding such special election on the day so fixed and in such manner and form as special elections are held and conducted within the municipality.

Election.

Such board shall give notice of the holding of such election, which notice shall contain the resolution adopted by the commissioners of the water district, the location of polling places and the names of the officers selected to conduct the election, which shall consist of one judge, one inspector and two clerks, in each precinct. Such notice shall be published for two weeks in a newspaper published in each municipality in such water district which paper shall be designated by the commissioners of the water district, or if there is no newspaper printed in any municipality, then by posting such notice in three public places therein. All the expenses of holding such election shall be borne by the district and shall be paid or credited to each city or to the county in case of precincts outside of incorporated areas, upon the filing of a verified claim therefor with the secretary of the commission. The returns of such election shall be made, the votes canvassed and the results thereof ascertained and declared as in case of other special elections within such municipalities. The board of supervisors shall certify the result of such election to the commissioners of the water district. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted. In all respects not otherwise provided for herein said election shall be called, managed and directed as is by law provided for special elections in the municipalities or precincts in which such election is to be held.

Notice to be published

SEC. 17. If from such returns it appears that more than two thirds of the votes cast at such election were in favor of and assented to the incurring of such indebtedness, then the commissioners may, by resolution, at such time or times as they deem proper, provide for the form of such bonds and for the issuance of any part thereof, and may sell or dispose of the bonds so issued at such times or in such manner as they deem to be to the public interest.

Two thirds vote necessary to carry.

Bonds
exempt
from
taxation.

SEC. 18. Any bonds issued by any district are hereby given the same force, value and use as bonds issued by any municipality and shall be exempt from all taxation within the State of California.

Commis-
sioners
may
con-
struct
works
across
streams,
streets,
etc.

SEC. 19. The commissioners shall have power to construct works across any stream of water, watercourse, street, avenue, highway, railway, canal, ditch, or flume which the route of said works may intersect or cross: *provided*, such works are constructed in such manner as to afford security for life and property, and said commissioners shall restore the crossings and intersections to their former state as near as may be, or in a manner not to have impaired unnecessarily their usefulness. Every company whose right of way shall be intersected or crossed by said works shall unite with said commissioners in forming said intersections and crossings and grant the rights therefor. The right of way is hereby given, dedicated and set apart to locate, construct and maintain said works over and through any of the lands which are now or may be the property of this state, and to have the same rights and privileges appertaining thereto as have been or may be granted to the municipalities within the state.

Municipal-
ities to fix
rates,
collect
charges,
etc.

SEC. 20. The commissioners shall have no supervision or control of any of the distributing systems of the several municipalities, but the distribution of water in said municipalities, the fixing of rates and collecting of charges therefor shall be under the exclusive supervision and control of each such municipality, and the control of the district shall end with the delivery of water to the several municipalities at the point of delivery by said district: *provided*, that until a municipality or a precinct shall acquire a distributing system the district may own and lease the same to the municipality or precinct upon such terms as may be mutually agreed upon.

Estimate
of water
needed by
each
municipi-
ality.

SEC. 21. Immediately after the organization of the board an estimate may be prepared of the probable amount of water that will be used by the several municipalities and precincts comprising said district, which estimate shall be based upon the population of said municipalities and precincts and thereafter the board may, in lieu of the other methods of procuring funds herein provided, notify the several municipalities of the estimated probable cost of the organization and conduct of such district, exclusive of the purchase of lands and the construction of works, canals and reservoirs, and the proportionate amount payable from each of such cities, whereupon each of such municipalities shall be required to contribute to said district its proportionate amount of the cost of organization of said district: *provided*, that the sums so paid by each of such municipalities shall be credited to the municipality making the payment and the same deducted from the charge for water first delivered to said municipality as herein provided.

What rate
must
cover.

SEC. 22. The commissioners in the furnishing of water to any municipality or precinct shall fix such rate as will pay the operating expenses of the district, provide for repairs and depreciation of works owned or operated by it, pay the interest

on any bonded debt, and, so far as possible, provide a sinking or other fund for the payment of the principal of such debt as it may become due; it being the intention of this section to require the district to pay the interest and principal of its bonded debt from the revenues of the district.

SEC. 23. If, from any cause, the revenues of the district shall be inadequate to pay the principal or interest on any bonded debt as it becomes due, then the board of directors may cause a tax to be levied for that purpose as herein provided. Tax levy to meet deficiency.

SEC. 24. The board of directors shall determine the amount necessary to be raised by taxation and shall fix a rate of tax to be levied which will raise the amount of money required by the district. The commissioners shall thereupon, and within a reasonable time previous to the time when the board of supervisors is required by law to fix its tax rate, certify to the board of supervisors the rate so fixed with a direction that at the time and in the manner required by law for the levying of taxes for municipal purposes, such board of supervisors shall levy and collect a tax in addition to such other tax as may be levied by such board of supervisors at the rate so fixed and determined, and it is made the duty of the officer or body having authority to levy taxes within each county to levy the tax so required. And it shall be the duty of all county officers charged with the duty of collecting taxes, to collect such tax in time, form and manner as county taxes are collected and when collected, to pay the same to the district ordering its levy and collection. Such tax shall be a lien on all property within the territory comprising the district and of the same force and effect as other liens for taxes, and its collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes. Tax levy.

County officers to collect taxes.

SEC. 25. Ordinances may be passed by the electors of any municipal water district organized under the provisions of this act in accordance with the methods provided by the general laws of the state for direct legislation in municipal corporations. Ordinances may be passed by electors.

SEC. 26. Ordinances may be disapproved and thereby vetoed by the electors of any such municipal water district by proceeding in accordance with the methods provided by the general laws of the state for protesting against legislation in municipal corporations. Ordinances may be vetoed by electors.

SEC. 27. Any portion of a county or any municipality, or both, may be added to any water district organized under the provisions of this act, at any time upon petition presented in the manner herein provided for the organization of such water district, which petition may be granted by ordinance of the board of directors of such water district. Such ordinance shall be submitted for adoption or rejection to the vote of the electors in such water district and in the proposed addition, at a general or special election held as herein provided, within seventy days after the adoption of such ordinance. If such ordinance is approved the president and secretary of the board of directors shall certify that fact to the secretary of state and Municipality may be added to district.

to the county recorder of the county or counties in which such water district is located.

Nothing repealed.

Definitions.

SEC. 28. Nothing in this act shall be so construed as repealing or in any wise modifying the provisions of any other act relating to water or the supply of water to, or the acquisition thereof by, municipalities within this state. The term "municipality," as used in this act, shall include a consolidated city and county, city or town, and the word "district" shall apply, unless otherwise expressed or used, to a water district formed under the provisions of this act, and the word "board" and the words "board of directors" shall apply to the board of directors of such district, and the word "commissioners" shall apply to the commissioners of such water district, and the commissioners shall be regarded as a board of commissioners.

SEC. 31. This act shall take effect from and after its passage and approval.

CHAPTER 672.

An act to provide for the electrical wiring and for electrical instruments in the state normal school buildings at Chico, California, and making an appropriation therefor.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation: electrical wiring, Chico normal.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of two thousand dollars for the purpose of electrical wiring and for placing electrical instruments, for properly using the same and generating electrical energy in the state normal school buildings at Chico, California.

SEC. 2. The state controller is hereby directed to draw his warrant or warrants for the money herein appropriated, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 673.

An act to provide for the construction of a fence around the premises of the state forestry station at Chico, California, and making an appropriation therefor.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of three hundred and seventy-five dollars, for the purpose of con-

structing a fence around the premises of the state forestry station at Chico, California.

Appropriation:
fence,
Chico
forestry
station.

SEC. 2. The controller is hereby authorized and directed to draw his warrant for the same payable to the order of the regents of the University of California, and the treasurer of state is hereby directed to pay such warrants.

CHAPTER 674.

An act to amend section 4 of an act approved March 26, 1895, entitled "An act to create and administer a public school teachers' annuity and retirement fund in the several counties and cities and counties in the state," as amended March 29, 1897; as amended March 23, 1901; as amended March 20, 1903; as amended March 11, 1909.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four of an act approved March 26, 1895, entitled "An act to create and administer a public school teachers' annuity and retirement fund in the several counties and cities and counties in the state," as amended March 29, 1897; as amended March 23, 1901; as amended March 20, 1903; as amended March 11, 1909, is hereby amended to read as follows:

Section 4. In addition to the powers hereinbefore granted to said board, it shall have the power, (1) to provide for the payment of its necessary expenses, such as printing, stationery and postage stamps; and where the number of those subject to the burdens of this act is greater than one hundred, it may employ a clerk at a salary not to exceed one hundred and twenty dollars per annum, and (2) to make such needful rules and regulations for the transaction of its business, from time to time, as may be necessary; the said expenses and the said clerk's salary shall be paid from the annuity fund in such counties, or consolidated cities and counties, wherein there shall be "annuity funds," but wherever there shall be no "annuity fund," the said expenses shall be paid from the "distribution fund," and the said salary from the reserve fund.

Powers of
teachers'
annuity
fund's
board.

CHAPTER 675.

An act to cede to the United States of America upon certain conditions and reservations certain lands in possession of the United States to which the State of California holds a tax title.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Grant of
land for
Sohoda
Indians.

SECTION 1. The State of California hereby grants and cedes to the United States of America, for the use of the Sohoda Indians, all the right, title and interest of the State of California, in and to that certain tract of land situated in Riverside county, State of California, and described as Tract No. 8, Rancho San Jacinto Viejo in said Riverside county, otherwise described as fractional section 31 and fractional section 32, in township 4 south of range 1 east, San Bernardino base and meridian, and fractional section 4, fractional section 5, fractional section 6 in township 5 south of range 1 east, San Bernardino base and meridian, in California; *provided*, that the sum of seven hundred and seventy-five dollars due for taxes thereon be paid to the state controller before letters patent issue as hereinafter provided; *and provided, further*, that this state reserves the right to serve and execute in said lands, all civil process not incompatible with this section, and such criminal process as may lawfully issue under the authority of this state against any person or persons charged with crimes.

SEC. 2. Letters patent to the United States of America for the land above designated shall be issued in the manner prescribed by the constitution and laws.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 676.

An act granting to the city of Long Beach the tide lands and submerged lands of the State of California within the boundaries of the said city.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Tide lands
granted to
Long
Beach.

SECTION 1. There is hereby granted to the city of Long Beach, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State

of California, held by said state by virtue of its sovereignty, in and to all the tide lands and submerged lands, whether filled or unfilled, within the present boundaries of said city, and situated below the line of mean high tide of the Pacific ocean, or of any harbor, estuary, bay or inlet within said boundaries, to be forever held by said city, and by its successors, in trust for the uses and purposes, and upon the express conditions following, to wit:

(a) That said lands shall be used by said city and by its successors, solely for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatsoever: *provided*, that said city, or its successors, may grant franchises thereon, for limited periods, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, for purposes consistent with the trusts upon which said lands are held by the State of California and with the requirements of commerce or navigation at said harbor;

Purposes for which lands may be used.

(b) That said harbor shall be improved by said city without expense to the state, and shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have, at all times, the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands, or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California;

Harbor improved without expense to state.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures or appliances mentioned in paragraph (a), no discrimination in rates, tolls, or charges, or in facilities, for any use or service in connection therewith shall ever be made, authorized or permitted by said city or by its successors;

No discrimination in rates.

Reserving, however, in the people of the State of California the absolute right to fish in the waters of said harbor, with the right of convenient access to said waters over said lands for said purpose.

Right to fish reserved to people.

CHAPTER 677.

An act to regulate the public service of stallions and jacks in the State of California.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Jacks and stallions for public service to be registered.

SECTION 1. Every association, person, firm or corporation standing or offering any stallion or jack for public service in this state shall cause the name, description, and pedigree of such stallion or jack to be enrolled by a stallion registration board hereinafter provided for, and secure a license from said board, as provided in section 3 of this act. All enrollment and verification of pedigree shall be done in the office of the secretary of the California state board of agriculture. All license certificates for stallions or jacks issued under this act shall thereupon be presented to and recorded by the county recorder of the county or counties in which said stallion or jack is used for public service.

Stallion registration board.

SEC. 2. In order to carry out the provisions of this act, there shall be constituted a stallion registration board, whose duty it shall be to verify and register pedigrees; to pass upon certificates of veterinary examination; to provide, when necessary, for veterinary inspection; to issue stallion or jack license certificates; to make all necessary rules and regulations; and to perform such other duties as may be necessary to carry out and enforce the provisions of this act. Said board shall hold meetings at the office of the secretary of the California state board of agriculture the first Tuesday and subsequent days of February, May, August, and November of each year, and such other meetings as may be necessary. Said stallion registration board shall be composed of three members, consisting of the president and the secretary of the California state board of agriculture and the state veterinarian.

Meetings.

Members.

Stallion must be free from disease, etc.

SEC. 3. In order to obtain the license certificate herein provided for, the owner of each stallion or jack shall forward an affidavit signed by a licensed veterinarian to the effect that he has personally examined such stallion or jack, and that, to the best of his knowledge and belief, said stallion or jack is free from hereditary, infectious, contagious, or transmissible disease or unsoundness. The owner of said stallion or jack shall also furnish to the stallion registration board the stud-book certificate of registry of the pedigree of the said stallion or jack when said stallion or jack is registered, and all other necessary papers relative to his breeding and ownership. Upon verification of pedigree and certificate of breeding (in case of pure-bred stallions and jacks), and receipt of veterinarian's affidavit, as provided for in this act, a license certificate shall be issued to the owner.

SEC. 4. The presence of any one of the following named diseases shall disqualify a stallion or jack for public service, and the examining or inspecting veterinarian is hereby duly authorized to refuse to give an affidavit of soundness to the owner of such stallions or jacks affected with any one or more of the diseases herein specified in a transmissible or hereditary form, and the examining or inspecting veterinarian shall so report the same to the secretary of the stallion registration board. Laryngeal hemiplegia, (roaring or whistling); pulmonary emphysema. (heaves, broken wind): chorea, (St. Vitus' dance, crampiness, shivering, stringhalt); bone spavin; ring-bone; sidebone; navicular disease; osteoporosis; curb, when accompanied with faulty conformation of hock; glanders, farcy; maladie du coit; urethral gleet; mange; or any contagious or infectious disease, and the said board is hereby authorized to refuse its certificate of enrollment for any stallion or jack affected with any one of the diseases herein above mentioned and to revoke the previously issued enrollment certificate of any stallion or jack found on subsequent examination and investigation to be so affected.

Diseases which disqualify.

SEC. 5. The stallion registration board shall make and keep records of all stallions and jacks enrolled in the State of California; said stallions or jacks to be enrolled as "pure-bred," "cross-bred," "non-standard bred," "grade," or "mongrel," according as the facts may have been determined. Upon making the enrollment of said stallion or jack, said stallion registration board shall issue the above said license. The stallion registration board is authorized, in cases of emergency, to grant temporary license certificates without veterinary examination, upon receipt of an affidavit of the owner to the effect that, to the best of his knowledge and belief, said stallion or jack is free from infectious, contagious, or transmissible disease or unsoundness. Temporary license certificate shall be valid only until veterinary examination can reasonably be made.

Records.

Temporary certificates.

SEC. 6. The owner of any stallion or jack used for public service in this state shall post and keep affixed, during the entire breeding season, copies of the license certificate of such stallion or jack, issued under the provisions of this act, in a conspicuous place, both within and upon the outside of the main door leading to every stable or building where the said stallion or jack is used for public service. Each bill and poster and each newspaper advertisement shall show the enrollment certificate number, and state whether it reads "pure-bred," "grade," "cross-bred," "non-standard bred" or "mongrel" and it shall be illegal to print or advertise any misleading reference to the breeding of said stallion or jack, his dam or his sire.

Certificate to be posted.

Advertisement to show certificate number, etc.

SEC. 7. The license certificate issued for a stallion or jack whose sire and dam are of pure breeding, and the pedigree of which is registered in a studbook recognized by the United States department of agriculture, Washington, D. C., an act

Form of certificate of stallion or jack of pure breeding.

regulating the importation of breeding animals, approved March 3, 1903, shall be in the following form:

CALIFORNIA STALLION REGISTRATION BOARD.

Certificate of pure-bred stallion or jack, No.....
 The pedigree of the stallion or jack (name).....
 Owned by
 Bred by

Described as follows:

Color Breed
 Foaled in the year has been duly examined, and it is hereby certified that the said stallion or jack is registered as number in studbook, said studbook being recognized and certified to by the secretary of the department of agriculture, Washington, D. C., and is of pure breeding. The above named stallion or jack has been examined by veterinarian, and is reported as free from infectious, contagious or transmissible disease or unsoundness, and is licensed to stand for public service in the State of California.

This license expires on, 19.....

(Signed)
 Secretary California Stallion Registration Board.

Dated this, 19....., at Sacramento, Cal.

Not pure-bred.

The license certificate issued for a grade stallion or jack, whose sire or dam is not pure-bred, shall be in the following form:

CALIFORNIA STALLION REGISTRATION BOARD.

Certificate of grade stallion or jack, No.....
 The pedigree of the stallion or jack (name).....
 Owned by
 Bred by

Described as follows:

Color Foaled in the year has been duly examined, and it is hereby certified that the said stallion or jack is not of pure breeding, and is, therefore, not eligible for registration in any studbook recognized and certified to by the secretary of the department of agriculture, Washington, D. C. The above named stallion has been examined by veterinarian, and is reported as free from infectious, contagious, or transmissible disease or unsoundness, and is licensed to stand for public service in the State of California.

This license expires on, 19.....

(Signed)
 Secretary California Stallion Registration Board.

Dated this, 19....., at Sacramento, Cal.

The license certificate issued for a stallion whose sire and

dam are pure-bred, but not of the same breed, shall be in the following form:

Pure-bred,
but not of
same
breed.

CALIFORNIA STALLION REGISTRATION BOARD.

Certificate of cross-bred stallion, No.....
The pedigree of the stallion (name).....
Owned by
Bred by

Described as follows:

Color Foaled in the year, has been duly examined, and it is found that his sire is registered in the studbook as number volume, at page and his dam in the studbook as number volume and page

Such being the case, the said stallion is not eligible for registration in any studbook recognized and certified to by the secretary of the department of agriculture, Washington, D. C. The above named stallion has been examined by veterinarian, and is reported as free from infectious, contagious or transmissible disease or unsoundness, and is licensed to stand for public service in the State of California.

This license expires on, 19....

(Signed)
Secretary California Stallion Registration Board.

Dated this, 19...., at Sacramento, Cal.

The license certificate issued for a non-standard bred stallion, shall be in the following form:

Non-
standard
bred.

CALIFORNIA STALLION REGISTRATION BOARD.

Certificate of non-standard bred stallion, No.....
The pedigree of the stallion (name).....
Owned by
Bred by

Described as follows:

Color Foaled in the year, has been duly examined, and it is hereby certified and found that said stallion is not eligible to registration as standard bred, and for the purpose of this license is not pure-bred, although recorded in the non-standard department of the American trotting register.

The above named stallion has been examined by veterinarian, and is reported as free from infectious, contagious or transmissible disease or unsoundness, and is licensed to stand for public service in the State of California.

This license expires on, 19....

(Signed)
Secretary California Stallion Registration Board.

Dated this, 19...., at Sacramento, Cal.

CALIFORNIA STALLION REGISTRATION BOARD.

"Mongrel."

Certificate of "mongrel" stallion or jack, No.....
 The pedigree, as far as known or traced, of the stallion or jack (name)
 Owned by
 Bred by

Described as follows:

Color Foaled in the year has been duly examined, and it is hereby certified that the said stallion or jack is of mongrel breeding, and is not eligible for registration in any studbook recognized and certified to by the secretary of the department of agriculture, Washington, D. C.

The above named stallion has been examined by veterinarian, and is reported as free from infectious, contagious, or transmissible disease or unsoundness, and is licensed to stand for public service in the State of California.

This license expires on, 19....

(Signed)

Secretary California Stallion Registration Board.

Dated this, 19.... at Sacramento, Cal.

Fee.

SEC. 8. A fee of two dollars and fifty cents shall be paid to the secretary of the California stallion registration board for the examination and enrollment of each stallion or jack pedigree, and for issuance of a license certificate in accordance with the breeding of the stallion or jack as above provided, which shall be in force and effect for a period of one year from its date, and for the purpose of carrying out the provisions of this act. The fee shall be paid to the secretary of the California stallion registration board at the time the application is made for enrollment. Upon a transfer of the ownership of any stallion or jack enrolled under the provisions of this act, the certificate of enrollment may be transferred to the transferee by the secretary of the California stallion registration board, upon submittal of satisfactory proof of such transfer of ownership, and upon payment of a fee of one dollar. A fee of one dollar shall be paid annually for the renewal of a license certificate. A fee of one dollar shall be paid for a duplicate license certificate, upon proof of the loss or destruction of the original certificate.

Transfer of ownership.

Duplicate certificate.

Examination of licensed stallion upon complaint.

SEC. 9. Every stallion or jack for which a license has been issued shall be exempt from further examination, unless from later developments it becomes known, and a complaint is filed, certified to by three men, one of whom shall be licensed veterinarian, that said stallion or jack has some hereditary, contagious, or infectious disease which was not evident at the time of previous examination. When such complaint is made, and a request for examination is asked, such complaint shall be filed with the secretary of the California stallion registration board, who shall have another examination made, but

the owner of the stallion or jack shall have the right to select a veterinarian legally qualified to practice as such in this state, to act with such examining veterinary, and in case these two shall fail to agree upon a verdict or decision these two veterinarians shall appoint a third qualified veterinarian, with the consent and approval of said board and owner, who shall act as referee therein, and the decision of said referee shall be final. If such complaint is found to be correct it shall be so reported to the secretary, who shall revoke the license in force; *provided*, that the owner of any stallion used for public service in this state shall have a lien on all colts sired by said stallion for the service fee for a period of one year from the date of the foaling of said colt, as now provided by law.

SEC. 10. Every association, person, firm or corporation violating any of the provisions of this act, shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars (\$100) for each offense; or by imprisonment in the county jail not exceeding fifty days, or by both such fine and imprisonment.

Penalty
for
violation.

SEC. 11. The funds accruing from the above named fees shall be used by the said stallion registration board to defray the expenses of enrollment of pedigrees and issuance of licenses; to provide for the examination of stallions and jacks when necessary; to publish reports or bulletins containing lists of stallions and jacks examined, which shall be not less than one in each year; to encourage the horse breeding interests in this state; to disseminate information pertaining to horse breeding, and for any other purposes as may be necessary to carry out the purposes and enforce the provisions of this act. Each member of the above committee shall receive his actual expenses incurred while in the performance of any duty imposed under the provisions of this act; the secretary of said board shall receive for his services an amount to be fixed and agreed upon by said board. It shall be the duty of the said stallion registration board to enforce the provisions of this act, and to make an annual report, including financial statement, to the governor of the state on September 15th of each year.

Disposition
of
fees.

Duty of
board to
enforce
act.

SEC. 12. This act shall take effect and be in force on August 1st, 1911.

CHAPTER 678.

An act making an appropriation for the purchase and installation of improved material and machinery, and improvements for the state printing office and bindery, and specifying the duties of the superintendent of state printing, board of examiners, state controller and state treasurer in relation thereto.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
printing
machinery,
state printing
office.

SECTION 1. The sum of fourteen thousand (14,000) dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purchase of improved printing and binding material and machinery, and improvements for the state printing office and bindery, and for installing the same.

SEC. 2. The superintendent of state printing, by and with the consent of the governor, shall purchase such material and machinery and improvements as he considers necessary, and shall file all bills for payment of same with the state board of examiners for approval, as provided in section six hundred and seventy-two of the Political Code.

SEC. 3. The state controller is hereby directed to draw his warrant for this amount and the state treasurer to pay the same.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER 679.

An act appropriating and transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-ninth session of the legislature and directing the state controller and state treasurer to make such transfer.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
legislative
printing.

SECTION 1. The sum of fourteen thousand dollars is hereby appropriated and ordered transferred from the general fund to the state printing fund, to defray the printing expenses of the thirty-ninth session of the legislature.

SEC. 2. The state controller and state treasurer are hereby directed to make said transfer in conformity with section one of this act.

SEC. 3. This act shall take effect immediately.

CHAPTER 680.

An act making an appropriation to pay for replumbing, painting and repairing the administration building and the east and west cottages of the Preston School of Industry.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of ten thousand dollars, to be used for the replumbing, painting and repairing of the administration building and of east and west cottages at the Preston School of Industry.

Appropriation: repairing building, Preston School of Industry.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for the amount herein made payable in favor of the person or persons authorized by law to receive the same, in such amounts and at such times as may be approved by the state board of examiners and the treasurer is directed to pay the same. Of the total amount hereby appropriated three thousand dollars shall be available July 1, 1911, and seven thousand dollars July 1, 1912.

CHAPTER 681.

An act to amend sections 1183, 1184, 1185, 1187, 1190, 1192, 1193, 1194, 1195, 1197, 1202 and 1203, of the Code of Civil Procedure of the State of California and to repeal sections 1183a, 1200 and 1203a of said code, all relating to the liens of mechanics and others.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1183 of the Code of Civil Procedure is hereby amended to read as follows:

1183. Mechanics, materialmen, contractors, sub-contractors, artisans, architects, machinists, builders, miners, teamsters and draymen, and all persons and laborers of every class performing labor upon, or bestowing skill or other necessary services, or furnishing materials to be used or consumed in or furnishing appliances, teams and power contributing to the construction, alteration, addition to or repair, either in whole or in part, of any building, wharf, bridge, ditch, flume, aqueduct, well, tunnel, fence, machinery, railroad, wagon

Mechanics have lien upon property on which they have labored, etc.

road or other structure, shall have a lien upon the property upon which they have bestowed labor or furnished materials, for the value of such labor done and materials furnished and for the value of the use of such appliances, teams or power, whether at the instance of the owner, or of any other person acting by his authority or under him, as contractor or otherwise; and every contractor, sub-contractor, architect, builder or other person having charge of the construction, alteration, addition to or repair either in whole or in part of any building, or other improvement as aforesaid shall be held to be the agent of the owner for the purposes of this chapter. Any person who performs labor in any mining claim or claims, or in or upon any real property worked as a mine, either in the development thereof or in working thereon by the subtractive process or furnishes materials to be used or consumed therein, has a lien upon the same and the works owned and used by the owners for milling or reducing the ores from the same, for the value of the work or labor done or materials furnished by each respectively, whether done or furnished at the instance of the owner of such mining claim or claims or real property worked as a mine, or his agent, and every contractor, sub-contractor, superintendent or other person having charge of any mining or work or labor performed in and about such mining claim or claims or real property worked as a mine, either as lessee or under a working bond or contract thereon shall be held to be the agent of the owner for the purposes of this chapter. The liens in this chapter provided for shall be direct liens, and shall not in the case of any claimants, other than the contractor be limited, as to amount, by any contract price agreed upon between the contractor and the owner except as hereinafter provided; but said several liens shall not in any case exceed in amount the reasonable value of the labor done or material furnished, or both, for which the lien is claimed, nor the price agreed upon for the same between the claimant and the person by whom he was employed; nor in any case, where the claimant was employed by a contractor, or sub-contractor, shall the lien extend to any labor or materials not embraced within or covered by the original contract between the contractor and the owner, or any modification thereof made by or with the consent of such owner, and of which such contract, or modification thereof, the claimant shall have had actual notice before the performance of such labor or the furnishing of such materials. The filing of such original contract, or modification thereof, in the office of the county recorder of the county where the property is situated, before the commencement of the work, shall be equivalent to the giving of such actual notice by the owner to all persons performing work or furnishing materials thereunder. In case said original contract shall, before the work is commenced, be so filed, together with a bond of the contractor with good and sufficient sureties in an amount not less than fifty (50) per cent of the contract price named in said contract, which bond

Mines.

Limit of
liens.

shall in addition to any conditions for the performance of the contract, be also conditioned for the payment in full of the claims of all persons performing labor upon or furnishing materials to be used in such work, and shall also by its terms be made to inure to the benefit of any and all persons who perform labor upon or furnish materials to be used in the work described in said contract so as to give such persons a right of action to recover upon said bond in any suit brought to foreclose the liens provided for in this chapter or in a separate suit brought on said bond, then the court must, where it would be equitable so to do, restrict the recovery under such liens to an aggregate amount equal to the amount found to be due from the owner to the contractor, and render judgment against the contractor and his sureties on said bond for any deficiency or difference there may remain between said amount so found to be due to the contractor and the whole amount found to be due to claimants for such labor or materials or both. No change or alteration of the work or modification of any such contract between the owner and his contractor shall release or exonerate any surety or sureties upon any bond given under this section. It is the intent and purpose of this section to limit the owner's liability, in all cases, to the measure of the contract price where he shall have filed or caused to be filed in good faith with his original contract a valid bond with good and sufficient sureties in the amount and upon the conditions as herein provided. It shall be lawful for the owner to protect himself against any failure of the contractor to perform his contract and make full payment for all work done and materials furnished thereunder by exacting such bond or other security as he may deem satisfactory.

Limit to
owner's
liability.

SEC. 2. Section 1184 of the Code of Civil Procedure is hereby amended to read as follows:

1184. Any of the persons mentioned in the preceding section, except the contractor, may at any time give to the owner a notice that they have performed labor or furnished materials, or both, to the contractor or other person acting by the authority of the owner, or that they have agreed to do so, stating in general terms the kind of labor and materials and the name of the person to or for whom the same was done or furnished, or both, and the amount in value, as near as may be, of that already done or furnished, or both, and of the whole agreed to be done or furnished, or both, and any of said persons who shall on the written demand of the owner refuse to give such notice shall thereby deprive himself of the right to claim a lien under this chapter. Such notice may be given by delivering the same to said owner personally, or by leaving it at his residence or place of business with some person in charge, or by delivering it to his architect, or by leaving it at the latter's office with some person in charge. No such notice shall be invalid by reason of any defect in form; *provided*, it is sufficient to inform the owner of the substantial matters herein provided for. Upon such notice being given it shall be lawful for the owner to withhold, and in the case of

Notice to
owner of
labor per-
formed and
materials
furnished.

property which, for reasons of public policy or otherwise, is not subject to the liens in this chapter provided for, the owner or person who contracted with the contractor, shall withhold from his contractor sufficient money due or that may become due to such contractor to answer such claim and any lien that may be filed therefor including the reasonable cost of any litigation thereunder.

SEC. 3. Section 1185 of the Code of Civil Procedure is hereby amended to read as follows:

Land
subject to
lien.

1185. The land upon which any building, improvement, well or structure is constructed, together with a convenient space about the same, or so much as may be required for the convenient use and occupation thereof, to be determined by the court on rendering judgment, is also subject to the lien, if at the commencement of the work, or of the furnishing of the material for the same, the land belonged to the person who caused said building, improvement, well or structure to be constructed, altered or repaired, but if such person, owned less than fee simple estate in such land, then only his interest therein is subject to such lien, except as provided in section 1192 of this code.

SEC. 4. Section 1187 of the Code of Civil Procedure is hereby amended to read as follows:

Claim of
lien filed in
recorder's
office.

1187. Every original contractor, claiming the benefit of this chapter, within sixty days after the completion of his contract, and every person save the original contractor claiming the benefit of this chapter, within thirty days after he has ceased to labor or has ceased to furnish materials, or both; or at his option, within thirty days after the completion of the original contract, if any, under which he was employed, must file for record with the county recorder of the county or city and county in which such property or some part thereof is situated, a claim of lien containing a statement of his demand after deducting all just credits and offsets, with the name of the owner or reputed owner, if known, also the name of the person by whom he was employed, or to whom he furnished the materials, with a statement of the price, if any, agreed upon for the same and when payable, and of the work agreed to be done and when the same was to be done, if agreed upon, and also a description of the property to be charged with the lien, sufficient for identification, which claim must be verified by the oath of himself or of some other person. Any trivial imperfection in the said work, or in the completion of any contract by any lien claimant, or in the construction of any building, improvement or structure, or of the alteration, addition to, or repair thereof, shall not be deemed such a lack of completion as to prevent the filing of any lien; and, in all cases, any of the following shall be deemed equivalent to a completion for all the purposes of this chapter: the occupation or use of a building, improvement, or structure, by the owner, or his representative; or the acceptance by said owner or said agent, of said building, improvement, or structure, or cessation from labor for thirty days upon any contract or upon any building,

improvement or structure or the alteration, addition to, or repair thereof; the filing of the notice hereinafter provided for. The owner may within ten days after completion of any contract, or within forty days after cessation from labor thereon, file for record in the office of the county recorder of the county where the property is situated, a notice setting forth the date when the same was completed, or on which cessation from labor occurred, together with his name and the nature of his title, and a description of the property sufficient for identification, which notice shall be verified by himself or some other person on his behalf. The fee for recording the same shall be one dollar. In case such notice be not so filed then the said owner and all persons deraining title from or claiming any interest through him shall be estopped in any proceedings for the foreclosure of any lien provided for in this chapter from maintaining any defense therein based on the ground that said lien was not filed within the time provided in this chapter; *provided*, that all claims of lien must be filed within ninety days after the completion of any building, improvement or structure, or the alteration, addition or repair thereto.

Owner may file record of completion with recorder.

SEC. 5. Section 1190 of the Code of Civil Procedure is hereby amended to read as follows:

1190. No lien provided for in this chapter binds any property for a longer period than ninety days after the same has been filed, unless proceedings be commenced in a proper court within that time to enforce the same; or, if a credit be given, then ninety days after the expiration of such credit; but no lien continues in force for a longer time than one year from the time the work is completed, by any agreement to give credit, and in case such proceedings be not prosecuted to trial within two years after the commencement thereof, the court may in its discretion dismiss the same for want of prosecution, and in all cases the dismissal of such action (unless it be expressly stated that the same is without prejudice) or a judgment rendered therein that no lien exists, shall be equivalent to the cancellation and removal from the record of such lien.

Time of continuance of lien.

SEC. 6. Section 1192 of the Code of Civil Procedure is hereby amended to read as follows:

1192. Every building or other improvement or work mentioned in any of the preceding sections of this chapter constructed, altered or repaired upon any land with the knowledge of the owner or of any person having or claiming any estate therein, and the work or labor done or materials furnished mentioned in any of said sections with the knowledge of the owner or persons having or claiming any estate in the land, shall be held to have been constructed, performed or furnished at the instance of such owner or person having or claiming any estate therein, and such interest owned or claimed shall be subject to any lien filed in accordance with the provisions of this chapter, unless such owner or person having or claiming any estate therein shall, within ten days after he

Building held to have been constructed at owner's instance.

shall have obtained knowledge of such construction, alteration or repair or work or labor, give notice that he will not be responsible for the same by posting a notice in writing to that effect in some conspicuous place upon the property, and shall also, within the same period, file for record a verified copy of said notice in the office of the county recorder of the said county in which said property or some part thereof is situated. Said notice shall contain a description of the property affected thereby sufficient for identification, with the name, and the nature of the title or interest of the person giving the same, said copy so recorded may be verified by anyone having a knowledge of the facts, on behalf of the owner or person for whose protection the notice is given.

SEC. 7. Section 1193 of the Code of Civil Procedure is hereby amended to read as follows:

Contractor
may re-
cover only
amount
due.

1193. Any contractor shall be entitled to recover, upon a lien filed by him, only such amount as may be due him according to the terms of his contract, after deducting all claims of other parties for work done and materials furnished, as aforesaid, and embraced within his contract; and in all cases where a lien shall be filed under this act for work done or for materials furnished to any contractor, he shall defend any action brought thereon at his own expense; and during the pendency of such action, the owner may withhold from the contractor the amount of money for which such lien is filed; and in case of judgment against the owner or his property upon the lien, the said owner shall be entitled to deduct from any amount due, or to become due by him to the contractor, the amount of such judgment and costs; and if the amount of such judgment and costs shall exceed the amount due by him to the contractor, or if the owner shall have settled with the contractor in full, he shall be entitled to recover back from the contractor, or his bondsmen or sureties on any bond given for the faithful performance of his contract, any amount so paid by him, the said owner, in excess of the contract price, and for which the contractor was originally the party liable. No act done by such owner in compliance with any of the provisions of this chapter shall be held to be a prevention of the performance of any such contract by the contractor, or to have exonerated the sureties on such or any bond given for faithful performance, or for the payment of liens of persons performing labor or furnishing materials, or both; *provided*, that such act was done in good faith and without design to injure or harass any one.

SEC. 8. Section 1194 of the Code of Civil Procedure is hereby amended to read as follows:

Deficiency
of pro-
ceeds under
decree of
foreclosure

1194. Whenever on the sale of the property subject to any of the liens provided for in this chapter, under the judgment or decree of foreclosure of such lien, there is a deficiency of proceeds, judgment for the deficiency may be docketed against the party personally liable therefor in like manner and with like effect as in action for the foreclosure of mortgages.

SEC. 9. Section 1195 of the Code of Civil Procedure is hereby amended to read as follows:

1195. Any number of persons claiming liens may join in the same action and when separate actions are commenced, the court may consolidate them. The court must also allow, as a part of the costs, the money paid for verifying and recording the lien, such costs to be allowed to each claimant whose lien is established, whether he be plaintiff or defendant, or whether they all join in one action or separate actions are consolidated.

Persons claiming liens may join in action.

SEC. 10. Section 1197 of the Code of Civil Procedure is hereby amended to read as follows:

1197. Nothing contained in this chapter shall be construed to impair or affect the right of any person to whom any debt may be due for work done or materials furnished to maintain a personal action to recover said debt against the person liable therefor; and the person bringing such personal action may take out an attachment therefor, notwithstanding his lien, and in his affidavit to procure an attachment need not state that his demand is not secured by a lien; but the judgment, if any, obtained by the plaintiff in such personal action shall not be construed to impair or merge any lien held by said plaintiff under this chapter; *provided, only*, that any money collected on said judgment shall be credited on the amount of such lien in any action brought to enforce the same, in accordance with the provisions of this chapter.

Lien does not impair right of personal action to recover debt.

SEC. 11. Section 1202 of the Code of Civil Procedure is hereby amended to read as follows:

1202. Any person who shall wilfully give a false notice of his claim to the owner under the provisions of section one thousand one hundred and eighty-four shall forfeit his lien. Any person who shall wilfully include in his claim filed under section one thousand one hundred and eighty-seven work or materials not performed upon or furnished for the property described in the claims shall forfeit his lien.

Forfeit of lien.

SEC. 12. Section 1203 of the Code of Civil Procedure is hereby amended to read as follows:

1203. No mistake or errors in the statement of the demand, or of the amount of credits and offsets allowed or of the balance asserted to be due to claimant, nor in the description of the property against which the claim is filed, shall invalidate the lien, unless the court finds that such mistake or error in the statement of the demand, credits and offsets, or of the balance due, was made with the intent to defraud, or the court shall find that an innocent third party, without notice, direct or constructive, has since the claim was filed, become the bona fide owner of the property liened upon, and that the notice of claim was so deficient that it did not put the party upon further inquiry in any manner.

Mistake in statement not to invalidate lien.

SEC. 13. Sections 1183a, 1200, and 1200a of the Code of Civil Procedure are hereby repealed.

Repealed.

SEC. 14. The provisions of this act shall be liberally con-

Construction to be placed on act.

strued with a view to effect its purpose. They are not intended as a reenactment of the provisions of former statutes, with the policy heretofore impressed upon the same by the courts of this state, but are intended to reverse that policy to the extent of making the liens provided for, direct and independent of any account of indebtedness between the owner and contractor, thereby making the policy of this state conform to that of Nevada and the other Pacific coast states.

CHAPTER 682.

An act for the regulation and control of fraternal benefit societies.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Fraternal benefit societies.

SECTION 1. Any corporation, society, order or voluntary association, without capital stock, organized and carried on solely for the mutual benefit of its members and their beneficiaries, and not for profit, and having a lodge system with ritualistic form of work and representative form of government, and which shall make provision for the payment of benefits in accordance with section five hereof, is hereby declared to be a fraternal benefit society.

Lodge system.

SEC. 2. Any society having a supreme governing or legislative body and subordinate lodges or branches by whatever name known, into which members shall be elected, initiated and admitted in accordance with its constitution, laws, rules, regulations, and prescribed ritualistic ceremonies, which subordinate lodges or branches shall be required by the laws of such society to hold regular or stated meetings at least once in each month, shall be deemed to be operating on the lodge system.

Representative form of government.

SEC. 3. Any such society shall be deemed to have a representative form of government when it shall provide in its constitution and laws for a supreme legislative or governing body, composed of representatives elected either by the members or by delegates elected directly or indirectly by the members, together with such other members as may be prescribed by its constitution and laws; *provided*, that the elective members shall constitute a majority in number and have not less than two thirds of the votes, nor less than the votes required to amend its constitution and laws; *and provided, further*, that the meetings of the supreme or governing body, and the election of officers, representatives or delegates shall be held as often as once in four years. The members, officers, representatives or delegates of a fraternal benefit society shall not vote by proxy.

SEC. 4. Except as herein provided, such societies shall be governed by this act and shall be exempt from all provisions of the insurance laws of this state, not only in governmental relations with the state, but for every other purpose, and no law hereafter enacted shall apply to them, unless they be expressly designated therein. Societies exempt.

SEC. 5. Subsection 1. Every society transacting business under this act shall provide for the payment of death benefits, and may provide for the payment of benefits in case of temporary or permanent physical disability, either as the result of disease, accident or old age; *provided*, the period of life at which the payment of benefits for disability on account of old age shall commence, shall not be under seventy years, and may provide for monuments or tombstones to the memory of its deceased members and for the payment of funeral benefits. Such society shall have the power to give a member, when permanently disabled or on attaining the age of seventy, all or such portion of the face value of his certificate as the laws of the society may provide; *provided*, that nothing in this act contained shall be so construed as to prevent the issuing of benefit certificates for a term of years less than the whole of life which are payable upon the death or disability of the member occurring within the term for which the benefit certificate may be issued. Such society, shall, upon written application of the member, have the power to accept a part of the periodical contributions in cash, and charge the remainder, not exceeding one half of the periodical contribution, against the certificate with interest payable or compounded annually at a rate not lower than four per cent per annum; *provided*, that this privilege shall not be granted except to societies which have readjusted or may hereafter readjust their rates of contributions and to contracts affected by such readjustment. Benefits.

Subsection 2. Any society which shall show by the annual valuation hereinafter provided for that it is accumulating and maintaining the reserve necessary to enable it to do so, under a table of mortality not lower than the American experience table and four per cent interest, may grant to its members, extended and paid-up protection or such withdrawal equities as its constitution and laws may provide; *provided*, that such grants shall in no case exceed in value the portion of the reserve to the credit of such members to whom they are made. Society to maintain reserve.

SEC. 6. The payment of death benefits shall be confined to wife, husband, relative by blood to the fourth degree, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepchildren, children by legal adoption, or to a person or persons dependent upon the member; *provided*, that if after the issuance of the original certificate the member shall become dependent upon an incorporated charitable institution, he shall have the privilege, with the consent of the society, to make such institution his beneficiary. Within the above restrictions each member shall have the right to designate his beneficiary, and, from time to time, have the same changed in accordance with the laws, rules or regulations of the society, Beneficiaries.

and no beneficiary shall have or obtain any vested interest in the said benefit until the same has become due and payable upon the death of the said member; *provided*, that any society may, by its laws, limit the scope of beneficiaries within the above classes.

Member-
ship.

SEC. 7. Any society may admit to beneficial membership any person not less than sixteen and not more than sixty years of age, who has been examined by a legally qualified physician and whose examination has been supervised and approved in accordance with the laws of the society; *provided*, that any beneficiary member of such society who shall apply for a certificate providing for disability benefits, need not be required to pass an additional medical examination therefor. Nothing herein contained shall prevent such society from accepting general or social members.

Certificate
to specify
amount of
benefit.

SEC. 8. Every certificate issued by any such society shall specify the amount of benefit provided thereby, and shall provide that the certificate, the charter or articles of incorporation, or, if a voluntary association, the articles of association, the constitution and laws of the society and the application for membership and medical examination, signed by the applicant, and all amendments to each thereof, shall constitute the agreement between the society and the member, and copies of the same certified by the secretary of the society, or corresponding officer, shall be received in evidence of the terms and conditions thereof and any changes, additions or amendments to said charter or articles of incorporation, or articles of association, if a voluntary association, constitution or laws duly made or enacted subsequent to the issuance of the benefit certificate shall bind the member and his beneficiaries, and shall govern and control the agreement in all respects the same as though such changes, additions or amendments had been made prior to and were in force at the time of the application for membership.

Funds.

SEC. 9. Subsection 1. Any society may create, maintain, invest, disburse and apply an emergency, surplus or other similar fund in accordance with its laws. Unless otherwise provided in the contract, such funds shall be held, invested, and disbursed for the use and benefit of the society, and no member or beneficiary shall have or acquire individual rights therein or become entitled to any apportionment or the surrender of any part thereof, except as provided in subsection 2 of section 5 of this act. The funds from which benefits shall be paid and the funds from which the expenses of the society shall be defrayed, shall be derived from periodical or other payments by the members of the society and accretions of said funds; *provided*, that no society, domestic or foreign, shall hereafter be incorporated or admitted to transact business in this state, which does not provide for stated periodical contributions sufficient to provide for meeting the mortuary obligations contracted, when valued upon the basis of the national fraternal congress table of mortality as adopted by the national fraternal congress, August 23, 1899, or any higher standard

with interest assumption not more than four per cent per annum, nor write or accept members for temporary or permanent disability benefits except upon tables based upon reliable experience, with an interest assumption not higher than four per cent per annum.

Subsection 2. Deferred payments or installments of claims shall be considered as fixed liabilities on the happening of the contingency upon which such payments or installments are thereafter to be paid. Such liability shall be the present value of such future payments or installments upon the rate of interest and mortality assumed by the society for valuation, and every society shall maintain a fund sufficient to meet such liability regardless of proposed future collections to meet any such liabilities.

Deferred payments considered fixed liabilities.

SEC. 10. Every society shall invest its funds only in securities permitted by the laws of this state for the investment of the assets of life insurance companies: *provided*, that any foreign society permitted or seeking to do business in this state, which invests its funds in accordance with the laws of the state in which it is incorporated, shall be held to meet the requirements of this act for the investment of funds.

Investment of funds.

SEC. 11. Every provision of the laws of the society for payment by members of such society, in whatever form made, shall distinctly state the purpose of the same and the proportion thereof which may be used for expenses, and no part of the money collected for mortuary or disability purposes or the net accretions of either or any of said funds shall be used for expenses.

Distribution of funds.

SEC. 12. Seven or more persons, citizens of the United States, and a majority of whom are citizens of this state, who desire to form a fraternal benefit society, as defined by this act, may make and sign (giving their addresses) and acknowledge before some officer competent to take acknowledgment of deeds, articles of incorporation, in which shall be stated:

Organization of society.

First—The proposed corporate name of the society, which shall not so closely resemble the name of any society or insurance company already transacting business in this state as to mislead the public or to lead to confusion.

Second—The purpose for which it is formed—which shall not include more liberal powers than are granted by this act; *provided*, that any lawful social, intellectual, educational, charitable, benevolent, moral or religious advantages may be set forth among the purposes of the society—and the mode in which its corporate powers are to be exercised.

Third—The names, residences and official titles of all the officers, trustees, directors or other persons who are to have and exercise the general control and management of the affairs and funds of the society for the first year, or until the ensuing election at which all such officers shall be elected by the supreme legislative or governing body which election shall be held not later than one year from the date of the issuance of the permanent certificate.

Papers to be filed with insurance commissioner.

Must secure at least 500 applications to complete organization.

Such articles of incorporation and duly certified copies of the constitution and laws, rules and regulations, and copies of all proposed forms of benefit certificates, applications therefor and circulars to be issued by such society, and a bond in the sum of five thousand dollars, with sureties approved by the insurance commissioner conditioned upon the return of the advanced payments, as provided in this section, to applicants, if the organization is not completed within one year, shall be filed with the insurance commissioner, who may require such further information as he deems necessary, and if the purposes of the society conform to the requirements of this act, and all provisions of law have been complied with, the insurance commissioner, shall so certify and retain and file the articles of incorporation, and furnish the incorporators a preliminary certificate authorizing said society to solicit members as hereinafter provided. Upon receipt of said certificate from the insurance commissioner said society may solicit members for the purpose of completing its organization and shall collect from each applicant the amount of not less than one regular monthly payment, in accordance with its table of rates as provided by its constitution and laws, and shall issue to each such applicant a receipt for the amount so collected. But no such society shall incur any liability other than for such advanced payments, nor issue any benefit certificate nor pay or allow, or offer or promise to pay or allow, to any person any death or disability benefit until actual bona fide applications for death benefit certificates have been secured upon at least five hundred lives for at least one thousand dollars each, and all such applicants for death benefits shall have been regularly examined by legally qualified practicing physicians, and certificates of such examinations have been duly filed and approved by the chief medical examiner of such society, nor until there shall be established ten subordinate lodges or branches into which said five hundred applicants have been initiated, nor until there has been submitted to the insurance commissioner, under oath of the president and secretary, or corresponding officers of such society, a list of such applicants, giving their names, addresses, date examined, date approved, date initiated, name and number of the subordinate branch of which each applicant is a member, amount of benefits to be granted, rate of stated periodical contributions which shall be sufficient to provide for meeting the mortuary obligation contracted, when valued for death benefits upon the basis of the national fraternal congress' table of mortality, as adopted by the national fraternal congress August 23, 1899, or any higher standard at the option of the society, and for disability benefits by tables based upon reliable experience and for combined death and permanent total disability benefits by tables based upon reliable experience, with an interest assumption not higher than four per cent per annum, nor until it shall be shown to the insurance commissioner by the sworn statement of the treasurer, or corresponding officer of such society, that at least five

hundred applicants have each paid in cash at least one regular monthly payment as herein provided per one thousand dollars of indemnity to be effected, which payments in the aggregate shall amount to at least twenty-five hundred dollars, all of which shall be credited to the mortuary or disability fund on account of such applicants, and no part of which may be used for expenses. Said advanced payments shall, during the period of organization, be held in trust, and, if the organization is not completed within one year as hereinafter provided, returned to said applicants. The insurance commissioner may make such examination and require such further information as he deems advisable, and upon presentation of satisfactory evidence that the society has complied with all the provisions of law he shall issue to such society a certificate to that effect. Such certificate shall be prima facie evidence of the existence of such society at the date of such certificate. The insurance commissioner shall cause a record of such certificate to be made and a certified copy of such record may be given in evidence with like effect as the original certificate. No preliminary certificate granted under the provisions of this section shall be valid after one year from its date, or after such further period, not exceeding one year, as may be authorized by the insurance commissioner upon cause shown, unless the five hundred applicants herein required have been secured and the organization has been completed as herein provided, and the articles of incorporation and all proceedings thereunder shall become null and void in one year from the date of said preliminary certificate, or at the expiration of said extended period, unless such society shall have completed its organization and commenced business as herein provided. When any domestic society shall have discontinued business for the period of one year, or has less than four hundred members, its charter shall become null and void. Every such society shall have the power to make a constitution and by-laws for the government of the society, the admission of its members, the management of its affairs and the fixing and readjusting of the rates of contribution of its members from time to time; and it shall have the power to change, alter, add to or amend such constitution and by-laws and shall have such other powers as are necessary and incidental to carrying into effect the objects and purposes of the society.

Advance payments held in trust.

Insurance commissioner may examine.

Preliminary certificate not valid after one year.

Power to make a constitution.

SEC. 13. Any society now engaged in transacting business in this state may exercise, after the passage of this act, all of the rights conferred thereby, and all of the rights, powers and privileges now exercised or possessed by it under its charter or articles of incorporation not inconsistent with this act, if incorporated; or, if it be a voluntary association, it may incorporate hereunder. But no society already organized shall be required to reincorporate hereunder, and any such society may amend its articles of incorporation from time to time in the manner provided therein or in its constitution and laws and all such amendments shall be filed with the insurance commissioner, and shall become operative upon such filing, unless a later time

Powers retained.

be provided in such amendments or in its articles of incorporation, constitution or laws.

Mergers
and
transfers.

SEC. 14. No domestic society shall merge with or accept the transfer of the membership or funds of any other society unless such merger or transfer is evidenced by a contract in writing, setting out in full the terms and conditions of such merger or transfer, and filed with the insurance commissioner of this state, together with a sworn statement of the financial condition of each of said societies, by its president and secretary, or corresponding officers, and a certificate of such officers, duly verified under oath of said officers of each of the contracting societies, that such merger or transfer has been approved by a vote of two thirds of the members of the supreme legislative or governing body of each of said societies. Upon the submission of said contract, financial statements and certificates, the insurance commissioner shall examine the same, and, if he shall find such financial statements to be correct and the said contract to be in conformity with the provisions of this section, and that such merger or transfer is just and equitable to the members of each of said societies, he shall approve said merger or transfer, issue his certificate to that effect, and thereupon the said contract of merger or transfer shall be of full force and effect. In case such contract is not approved, the fact of its submission and its contents shall not be disclosed by the insurance commissioner.

Annual
license.

SEC. 15. Societies which are now authorized to transact business in this state may continue such business until the first day of July next succeeding the passage of this act, and the authority of such societies may thereafter be renewed annually, but in all cases to terminate on the first day of the succeeding July; *provided, however,* the certificate of authority shall continue in full force and effect until the new certificate of authority be issued or specifically refused. For each such certificate of authority or renewal the society shall pay the insurance commissioner ten dollars. A duly certified copy or duplicate of such certificate of authority shall be prima facie evidence that the licensee is a fraternal benefit society within the meaning of this act.

Foreign
societies
must
secure cer-
tificates.

SEC. 16. No foreign society now transacting business organized prior to the passage of this act, which is not now authorized to transact business in this state, shall transact any business herein without a certificate of authority from the insurance commissioner. Any such society shall be entitled to a certificate of authority to transact business within this state upon filing with the insurance commissioner a duly certified copy of its charter or articles of association; a copy of its constitution and laws, certified by its secretary or corresponding officer, a power of attorney to the insurance commissioner as hereinafter provided; a statement of its business under oath of its president and secretary, or corresponding officers, in the form required by the insurance commissioner, duly verified by an examination made by the supervising insurance official of its home state or other state satisfactory to the

insurance commissioner of this state; a certificate from the proper official in its home state, province or country that the society is legally organized; a copy of its contract, which must show that benefits are provided for by periodical, or other payments, by persons holding similar contracts, and upon furnishing the insurance commissioner such other information as he may deem necessary to a proper exhibit of its business and plan of working and upon showing that its assets are invested in accordance with the laws of the state, territory, district, province or country where it is organized, he shall issue a certificate of authority to such society to do business in this state until the first day of the succeeding July and such certificate of authority shall, upon compliance with the provisions of this act, be renewed annually, but in all cases to terminate on the first day of the succeeding July; *provided, however,* that certificate of authority shall continue in full force and effect until the new certificate of authority be issued or specifically refused. Any foreign society desiring admission to this state shall have the qualifications required of domestic societies organized under this act and have its assets invested as required by the laws of the state, territory, district, country, or province where it is organized. For each such certificate or renewal the society shall pay the insurance commissioner twenty dollars. When the insurance commissioner refuses to issue a certificate of authority to any society, or revokes its certificate of authority to do business in this state, he shall reduce his ruling, order or decision to writing and file the same in his office, and shall furnish a copy thereof, together with a statement of his reasons, to the officers of the society, upon request, and the action of the insurance commissioner shall be reviewable by proper proceedings in any court of competent jurisdiction within the state; *provided, however,* that nothing contained in this or the preceding section shall be taken or construed as preventing any such society from continuing in good faith all contracts made in this state during the time such society was legally authorized to transact business herein.

Same qualifications required of foreign as of domestic society.

SEC. 17. Every society, whether domestic or foreign, now transacting business in this state shall, within thirty days after the passage of this act, and every such society hereafter applying for admission, shall, before being licensed, appoint in writing the insurance commissioner and his successors in office to be its true and lawful attorney, upon whom all legal process in any action or proceeding against it shall be served, and in such writing shall agree that any lawful process against it which is served upon such attorney shall be of the same legal force and validity as if served upon the society and that the authority shall continue in force so long as any liability remains outstanding in this state. Copies of such appointment, certified by said insurance commissioner, shall be deemed sufficient evidence thereof and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. Service shall only be made upon such attorney, must be made in duplicate upon the insurance commissioner or

Power of attorney and service of process.

in his absence upon the person in charge of his office and shall be deemed sufficient service upon such society; *provided, however*, that no such service shall be valid or binding against any such society when it is required thereunder to file its answer, pleading or defense in less than thirty days from the date of mailing the copy of such service to such society. When legal process against any such society is served upon said insurance commissioner he shall forthwith forward by registered mail one of the duplicate copies prepaid and directed to its secretary or corresponding officer. Legal process shall not be served upon any such society except in the manner provided herein.

Meetings.

SEC. 18. Any domestic society may provide that the meetings of its legislative or governing body may be held in any state, district, province or territory wherein such society has subordinate branches and all business transacted at such meetings shall be as valid in all respects as if such meetings were held in this state. But its principal office shall be located in this state.

No personal liability.

SEC. 19. Officers and members of the supreme, grand or any subordinate body of any such incorporated society shall not be individually liable for the payment of any disability or death benefit provided for in the laws and agreements of such society, but the same shall be payable only out of the funds of such society and in the manner provided by its laws.

Subordinate body may not waive constitution.

SEC. 20. The constitution and laws of the society may provide that no subordinate body, nor any of its subordinate officers or members shall have the power or authority to waive any of the provisions of laws and constitution of the society, and the same shall be binding on the society and each and every member thereof and on all beneficiaries of members.

Benefits may not be attached.

SEC. 21. No money or other benefit, charity or relief or aid to be paid, provided or rendered by any such society shall be liable to attachment, garnishment or other process, or be seized, taken, appropriated or applied by any legal or equitable process or operation of law to pay any debt or liability of a member or beneficiary, or any person who may have a right thereunder, either before or after payment.

Amendments to constitution filed with insurance commissioner.

SEC. 22. Every society transacting business under this act shall file with the insurance commissioner a duly certified copy of all amendments of or additions to its constitution and laws within ninety days after the enactment of the same. Printed copies of the constitution and laws as amended, changed or added to, certified by the secretary or corresponding officer of the society shall be prima facie evidence of the legal adoption thereof.

Annual reports.

SEC. 23. Every society transacting business in this state shall annually, on or before the first day of March, file with the insurance commissioner in such form as he may require, a statement under oath of its president and secretary, or corresponding officers, of its condition and standing on the thirty-first day of December next preceding, and of its transactions for the year ending on that date and also shall furnish such other information as the insurance commissioner may deem

necessary to a proper exhibit of its business and plan of working. The insurance commissioner may at other times require any further statement he may deem necessary to be made relating to such society. In addition to the annual report herein required, each society shall annually report to the insurance commissioner a valuation of its certificates in force on December 31st, last preceding, excluding those issued within the year for which the report is filed, in cases where the contributions for the first year in whole or in part are used for current mortality and expenses, provided the first report of valuation shall be made as of December 31st, 1912. Such report of valuation shall show, as contingent liabilities, the present mid-year value of the promised benefits provided in the constitution and laws of such society under certificates then subject to valuation; and, as contingent assets, the present mid-year value of the future net contributions provided in the constitution and laws as the same are in practice actually collected. At the option of any society, in lieu of the above, the valuation may show the net value of the certificates subject to valuation hereinbefore provided and said net value, when computed in case of monthly contributions, may be the means of the terminal values for the end of the preceding and of the current insurance years. Such valuation shall be certified by a competent accountant or actuary, or at the request and expense of the society, verified by the actuary of the department of insurance of the home state of the society, and shall be filed with the insurance commissioner within ninety days after the submission of the last preceding annual report. The legal minimum standard of valuation for all certificates, except for disability benefits, shall be the national fraternal congress' table of mortality as adopted by the national fraternal congress August 23, 1899, or, at the option of the society, any higher table, or, at its option, it may use a table based upon the society's own experience of at least twenty years and covering not less than one hundred thousand lives with interest assumption not more than four per centum per annum. Each such valuation report shall set forth clearly and fully the mortality and interest basis and the method of valuation. Any society providing for disability benefits shall keep the net contributions for such benefits in a fund separate and apart from all other benefit and expense funds and the valuation of all other business of the society; *provided*, that where a combined contribution table is used by a society for both death and permanent total disability benefits, the valuation shall be according to tables of reliable experience and in such case a separation of the funds shall not be required. The valuation herein provided for shall not be considered or regarded as a test of the financial solvency of the society, but each society shall be held to be legally solvent so long as the funds in its possession are equal to or in excess of its matured liabilities. Beginning with the year 1914 a report of such valuation and an explanation of the facts concerning the condition of the society thereby disclosed shall be printed and

Report on
valuation
of cer-
tificates.

Valuation
certified by
actuary.

When
society is
considered
solvent.

Report
mailed to
members.

mailed to each beneficiary member of the society not later than June 1st of each year, or, in lieu thereof, such report of valuation and showing of the society's condition as thereby disclosed may be published in the society's official paper and the issue containing the same mailed to each beneficiary member of the society. The laws of such society shall provide that if the stated periodical contributions of the members are insufficient to pay all matured death and disability claims in full and to provide for the creation and maintenance of the funds required by its laws, additional increased or extra rates of contribution shall be collected from the members to meet such deficiency; and such laws may provide that, upon the written application or consent of the member, his certificate may be charged with its proportion of any deficiency disclosed by valuation, with interest not exceeding five per centum per annum.

Provisions
to insure
future
security.

SEC. 23a. If the valuation of the certificates, as hereinbefore provided, on December 31st, 1917, shall show that the present value of future net contributions, together with the admitted assets, is less than ninety per centum of the present value of the promised benefits and accrued liabilities, such society shall be required thereafter to reduce such deficiency not less than five per centum of the total deficiency on said December 31st, 1917, at each succeeding triennial valuation. If at any succeeding triennial valuation such society does not show such percentage of improvement, the insurance commissioner shall direct that it thereafter comply with the requirements herein specified. If the next succeeding triennial valuation after the receipt of such notice shall show that the society has not made the percentage of improvement required herein, the insurance commissioner may, in the absence of good cause shown for such failure, institute proceedings for the dissolution of such society, in accordance with the provisions of section 24 of this act, or, in the case of a foreign society, he may cancel its certificate of authority to transact business in this state. Any such society, shown by any triennial valuation, subsequent to December 31, 1917, not to have made the improvements herein required shall, within one year thereafter, complete such deficient improvements, or thereafter, as to all new members admitted, be subject, so far as stated rates of contribution are concerned, to the provisions of section 12 of this act, applicable in the organization of new societies; *provided*, that the contributions and funds of such new members shall be kept separate and apart from the other funds of the society until the required improvement shall be shown by valuation. If such required improvement is not shown by the succeeding triennial valuation, then the said new members may be placed in a separate class and their certificates valued as an independent society in respect of contributions and funds.

SEC. 24. The insurance commissioner, or any person he may appoint, shall have the power of visitation and examination into the affairs of any domestic society. He may employ

assistants for the purpose of such examination, and he, or any person he may appoint, shall have free access to all the books, papers and documents that relate to the business of the society and may summon and qualify as witness under oath and examine its officers, agents and employces or other persons in relation to the affairs, transactions and condition of the society. The expense of such examination shall be paid by the society examined, upon statement furnished by the insurance commissioner, and the examination shall be made at least once in three years. Whenever after examination the insurance commissioner is satisfied that any domestic society has failed to comply with any provisions of this act, or is exceeding its powers, or is not carrying out its contracts in good faith, or is transacting business fraudulently, or whenever any domestic society, after the existence of one year or more, shall have a membership of less than 400 (or shall determine to discontinue business), the insurance commissioner may present the facts relating thereto to the attorney general, who shall, if he deem the circumstances warrant, commence an action in quo warranto in a court of competent jurisdiction, and such court shall thereupon notify the officers of such society of a hearing, and it shall then appear that such society should be closed, said society shall be enjoined from carrying on any further business and some person shall be appointed receiver of such society, and shall proceed at once to take possession of the books, papers, moneys and other assets of the society and shall forthwith, under the direction of the court, proceed to close the affairs of the society and to distribute its funds to those entitled thereto. No such proceedings shall be commenced by the attorney general against any such society until after notice has been duly served on the chief executive officers of the society and a reasonable opportunity given to it, on a date to be named in said notice, to show cause why such proceedings should not be commenced.

Sec. 25. No application for injunction against or proceedings for the dissolution of, or the appointment of a receiver for, any such domestic society or branch thereof shall be entertained by any court in this state unless the same is made by the attorney general.

Sec. 26. The insurance commissioner, or any person whom he may appoint, may examine any foreign society transacting or applying for admission to transact business in this state. The said insurance commissioner may employ assistants, and he, or any person he may appoint, shall have free access to all the books, papers and documents that relate to the business of the society, and may summon and qualify as witness under oath and examine its officers, agents and employces and other persons in relation to the affairs, transactions and condition of the society. He may, in his discretion, accept in lieu of such examination the examination of the insurance department of the state, territory, district, province or county where such society is organized. The actual expenses of examiners making any such examination shall be paid by the society upon

Examination of domestic societies by insurance commissioner.

Expense of examination.

Action when societies fail to reach required standard.

Proceedings only after notice.

Application for receiver.

Examination of foreign societies.

statement furnished by the insurance commissioner. If any such society or its officers refuse to submit to such examination or to comply with the provisions of the section relative thereto, the authority of such society to write new business in this state shall be suspended or license refused until satisfactory evidence is furnished the insurance commissioner relating to the condition and affairs of the society, and during such suspension the society shall not write new business in this state.

Insurance commissioner not to publish statement pending investigation.

SEC. 27. Pending, during or after an examination or investigation of any such society, either domestic or foreign, the insurance commissioner shall make public no financial statement, report or finding, nor shall he permit to become public any financial statement, report or finding affecting the status, standing or rights of any such society, until a copy thereof shall have been served upon such society, at its home office, nor until such society shall have been afforded a reasonable opportunity to answer any such financial statement, report or finding and to make such showing in connection therewith as it may desire.

Revocation of license.

SEC. 28. When the insurance commissioner on investigation is satisfied that any foreign society transacting business under this act has exceeded its powers, or has failed to comply with any provisions of this act, or is conducting business fraudulently, or is not carrying out its contracts in good faith, he shall notify the society of his findings, and state in writing the grounds of his dissatisfaction, and after reasonable notice require said society, on a date named, to show cause why its license should not be revoked. If on the date named in said notice such objections have not been removed to the satisfaction of the said insurance commissioner, or the society does not present good and sufficient reasons why its authority to transact business in this state should not at that time be revoked, he may revoke the authority of the society to continue business in this state. All decisions and findings of the insurance commissioner made under the provisions of this section may be reviewed by proper proceedings in any court of competent jurisdiction, as provided in section 16 of this act.

Certain societies exempt.

SEC. 29. Nothing contained in this act shall be construed to affect or apply to grand or subordinate lodges of Masons, Odd Fellows or Knights of Pythias (exclusive of the insurance department of the supreme lodge Knights of Pythias), and the Junior Order of United American Mechanics (exclusive of the beneficiary degree or insurance branch of the national council Junior Order United American Mechanics) or societies which limit their membership to any one hazardous occupation, nor to similar societies which do not issue insurance certificates, nor to an association of local lodges of a society now doing business in this state which provides death benefits not exceeding three hundred dollars to any one person, or disability benefits not exceeding three hundred dollars in any one year to any one person, or both, nor to any contracts of reinsurance business on such plan in this state, nor to domestic societies which limit their membership to the employees of a particular

city or town, designated firm, business house or corporation, nor to domestic lodges, orders or associations of a purely religious, charitable and benevolent description, which do not provide for a death benefit of more than one hundred dollars, or for disability benefits of more than one hundred and fifty dollars to any one person in any one year; *provided, always*, that any such domestic order or society which has more than five hundred members, and provides for death or disability benefits, and any such domestic lodge, order or society which issues to any person a certificate providing for the payment of benefits, shall not be exempt by the provisions of this section, but shall comply with all the requirements of this act. The insurance commisisoner may require from any society such information as will enable him to determine whether such society is exempt from the provisions of this act. No society which is exempt by the provisions of this section from the requirement of this act shall give or allow, or promise to give or allow, to any person any compensation for procuring new members. Any fraternal benefit society, heretofore organized and incorporated and operating within the definition set forth in sections 1, 2 and 3 of this act, providing for benefits in case of death or disability resulting solely from accidents, but which does not obligate itself to pay death or sick benefits, may be licensed under the provisions of this act, and shall have all the privileges and shall be subject to all the provisions and regulations of this act, except that the provisions of this act requiring medical examinations, valuations of benefit certificates, and that the certificate shall specify the amount of benefits, shall not apply to such society.

SEC. 30. Every fraternal benefit society organized or licensed under this act is hereby declared to be a charitable and benevolent institutions, and all of its funds shall be exempt from all and every state, county, district, municipal and school tax, other than taxes on real estate and office equipment. Taxation.

SEC. 31. Any person, officer, member or examining physician of any society authorized to do business under this act who shall knowingly or wilfully make any false or fraudulent statement or representation in or with reference to any application for membership, or for the purpose of obtaining money from or benefit in any society transacting business under this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment in the county jail for not less than thirty days nor more than one year, or both, in the discretion of the court; and any person who shall wilfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a certificate holder in any such society for the purpose of procuring payment of a benefit named in the certificate of such holder, and any person who shall wilfully make any false statement in any verified report or declaration under oath required or authorized by this act, shall be guilty of perjury, Penalties.

Soliciting membership for societies not licensed.

and shall be proceeded against and punished as provided by the statutes of this state in relation to the crime of perjury. Any person who shall solicit membership for, or in any manner assist in procuring membership in, any fraternal benefit society not licensed to do business in this state, or who shall solicit membership for, or in any manner assist in procuring membership in any such society not authorized as herein provided, to do business as herein defined in this state shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty nor more than two hundred dollars. Any society, or any officer, agent or employee thereof neglecting or refusing to comply with or violating any of the provisions of this act, the penalty for which neglect, refusal or violation is not specified in this section, shall be fined not exceeding two hundred dollars upon conviction thereof.

SEC. 32. All acts and parts of acts inconsistent with this act are hereby repealed.

CHAPTER 683.

An act to amend sections 1, 2, 3, and 6 of an act entitled "An act to create a state board of charities and corrections, prescribing its duties and powers and appropriating money therefor," approved March 25, 1903, and to add two new sections thereto to be numbered sections 5 and 6 and to renumber sections 5, 6, 7, and 8 of said act, all relating to the state board of charities and corrections.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1 of an act entitled "An act to create a state board of charities and corrections, prescribing its duties and powers, and appropriating money therefor," approved March 25th, 1903, is hereby amended to read as follows:

State board of charities created.

Section 1. A state board of charities and corrections is hereby created of six members, to be appointed by the governor, with the advice and consent of the senate, not more than three of whom shall be of the same political party. Such members shall hold office for a period of four years and until their successors are appointed and qualified; *provided*, that the terms of the three members who were appointed February 17th, 1908, shall expire February 17th, 1912, and the other three terms shall expire February 17th, 1914, and thereafter the terms of three members of said board shall expire on February 17th of each even-numbered year. Women may be appointed members of said board or hold any position in the appointment of said board. No person shall be appointed a member, or continue to act as such, while he is a trustee, manager, director, or other administrative officer of an institution, subject to the provi-

Women eligible.

sions of this act. Appointments to fill vacancies before the expiration of such terms shall be for the residue of terms in the same manner as original appointments. The governor shall be ex officio a member of said board. Vacancies.

SEC. 2. Section 2 of said act is hereby amended to read as follows:

Section 2. The members of said board shall act without compensation, but shall be allowed their actual necessary expenses. No compensation.
 The said board may appoint a secretary and such other employees as it may deem necessary to carry out the provisions of this act, and shall determine their salaries. Secretary. All the expenses of said board, including salaries, shall not exceed the sum of ten thousand dollars in any one year; *provided*, that any unexpended part of an appropriation for any year may be carried over and made available for the succeeding year, and the said sum of ten thousand dollars is hereby appropriated annually out of any moneys in the state treasury, not otherwise appropriated, for the use of said board under this act. Limit of expenditures. The secretary of said board shall execute a bond in the sum of five thousand (\$5,000) dollars, and take the oath of office prescribed by the Political Code for the executive officers of this state. Appropriation. The board shall provide itself with an office in the city and county of San Francisco. Bond of secretary. Meetings of the board may be held at such times and in such places in the State of California as said board may deem fit. Meetings. It may make such rules and orders for the regulation of its own proceedings as it may deem necessary, and may fix the number of members necessary to constitute a quorum. Failure to attend. The failure of a member to attend three consecutive meetings of said board during any calendar year, unless excused by formal vote of the board, may be construed by the governor as a resignation of said non-attending member.

SEC. 3. Section 3 of said act is hereby amended to read as follows:

Section 3. The board is hereby empowered and authorized, and it shall be its duty as a whole, or by committee, or by its secretary, or other agent whom it may authorize, to investigate, examine, and make reports upon the charitable, correctional, and penal institutions of the state, including the state hospitals for the insane, of the counties, cities and counties, cities, and towns of the state, and such public officers as are in any way responsible for the administration of public funds used for the relief or maintenance of the poor. Powers and duties. All the persons or officers in charge of or connected with such public institutions, or with the administration of said funds, are hereby required to furnish to the board or its committee or secretary such information and statistics as they may request or require, and allow said board, committee, or secretary free access to all departments of such institutions and to all of their records. Forms of records. In order to secure accuracy, uniformity, and completeness in such statistics and information, the board may prescribe such forms of report and records by the state commission in lunacy regarding the state hospitals for the insane and by such other officers,

boards, or institutions as it may deem necessary, and also such forms of registration at all public institutions referred to in this section as it may require. The state commission in lunacy, on behalf of the institutions under its charge, and the officers of all other institutions, and all officers in any way responsible for public funds used for the relief of the poor or the maintenance of any inmates of said public institutions, are hereby required to follow such forms, records, and registration so prescribed; *provided*, that the intent of this law is that, so far as possible, the board shall make use of the forms of report, record, and registration now obtaining in the state commission of lunacy and other state boards and institutions. All plans of new buildings, or parts of buildings for any of the public institutions coming under the provisions of this section, or any additions or alterations in such buildings, shall, before their adoption by the proper officials, be submitted to the board for suggestions and criticism.

Plans of
buildings
submitted.

SEC. 4. A new section is hereby added to said act, to be known as section 5.

Section 5. The board is hereby empowered and authorized, and it shall be its duty as a whole, or by committee, or by its secretary, to investigate, examine, and make reports upon all institutions or persons receiving any state aid for the care of orphan, half-orphan, abandoned or dependent children, and may prescribe forms of record thereof to be kept, and require reports thereof.

Investigate
institu-
tions re-
ceiving
state aid.

SEC. 5. A new section is hereby added to said act, to be known as section 6, as follows:

Section 6. Any public officer, superintendent, manager or person in charge of any said public institution, or with the administration of said funds, who refuses or neglects to furnish said board, its committee or secretary, the information and statistics which they may request or require shall be subject to a forfeiture of fifty dollars, to be recovered as provided in section 4 of this act for disobedience of a subpoena.

Refusing
to furnish
informa-
tion.

SEC. 6. Section 5 of said act is hereby renumbered section 7.

SEC. 7. Section 6 of said act is hereby renumbered section 8 and amended to read as follows:

Section 8. Two months prior to each regular session of the legislature, the board shall make a full and complete report to the governor of all its transactions during the preceding two years, showing fully and in detail all expenses incurred and moneys paid out by it, and giving a list of all officers and agents employed, and the actual condition of all institutions under its supervision, with such suggestions as it may deem necessary and pertinent, and with recommendations for legislative and executive action.

Biennial
report.

SEC. 8. Section 7 of said act is hereby renumbered section 9.

SEC. 9. Section 8 of said act is hereby renumbered section 10.

SEC. 10. This act shall take effect immediately.

CHAPTER 684.

An act to amend section 1758 of the Political Code of the State of California, relating to support of high schools.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1758 of the Political Code of the State of California is hereby amended to read as follows:

1758. For the purpose of defraying the cost of educating high school pupils residing in any county and not in any high school district, a special tax shall be annually levied by the board of supervisors of each county in which there is no county high school upon all property in the county not situated in any high school district, in the manner hereinafter provided. Every superintendent of schools to whom any report is made under section seventeen hundred forty-three shall verify each such report as to the new pupils therein mentioned as attending high school and residing in his county but not in any high school district, and shall compile a report showing the total number of such high school pupils residing in his county outside of any high school district, the net cost of educating each of such pupils, the total net cost for all of such pupils, and the total net cost to each high school district for all of such pupils attending therein; to be determined as hereinafter provided. The net cost in any year of educating a new pupil attending a high school and not residing in any high school district shall be the excess, if any, of the total cost, for such year, of educating each high school pupil of the district maintaining such high school over the amount per pupil paid by the state to such high school district for that year. The cost of educating each high school pupil of any high school district shall be determined by dividing the total amount expended by the high school district for maintaining school during any school year, by the average daily attendance of pupils enrolled in the high schools of the district during the same school year. The amount paid per pupil by the state to any high school district in any one year shall be determined by dividing the high school district's income from the state high school fund for that year, by the average daily attendance of pupils enrolled in the high schools of the district for that year.

Tax to defray cost of educating pupils not in high school district.

Not yearly cost.

Method of determining cost.

CHAPTER 685.

An act to amend section 1696 of the Political Code of the State of California, relating to the duties of teachers.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section sixteen hundred and ninety-six of the Political Code of the State of California is hereby amended to read as follows:

1696. Every teacher in the public schools must:

Duties of teachers. File certificate.

First—Before assuming charge of a school, file his or her certificate with the superintendent of schools; *provided*, that when any teacher so employed is the holder of a California state normal school diploma, accompanied by the certificate of the state board of education, as provided in subdivision third of section one thousand five hundred and three of the Political Code, an educational or a life diploma of California, upon presentation thereof to the superintendent he shall record the name of said holder in a book provided for that purpose in his office, and the holder of said diploma shall thereupon be absolved from the provisions of this subdivision.

Notify superintendent of opening and closing day of school.

Second—Before taking charge of a school, and one week before closing a term of school, notify the county superintendent of such fact, naming the day of opening or closing. Boards of education and boards of school trustees must in every case give to the teacher a notice of at least two weeks of their intention to close the term of school under their charge. No superintendent shall draw any requisition for the last month's salary of any teacher until said teacher has filed with him the notice required by this subdivision.

Enforce course of study.

Third—Enforce the course of study, the use of the legally authorized text-books, and the rules and regulations prescribed for schools.

Hold pupils to account for conduct.

Fourth—Hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess; suspend, for good cause, any pupil from the school, and report such suspension to the board of school trustees or city board of education for review. If such action is not sustained by them, the teacher may appeal to the county superintendent whose decision shall be final.

Keep register.

Fifth—Keep a state school register, in which shall be left at the close of the term, a report showing programme of recitations, classification and grading of all pupils who have attended school at any time during the school year. The superintendent shall in no case draw a requisition in favor of the teacher, until the teacher has filed with him a certificate from the clerk of the board of school trustees to the effect that the provisions of this subdivision have been complied with.

Sixth—Make an annual report to the county superintendent at the time and in the manner and on the blanks prescribed by the superintendent of public instruction. Any teacher who shall end any school term before the close of the school year, shall make a report to the county superintendent immediately after the close of such term; and any teacher who may be teaching any school at the end of the school year shall, in his or her annual report, include all statistics for the entire school year, notwithstanding any previous report for a part of the year. Said teacher shall attach to the annual report a certificate showing the number of children attending said school who reside in other districts within the county together with the names, residence by district and the average daily attendance of said children. The principal of a school of more than one teacher shall combine the separate certificates from the teachers in the school of which he is principal, and shall make a certificate to the county superintendent showing the facts set forth in the separate certificates of the teachers. On receiving the certificates mentioned above from any school district under his jurisdiction, the county superintendent shall deduct the average daily attendance of such children from the total average daily attendance of the school in which they have attended school and add it to the total average daily attendance of the district or districts in which said children reside. The superintendent of schools shall in no case draw a requisition for the salary of any teacher for the last month of the school term, until the report required by this subdivision has been filed, and by him approved.

Make
annual
report.

Seventh—Make such other reports as may be required by the superintendent of public instruction, county superintendent, board of school trustees, or city board of education.

Make other
reports.

CHAPTER 686.

An act to amend an act entitled "An act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and acts amendatory thereof, by amending section 10 thereof.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section ten of an act entitled "An act to provide for the organization and management of county fire insurance companies," as amended April 15, 1909, is hereby amended to read as follows:

Section 10. No such company shall insure any property beyond the limits of the county wherein the said company is organized, except that a company may insure in any county next adjoining the county wherein such company is organized.

Insuring
outside
county
and in
municipal-
ities.

Nor shall any such company issue policies on property situated within the corporate limits of any city or town in excess of four thousand five hundred dollars on any one risk, under one or more policies. No adjoining risks can be taken by such company unless a clear space of at least one hundred and fifty feet intervenes, and such intervening space must continue at not less than one hundred feet during the life of the policy. Nor shall any risk be taken on any building closer than one hundred feet to any business property; *provided*, the amount of the insurance shall not exceed seventy-five per cent of the value of the property, and no additional insurance shall be allowed.

CHAPTER 687.

An act to amend section fifteen hundred and seventy-six of the Political Code of the State of California, relating to school districts in incorporated cities and towns, and the annexation thereto of the remainder or any part of the remainder of the district or districts from which such city or incorporated town was organized.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section fifteen hundred and seventy-six of the Political Code of the State of California is hereby amended to read as follows:

Every city to constitute a separate school district.

1576. Every city or incorporated town (except cities and towns of the sixth class), unless subdivided by the legislative authority thereof, shall constitute a separate school district, which shall be governed by the board of education or board of school trustees of such city or incorporated town; *provided*, that whenever a city or town shall be incorporated (except a city or town of the sixth class) the board of supervisors of the county may annex thereto, for school purposes only, the remainder, or any part of the remainder, of the district or districts from which such city or incorporated town was organized, whenever a majority of the heads of families residing therein, as shown by the last preceding school census, shall petition for such annexation; *and provided, further*, that the board of supervisors may include more territory than the remainder of the district or districts from which the city or incorporated town was organized, whenever a petition for such purpose is presented to them, signed by a majority of the heads of families, as shown by the last preceding school census, residing in such additional territory. When said remainder or part thereof, or said additional outside territory, has been annexed to said city or incorporated town, it shall be deemed

a part of said city or incorporated town for the purpose of holding the general municipal election, and shall form one or more election precincts, as may be determined by the legislative authority of said city or incorporated town, the qualified electors of which shall vote only for the board of education, or the board of school trustees; and such outside territory shall be deemed to be a part of said city or incorporated town for all matters connected with the school department thereof, for the annual levying and collecting of the property tax for the school funds of said city or incorporated town; and for all purposes specified in sections one thousand eight hundred and eighty to one thousand eight hundred and eighty-eight of this code, inclusive; *provided, however*, that the last assessment roll made by the county assessor shall be the only basis of taxation for such school district on the property outside the corporate limits so annexed for school purposes.

SEC. 2. This act shall take effect and be in force thirty days from and after its passage.

CHAPTER 688.

An act to prohibit minors under the age of eighteen years to vend and sell goods, engage in, or conduct any business between the hours of ten o'clock in the evening and five o'clock in the morning, and providing penalties for violations thereof.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be unlawful for any minor under the age of eighteen years to vend and sell goods, engage in, or conduct any business between the hours of ten o'clock in the evening and five o'clock in the morning.

SEC. 2. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than twenty dollars, or by imprisonment for not more than ten days, or by both such fine and imprisonment for each offense.

Unlawful
for minor
under
eighteen
to conduct
business
between
10 p. m.
and 5 a. m.

CHAPTER 689.

An act providing for the organization and management of mutual fire insurance corporations and associations and defining the same, and regulating the transaction of the business of mutual fire insurance in the State of California, and repealing an act entitled "An act providing for the organization and management of mutual fire insurance companies" approved March 19, 1907.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Mutual fire insurance corporations.

SECTION 1. Private corporations or associations may be formed for a term to be stated in their articles not exceeding fifty years for the purpose of insuring the property of their members against loss or damage by fire in accordance with this act, and not otherwise.

Trustees to adopt by-laws.

SEC. 2. The trustees or directors of any corporation or association shall adopt such by-laws not in conflict with the laws of this state, as they may deem proper for the government of its affairs and the conduct of its business. Such by-laws shall provide for the liability of its members in accordance with the provisions of this act.

Each member liable.

SEC. 3. Each person or partnership or corporation accepting a policy in any such mutual insurance corporation or association shall thereby become a member of such corporation or association and shall be liable for his proportionate share of losses and operating expenses as hereinafter provided.

No policy issued until \$500,000 is subscribed for.

SEC. 4. No policy shall be issued by any such corporation or association until not less than five hundred thousand (500,000) dollars of insurance in not less than five hundred separate risks have been subscribed for and are entered upon its books, nor until it has collected from insurance premiums, and then has on hand not less than ten thousand (10,000) dollars in cash over and above all liabilities other than reinsurance reserve as specified in section 13 of this act, and also contingent funds consisting of the liability of its members liable to assessment, in addition to cash premiums collected, amounting to not less than fifty thousand (50,000) dollars, such liability to be shown in the signed applications of its members.

Limit of expenses.

SEC. 5. The expenses, including commissions and fees to agents and officers of any calendar year, of any such corporation or association organized or operating under this act shall be limited to thirty per cent of what is left of the gross premiums actually received during that year, after deducting from such premiums the return premiums and reinsurance paid out by or for which the corporation or association has become liable during the year. A violation of this provision shall render the officers and directors and all persons

having similar powers jointly and severally liable to such company for any amount used for expenses in excess of the amount provided for in this section. In the event that such company fails or refuses to recover such moneys so paid, the insurance commissioner may sue for and recover the same from any one or all of the officers or directors and all persons having similar powers of such company for the benefit of its policyholders. No officer or other person whose duty it is to determine the character of the risks, and upon whose decision the application shall be accepted or rejected by such corporation shall receive as any part of his compensation a commission upon the premiums, but his compensation shall be a fixed salary and such share of the net profits as the directors, and all persons having similar powers may determine.

SEC. 6. Such corporation or association may issue policies for a term not exceeding five years; *provided*, the term of any policy does not exceed the time limited for the existence of the charter or articles of association. No policy or policies shall be for an amount in excess of twenty-five hundred (2500) dollars on any one risk, unless protected by reinsurance in companies having sufficient assets and surplus to entitle such companies to be permitted to do business in the State of California; *provided, however*, that one thousand (1000) dollars additional insurance may be written on any one risk for each million dollars of total insurance outstanding on the books of the corporation or association in excess of one million dollars; *provided, further*, that two or more buildings situated in the same city block, or separated by less than one hundred feet shall be deemed to be one risk.

Policies not to exceed term of five years and amount of \$2,500.

SEC. 7. Any mutual fire insurance corporation or association without subscribed capital or guarantee fund organized under the laws of some other state desiring to transact business in this state shall file with the insurance commissioner its last financial statement, showing its condition on December thirty-first, next preceding the date of its application for admission, signed by its president and secretary under oath, and showing that it is possessed of cash assets of not less than two hundred thousand (200,000) dollars, of which not less than fifty thousand (50,000) dollars shall be net cash surplus over and above all liabilities, including its reinsurance reserve as provided in section 13 of this act. Also a certificate from the insurance commissioner of the state in which said corporation or association is incorporated, certifying that in the judgment of the state insurance commissioner the statement is correct and that the corporation or association is possessed of two hundred thousand (200,000) dollars cash assets, of which not less than fifty thousand (50,000) dollars is such net cash surplus. The insurance commissioner of this state upon receipt and examination of such statement and certificate and upon satisfying himself of the correctness thereof and of compliance with the law of this state applicable as shown by this act shall issue to such corporation or association a certificate of authority granting it full power to transact business under this act.

Mutual corporation to file statement with insurance commissioner.

Policyholders, liable for assessment.

SEC. 8. Each policyholder shall be liable to pay his proportionate share of any assessment which may be levied by any such corporation or association and in accordance with the law and his contract, on account of losses and expenses incurred while he is a member. Any such corporation or association shall charge and collect upon its policies the full premium in cash, and may, in its by-laws, fix the liability of its members for the payment of the losses and expenses not provided for by its cash funds; *provided*, that the liability of a member to assessment shall not be less than the amount of one annual premium in addition to the annual cash premium of his policy; *provided, however*, that corporations or associations which have accumulated, in the regular course of the business, cash assets of not less than two hundred thousand (200,000) dollars of which not less than fifty thousand (50,000) dollars is net cash surplus over and above all the requirements of section 13 of this act shall have power, while in that condition, to adopt by-laws limiting the liability of its policyholders for loss or damage by fire to any amount it may desire to specify in its policies, and the power to issue policies with such limitation of liability to continue only during the time such corporation or association is in such financial condition; *provided, further*, that every such corporation or association must print upon its policies such by-laws or mutual conditions as will define the liability of a policyholder.

Assessments to pay losses and expenses.

SEC. 9. Whenever such corporation or association is not possessed of cash funds above its reinsurance reserve fund and all other liabilities sufficient for the payment of accrued losses it shall make an assessment for the amount needed to pay such losses and expenses, upon its members liable to assessment therefor in proportion to their several liabilities. The corporation or association shall cause to be recorded in a book kept for that purpose the order of such assessment, together with a statement which shall set forth the condition of the corporation or association at the date of the order, the amount of its cash assets and contingent funds liable to assessment and the amount of the assessment called for. Such record shall be made and signed by the directors or other persons who voted for the order, before any part of the assessment is collected, and any person liable to assessment may inspect and take a copy of the same.

Members may withdraw.

SEC. 10. Any member of any such corporation or association may withdraw at any time by surrendering his policy or certificate of insurance to the corporation or association and giving thirty days' written notice of his intention to withdraw and by paying his share of all losses which shall have accrued by the end of the time specified in the notice, and of all losses arising out of fires occurring theretofore and all losses occurring within thirty days after the service of such notice and all assessments levied in whole or in part to meet such losses, and all assessments due, accrued or pending at the time of the cancellation of his policy, but the corporation or association may retain the customary short rate for the expired time;

provided, also, that the corporation shall have power to cancel or determine any policy by giving the insured five days' written notice to that effect, and returning to the insured his pro rata of the unearned premium.

SEC. 11. No corporation or association formed under this act may make any dividend except from profits in hand, after retaining unimpaired a cash surplus of fifty thousand (50,000) dollars over and above all liabilities including reinsurance reserve and shall thereafter retain not less than five per cent per annum of all profits available for dividends until the sum of two hundred thousand dollars (\$200,000.00) net cash surplus has been accumulated. Such cash surplus shall be invested in the manner provided for in subdivisions 1, 2, 3 and 4 of section 421 of the Civil Code of the State of California as that section was amended by act approved March 22, 1907. Dividends.

SEC. 12. Any corporation or association organized or operating under this act shall file with the insurance commissioner on or before the first day of March of each year, its financial statement exhibiting its condition on the thirty-first day of December next preceding. Such statement shall be made as provided for in the blanks furnished by the insurance department. Annual statement.

SEC. 13. Whenever the liabilities of any corporation or association operating under this act for losses reported, expenses, taxes, reinsurance reserve upon all unexpired fire risks running one year or less from date of policy at fifty (50) per cent. and upon all unexpired fire risks running more than one year from date of policy to be estimated pro rata, are greater than its admitted cash assets, or whenever the available resources of any company are less than the requirements under section 4 of this act, then such company or association is insolvent. When company is insolvent.

SEC. 14. The general provisions applicable to all corporations as expressed in part four, division first of the Civil Code of the State of California and all provisions contained in sections 595, 596, 596a, 597, 598, 599, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 615, 616, 617, 618, 619, 620, 621, 622, 623, 627, 631, 631a, 632, 633, 634a, 634b of the Political Code of the State of California, and sections 435 and 439 of the Penal Code of the State of California, and section 388 of the Code of Civil Procedure of the State of California, also section 415 of the Civil Code of the State of California, and all other laws of the state relating to fire insurance, in so far as any section or law herein referred to is not inconsistent with or in conflict with the provisions of this act, are hereby made to apply to all corporations or associations operating under this act: *provided*, nothing herein shall relieve such corporations or associations from full compliance with the provisions of section 14 of article XIII of the constitution of the State of California and of all statutes enacted in aid thereof. Sections of code applicable.

SEC. 15. This act shall not apply to contracts made between persons, firms and corporations of this state, and others of this state and other states for the protection of their own property Not applicable.

under the plan known as reciprocal or inter-insurance, nor to unincorporated inter-indemnity compacts.

SEC. 16. Nothing in this act shall be construed to restrict or affect the provisions of "An act to provide from the organization and management of county fire insurance companies," approved April 1, 1897.

SEC. 17. That certain act of the legislature of the State of California, entitled "An act providing for the organization and management of mutual fire insurance companies" (approved March 19, 1907, is hereby repealed.

CHAPTER 690.

An act to provide for the disposition of lands abandoned or closed up as public streets, authorizing the execution of deeds therefor by officers of municipalities and providing for the acceptance of deeds for new streets opened in lieu of such abandoned streets.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

City may convey interest in closed street.

SECTION 1. Whenever any city or city and county shall deem it advisable to close and abandon any street or portion thereof in said city or city and county, and open a new street or streets in lieu of those so closed or abandoned, and pursuant thereto the council, board of supervisors or other governing body of the municipality shall have taken proceedings under any general law of this state or pursuant to the provisions of the charter of any such city or city and county and closed up or abandoned such street or streets or portions thereof, the council, board of supervisors or other governing body of the municipality in which such street or portion of such street is located, shall have the power by ordinance or resolution (unless otherwise in the charter of such municipality provided) to convey by deed its interest in such street or portion of street so abandoned or closed, to the owners of the lands adjacent thereto or fronting on such street in such manner as said council, board of supervisors or other governing body shall deem that equity requires.

Compensation.

SEC. 2. Such resolution or ordinance shall provide for the execution of any such deed or deeds in the name of such municipality by at least two officials of the municipality, and said council or other governing body may in its discretion impose any reasonable conditions, or demand compensation by exchange of lands, or otherwise, before conveying land, the fee of which has reverted to such municipality.

SEC. 3. The deeds provided for in the preceding section shall not in any case be delivered to the grantees therein named

until good and sufficient conveyances shall have been delivered to such municipality vesting in such municipality the title to such new street or streets so opened in lieu of such streets so closed or abandoned.

Deeds not to be delivered until city has new street.

SEC. 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

CHAPTER 691.

An act entitled an act to amend section 594 of the Political Code relating to the classification of insurance and the capital stock insurance companies are required to have.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Section 594 of the Political Code is hereby amended as follows: Classification of insurance business.

594. All insurance business in the State of California is hereby classified in the fifteen [fourteen] kinds as follows:

1. Life insurance business, including endowments and annuities, but not including health or accident or sickness insurance or any casualty insurance as hereinafter provided. Life.
2. Fire insurance but not including any marine insurance, nor any inland navigation insurance, nor any casualty insurance except as hereinafter provided. Fire.
3. Marine insurance, including ocean and inland risks, transportation and automobiles, but not including any other casualty insurance, except as hereinafter provided. Marine.
4. Title insurance, including insuring owners of real or personal property, or others interested therein, against loss by encumbrance, or defective titles, or adverse claim to title, either together with or without examination of title, or furnishing information relative thereto; *provided*, that any written contract or instrument issued by any person, firm or corporation purporting to show the title to real property or furnish information relative thereto which shall in express terms purport to insure or guarantee such title, shall be deemed a policy of title insurance. Title.
5. Fidelity and surety insurance, including the guaranteeing of persons holding places of public or private trust and guaranteeing the performance of contracts other than insurance policies and guaranteeing and executing all bonds, undertakings and contracts of suretyship. Fidelity.
6. Accident insurance, and either sickness or health insurance, including insurance against injury, disablement or death resulting from traveling or general accident, and against disablement resulting from sickness, and every insurance appertaining thereto. Accident.

7. Plate glass insurance, including all insurance against breakage of glass, whether local or in transit.
8. Liability insurance, including all insurance against loss or damage resulting from accident to or injury, fatal or non-fatal, suffered by an employe or other person for and which the insured is liable.
9. Boiler and machinery insurance, including insurance upon steam boiler, and upon pipes, engines, and machinery connected therewith and operated thereby, against explosion and accident, and against loss or damage to life, person or property, resulting therefrom.
10. Burglary insurance, including insurance against loss by burglary, housebreaking or theft.
11. Credit insurance, including insurance or guaranty either by agreement to purchase uncollectible debts or otherwise, to insure against loss or damage from the failure of persons indebted or to become indebted to the insured or to meet existing or contemplated liabilities.
12. Sprinkler insurance, including insurance against loss or damage by water to any goods or premises arising from the breakage or leakage of sprinklers or water pipes.
13. Team and vehicle insurance, including insurance against loss or legal liability for loss because of damage to property caused by the use of teams or vehicles whether by accident or collision or by explosion of any engine or tank or boiler or pipe or tire of any vehicle and also including insurance against theft of the whole or any part of any vehicle; the term vehicle as here used includes elevators and automobiles and bicycles but does not include ships nor vessels nor boats nor any railroad rolling stock.
14. Miscellaneous insurance, including cyclone, tornado, windstorm and lightning insurance and any and all casualty insurance not included under any of the foregoing thirteen kinds, and which is a proper subject of insurance.
- No company having a capital stock shall do in California any of said first kind of insurance without having a capital stock of at least two hundred thousand dollars nor shall any such company do in California any other said kinds of insurance except the sixth and eighth; *provided*, that any such insurance company desiring to do the kind of insurance embraced within either the sixth or eighth kind must have in addition to such two hundred thousand dollars of capital stock, at least fifty thousand dollars of capital stock and do the kind of insurance embraced within both the sixth and eighth kinds at least the sum of one hundred thousand dollars capital stock in addition to the said two hundred thousand dollars of capital stock required to do the first kind of insurance. No company having a capital stock shall do in California any of said second kind of insurance without having a capital stock of at least two hundred thousand dollars nor shall such company do in California any other of such kinds of insurance except the third, twelfth, thirteenth and fourteenth, nor do

Plate glass.

Liability.

Boiler.

Burglary.

Credit.

Sprinkler.

Team.

Miscellaneous.

Capital stock necessary.

the third without having in addition to such two hundred thousand dollars capital stock at least two hundred thousand dollars capital stock for such third kind of insurance, nor do any of the twelfth, thirteenth or fourteenth kinds of insurance without having in addition to such two hundred thousand dollars capital stock for the second, nor do any of the twelfth, thirteenth or fourteenth other than automobile insurance without having in addition to such four hundred thousand dollars capital stock for the second and third at least fifty thousand dollars capital stock for each of such twelfth, thirteenth and fourteenth kinds of insurance, but no company shall do any of said kinds of insurance, unless authorized so to do by their charter. No company having a capital stock shall do in California any of said third kind of insurance without having a capital stock of at least two hundred thousand dollars, nor shall any such company do in California any other of said kinds of insurance except the second and thirteenth nor do the second without having in addition to such two hundred thousand dollars capital stock at least two hundred thousand dollars capital stock for such second kind of insurance, nor do any of the thirteenth other than automobile insurance without having in addition to such two hundred thousand dollars capital stock for the third or in addition to such four hundred thousand dollars capital stock for the second and third at least fifty thousand dollars capital stock for such thirteenth kind of insurance. No company having a capital stock shall do in California any of the fourth or fifth or sixth or seventh or eighth or ninth or tenth or eleventh or twelfth or thirteenth or fourteenth of said kinds of insurance without having a capital stock of at least one hundred thousand dollars, nor shall any such company do in California any other of said fourth or fifth or sixth or seventh or eighth or ninth or tenth or eleventh or twelfth or thirteenth or fourteenth kinds of insurance without having in addition to such one hundred thousand dollars capital stock at least fifty thousand dollars capital stock for each additional kind of insurance. No company having a capital stock of at least two hundred thousand dollars, and organized to do in California the thirteenth kind of insurance shall therein do the first or second or third kind of insurance, and must in addition to such capital stock of at least two hundred thousand dollars, have fifty thousand dollars of capital stock for each kind of insurance it may do therein other than the said thirteenth kind. Such capital stock required must be fully paid up before the doing of any such business in the State of California except that companies incorporated under the laws of California must have at least twenty-five per cent of their capital stock paid in previous to the issuance of any policies and the residue within twelve months of the filing of the certificate of incorporation. The capital stock required must be exclusive of all liabilities for losses reported, expenses, taxes and reinsurance of all outstanding risks, as provided in sections 602 and 602a of the Political Code. Every company organized or

Stock to
be fully
paid up.

formed under the laws of any other state or country as a mutual or as a joint stock and mutual company having a capital stock of not more than one hundred thousand dollars must have in lieu of such capital stock, available cash assets of at least two hundred thousand dollars above all liabilities for losses reported, expenses, taxes, and reinsurance of all outstanding risks as provided in sections 602 and 602_a of the Political Code.

CHAPTER 692.

An act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and for investigation of its prevalence and making an appropriation therefor.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Board of health to investigate tuberculosis.

SECTION 1. It shall be the duty of the state board of health to cause special investigation of the prevalence of tuberculosis in California and the effects of localities, employments, conditions and circumstances on the health of those developing the disease, and to determine the best means for its eradication.

To publish printed matter.

SEC. 2. The state board of health shall publish, or procure and distribute free to the people of the State of California, printed matter, charts, pictures or models, or demonstrate to them in any practical way the prevalence of tuberculosis, the danger of infection therefrom and the means of prevention and cure.

Appropriation.

SEC. 3. The sum of five thousand dollars is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, for the purpose of this act, and the state controller is hereby directed to draw his warrant in favor of the state board of health for sums aggregating that amount, these claims having been audited by the state board of examiners, and the state treasurer is directed to pay the same.

SEC. 4. This act shall be in effect from its passage.

CHAPTER 693.

An act to amend section 607 of the Political Code as to papers to be filed in the office of the insurance commissioner by insurance companies.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 607 of the Political Code is hereby amended so as to read as follows:

607. The commissioner must cause every company, before engaging in the business of insurance, to file in his office as follows: Papers to be filed with insurance commissioner.

1. A certified copy of the last annual statement or a verified financial statement exhibiting the condition and affairs of such company.

2. If incorporated under the laws of this state, a copy of the articles of incorporation and certificate of any increase or diminution of the capital stock, certified by the secretary of state to be a copy of that which is filed in his office.

3. If incorporated under the laws of any other state or country, a copy of the articles of incorporation, if organized or formed under any law requiring articles to be filed, duly certified by the officer having the custody of such articles, or if not so organized, a copy of the law, charter, or deed of settlement under which the deed of organization is made, duly certified by the proper custodian thereof, or proved by affidavit to be a copy; also, a certificate under the hand and seal of the proper officer of such state or country having supervision of insurance business therein, if any there be, that such corporation or company is organized under the laws of such state or country, with the amount of capital stock or assets required by this article.

4. If not incorporated, a certificate setting forth the nature and character of the business, the location of the principal office, the names of the persons and of those composing the company, firm, or association, the amount of actual capital employed or to be employed therein, and the names of all officers and persons by whom the business is or may be managed. The certificate must be verified by the affidavit of the chief officer, secretary, agent, or manager of the company; and if there are any written articles of agreement or company, a copy thereof must accompany such certificates: *provided, however*, when the number of persons composing such company shall exceed ten, such certificate need not state the names of any greater number of persons than ten, who shall be the largest owners; and if such company be formed out of the United States, the said certificate need not contain the names of any officers or managers other than those resident within the United States, nor any

statement of capital not employed within the United States, and the affidavit must be made by the chief executive officer or manager in the United States.

5. When, after such filing, any change is made in respect to any of the particulars set forth in any of the papers so filed as hereinabove required by either subdivisions 2, 3 or 4 of this section, copy of the instrument or record of the action making such change, proved by certificate of custodian of the original or by affidavit must be filed with the insurance commissioner.

SEC. 2. This act shall take effect immediately.

CHAPTER 694.

An act to appropriate the sum of eight thousand and ninety-one dollars, for the use and benefit of the University of California, to supply a deficiency in the appropriation for printing at the state printing office for the fiscal years 1908 and 1909.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
deficiency,
printing.

SECTION 1. The sum of eight thousand and ninety-one dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to supply a deficiency in the appropriation for printing at the state printing office for the fiscal years 1908 and 1909.

SEC. 2. This act is hereby exempted from the provisions of section 672 of the Political Code.

CHAPTER 695.

An act to amend section 1729 of the Political Code of the State of California, relating to the annexation, consolidation and merger of union high school districts with high school districts of an incorporated city or town.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1729 of the Political Code of the State of California is hereby amended to read as follows:

Consolidation of
union high
school
districts.

1729. Two or more contiguous high school districts in the same or in adjoining counties may be united to form a single union or joint union high school district by proceedings taken as hereinafter provided. Whenever a petition signed by two

thirds of the high school board of each of two or more contiguous high school districts, asking that said high school districts be united to form a single union or joint union high school district under a name to be stated in the petition, and stating the location of the high school agreed upon by said high school boards, shall be presented to the superintendent of schools who would have jurisdiction of an original petition for the formation of a high school district out of the territory comprised in the high school districts so petitioning, said superintendent of schools shall, within twenty days, call an election for the determination of the question. Such election shall be held separately in each of the school districts composing said high school districts so petitioning, and shall be called and held as provided in section seventeen hundred twenty-seven, except that the ballots shall state the location of the high school as described in the petition to the superintendent of schools and shall contain the words "For the union of high school districts—Yes" and "For the union of high school districts—No." Said superintendent of schools shall canvass the returns and file his certificate of the result as directed by section seventeen hundred twenty-seven. If a majority of the votes cast at such election are in favor of the union of such high school districts, the high school districts so petitioning shall, from the time of filing such certificate, be united to form a single union or joint union high school district under the name stated in the petition. Thereupon the high school board shall be elected and organized as provided in sections seventeen hundred thirty and seventeen hundred thirty-one. If either of such high school districts so united has an outstanding bonded indebtedness, the new high school district shall be liable therefor; also a union high school district which lies contiguous to or adjoining a high school district of an incorporated city or town in any county, may be annexed to, consolidated and merged with said high school district of such incorporated city or town. Whenever a majority of the heads of families residing in any union high school district which lies contiguous to or adjoining a high school district in any incorporated city or town in the same county, shall present to the superintendent of schools of said county a petition asking for the annexation, consolidation and merger of such union high school district with such high school district of such incorporated city or town, and which petition is accompanied by an agreement signed by a majority of the members of the board of education or board of school trustees of such incorporated city or town and consenting and agreeing to such annexation, consolidation and merger, and setting forth the terms and conditions upon which such annexation, consolidation and merger shall be made, such superintendent of schools shall, after verifying the signatures thereon and finding them sufficient, transmit such petition and agreement to the board of supervisors of said county with his recommendation thereon. Such board thereupon, in their discretion, may make an order

Petition.

Returns.

Bonded
indebted-
ness.Union of
high school
district
with high
school
district
of a city.

annexing, consolidating and merging, for high school purposes, such union high school district with such high school district of such incorporated city or town, and such merged, consolidated and combined district shall take the name and thereafter be known by and under the same name as the high school district of such incorporated city or town; *provided*, that all bonded indebtedness of either of said districts and all interest thereon shall be paid by the district which incurred the same as though such consolidation and merger had not occurred; then the consolidation and merger of such union high school district with said high school district of such incorporated city or town upon the terms stated in such petition and agreement shall be complete and valid by virtue of the order of said board of supervisors duly entered in its minutes. Such annexation, consolidation and merger may be made at any time irrespective of the provisions of section 1577 of the Political Code of this state. After any such union high school district has been so annexed to, consolidated and merged with any such high school district of any incorporated city or town, such territory of said union high school district so merged and consolidated shall be deemed to be a part of said city or incorporated town for high school purposes and for all matters connected with the high school department thereof, and for the purpose of assessing, levying and collecting property taxes for the high school funds of such city or incorporated town and for the purposes specified in section 1880 and 1888, inclusive, of the Political Code. Whenever a union high school district shall be annexed to, consolidated and merged with a high school district of an incorporated city or town as hereinabove provided, the governing power and control of such union high school district shall thereafter be merged and vested in the board of education or board of school trustees of such incorporated city or town, and all funds belonging to said union high school district shall be transferred by requisition of the school superintendent of the said county, upon the county auditor to the credit of the proper funds of such incorporated city or town with which said union high school district has been merged, consolidated and annexed and thereafter said high school district of said incorporated city or town shall have the benefit of and shall be entitled to enforce and collect in its own name all obligations and contracts then existing in favor of such union high school district and shall also assume and be responsible for the payment or performance of all debts, obligations and contracts outstanding or existing against said union high school district, excepting only the bonded indebtedness then outstanding against said union high school district and shall thereafter govern and control all the property of said union high school district.

Deemed part of city for high school purposes.

Control of merged high school district.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 696.

An act to amend section 1711 of the Political Code relating to the library fund in cities.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1714 of the Political Code is hereby amended to read as follows:

1714. In cities not divided into school districts, the library fund shall consist of a sum not to exceed fifty dollars, for every one thousand children or fraction thereof of five hundred or more, between the ages of five and seventeen years, annually taken from the city or county school fund apportioned to the city. The superintendent shall apportion the library fund in cities not divided into districts among the several schools in proportion to the average number of children belonging to each school; *provided*, that in city and county the library fund shall consist of a sum equal to at least ten dollars for each teacher employed in such city and county.

School
library
fund in
cities.

CHAPTER 697.

An act to amend section 1548 of the Political Code, relating to binding of school documents; postage, expressage, printing, etc., for school superintendents.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1548 of the Political Code is hereby amended to read as follows:

1548. He may draw his requisition upon the county auditor, who shall draw his warrant on the unapportioned county school fund, in his own favor, for the binding of school documents, not to exceed twenty dollars a year; for postage and expressage for his office not to exceed two dollars for each district of his county, and for such other incidental expenses as may be authorized by law; *provided*, that not more than one half of such allowance shall be used during the first six months of any school year, except by unanimous consent of the board of supervisors; and *provided*, further, that in incorporated cities, and cities and counties, each three hundred pupils enrolled in such incorporated cities, and cities and counties, as shown by the last report to the state superintendent of public instruction, shall be considered equal to one school district.

Binding
school
doc-
uments,
postage,
etc.

CHAPTER 698.

An act to amend section 1552 of the Political Code, relating to the traveling expenses of the county superintendent of schools.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1552 of the Political Code is hereby amended to read as follows:

Traveling expenses of county superintendents of schools.

1552. Each county superintendent shall receive his actual and necessary traveling expenses, said expenses to be allowed by the board of supervisors, and to be paid out of the county general fund; *provided*, that this amount shall not exceed ten dollars per district per annum; *provided, further*, that in any city and county each three hundred pupils enrolled in such city and county, as shown by the last report to the superintendent of public instruction, shall be considered equal to one school district.

CHAPTER 699.

An act to amend section 384 of the Penal Code, relating to forest fires.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 384 of the Penal Code is hereby amended to read as follows:

Penalty for violating act.

384. Any person who shall wilfully or negligently commit any of the acts hereinafter enumerated in this section shall be guilty of a misdemeanor, and upon conviction thereof be punishable by a fine of not less than fifty nor more than five hundred dollars, or imprisonment in the county jail not less than fifteen days nor more than six months, or both such fine and imprisonment, except that in the case of an offense against subsection five of this section, the fine imposed may be not less than ten dollars.

Setting fire without permission.

1. Setting fire, or causing or procuring fire to be set to any forest, brush or other inflammable vegetation growing on lands not his own, without the permission of the owner of such land; *provided*, that no person shall be convicted under this section who shall have set, in good faith and with reasonable care, a back fire for the purpose of stopping the progress of a fire then actually burning.

Allowing fires to escape.

2. Allowing fires to escape from the control of the persons having charge thereof, or to spread to the lands of any person other than the builder of such fire without using every reasonable and proper precaution to prevent such fire from escaping.

3. Burning brush, stumps, logs, rubbish, fallen timber, fallows or grass on his own land, or blasting with dynamite, powder or other explosives, or setting off fireworks in forest or brush-covered land, either his own or the property of another, without taking every proper and reasonable precaution both before the lighting of said fire and at all times thereafter to prevent the escape thereof; *provided*, that any firewarden may, in his discretion, give a written permit to any person desiring to burn or blast as aforesaid; such permit shall contain such rules and regulations for the building and management of such fires as the state board of forestry may from time to time prescribe; and in any prosecution under this subsection it shall be prima facie evidence that the defendant has taken proper and reasonable precautions to prevent the escape of such fire, when he shall show that he has received such a permit and has complied with all the rules and regulations therein prescribed.

Burning brush without taking precaution.

4. Using any logging locomotive, donkey or threshing engine, or any other engine or boiler, in or near any forest, brush or grass land, unless he shall prove upon the trial, affirmatively, that such engines or boilers used by him were provided with adequate devices to prevent the escape of fire or sparks from smokestacks, ash pans, fireboxes, or other parts, and that he has used every reasonable precaution to prevent the causing of fire thereby.

Using locomotives without devices to prevent escape of sparks.

5. Refusing or failing to render assistance in combating fires at the summons of any firewarden unless prevented by good and sufficient reasons.

Refusing to aid in fighting fires.

6. Leaving fire burning or unextinguished on departing from a camp or camping place, or allowing such fire to spread after being built.

Leaving fire burning.

7. The provisions of this section shall not apply to the setting of fire on lands within any municipal corporation of the state.

Not applicable.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 700.

An act conveying certain tide lands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

WHEREAS, Since the admission of California into the Union, all tide lands along the navigable waters of this state and all lands lying beneath the navigable waters of the state have been

and now are held in trust by the state for the benefit of all the inhabitants thereof for the purposes of navigation, commerce and fishing; and

WHEREAS, It is the duty of the state to govern, administer and control such lands and to improve and develop navigation, commerce and fishing thereon and thereover; and

WHEREAS, The state has not the general power of alienation of such lands but may, when the interests of commerce, navigation and fishing require it, convey to municipalities limited and defined areas of such lands with the power to govern, control, improve and develop the same in the interests of all the inhabitants of the state; and

WHEREAS, The conveyance to the city of San Diego of the lands hereinafter described, together with the right to govern, control, improve and develop the same will result in great advantage and benefit to all the inhabitants of the state, it is provided:

The lands granted to San Diego.

SECTION 1. There is hereby granted and conveyed to the city of San Diego, in the county of San Diego, State of California, all of the lands situate on the city of San Diego side of said bay, lying and being between the line of mean high tide and the pier head line in said bay, as the same has been or may hereafter be established by the federal government, and between the prolongation into the bay of San Diego to the pier head line of the boundary line between the city of San Diego and National City, and the prolongation into the bay of San Diego to the pier head line of the northerly line of the United States military reservation on Point Loma.

City to improve.

SEC. 2. The city of San Diego shall have and there is hereby granted to it the right to make upon said premises all improvements, betterments and structures of every kind and character, proper, needful and useful for the development of commerce, navigation and fishing, including the construction of all wharves, docks, piers, slips, and the construction and operation of a municipal belt line railroad in connection with said dock system.

Lands not to be transferred by city.

SEC. 3. No grant, conveyance or transfer of any character shall ever be made by the city of San Diego of the lands described in paragraph one, or of any part thereof, but the said city shall continue to hold said lands and the whole thereof unless the same revert or be ceded to the State of California. The harbor of San Diego shall remain always a public harbor and the said city shall never charge or permit to be charged on any of the premises by this act conveyed any unreasonable rate or toll, nor make nor suffer to be made any unreasonable charge, burden or discrimination. In the event of a violation of any of the provisions of this act the said lands and the whole thereof shall revert to the State of California.

May lease wharves.

SEC. 4. The city of San Diego may lease for a term not exceeding fifteen years any wharves, docks or piers constructed by it, and all such leases so executed shall reserve to the common council of the city of San Diego the right and privilege,

by ordinance, to annul, change or modify such leases as in its judgment may seem proper. The aggregate amount of all wharves, docks and piers so leased by said city shall never exceed seventy-five per cent of all the wharves, docks and piers actually constructed.

SEC. 5. The city of San Diego may lease not to exceed an aggregate of seventy-five per cent of the lands conveyed to it by this act, for a term not to exceed twenty-five years and upon which wharves, docks or piers have not been actually constructed and no such lease shall be for a larger area than forty acres, and such leases shall not be assignable or transferable, nor shall any lessee have the right to sublet the leased premises or any part thereof, and all such leases so executed shall reserve to the common council of the city of San Diego the right and privilege, by ordinance to annul, change or modify such leases as in its judgment may seem proper.

May lease
lands.

SEC. 6. The foregoing conveyance is made upon the condition that the city of San Diego shall, within twelve months from the approval of this act, exclusive of such time as said city may be restrained from so doing by injunction issued out of any court of this state or of the United States, and exclusive of such further delay as may be caused by unavoidable misfortune or great public or municipal calamity, issue its bonds for harbor improvement purposes in an amount of not less than one million dollars, and shall, within eighteen months after the approval of this act, exclusive of the time in this section hereinbefore mentioned, commence the work of such harbor improvement, and the said work and improvement shall be prosecuted with such diligence that not less than one million dollars shall be expended thereon within three years from the approval of this act exclusive of the time in this section hereinbefore mentioned. The said harbor improvement work shall be so done and performed that accommodation will be furnished and maintained for ocean going vessels of the largest class, and a depth of water shall be obtained and maintained at the piers of not less than thirty-five feet. If said bonds be not issued or said work be not prosecuted and completed as and in the manner herein provided, then the lands by this act conveyed to the city of San Diego shall revert to the State of California.

City to
issue
bonds for
improvements.

SEC. 7. The state hereby reserves unto itself at all times, the reasonable use of and access to all wharves, docks, piers, slips and quays hereafter constructed under the provisions of this act, for any vessel or water craft owned, leased or operated by the state.

Rights
reserved
to state.

SEC. 8. This act shall take effect immediately.

CHAPTER 701.

An act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a national encampment of the Grand Army of the Republic in this state, to be held in nineteen hundred twelve.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation:
G. A. R.
encampment.

SECTION 1. There is hereby appropriated out of any moneys in the treasury not otherwise appropriated, the sum of twenty-five thousand dollars (\$25,000), to be expended in the discretion of the governor, for the purpose of assisting to defray the expenses of a public nature incident to the holding of a national encampment of the Grand Army of the Republic in this state during the year nineteen hundred twelve.

SEC. 2. The governor of the state shall, immediately upon the passage of this act, demand from the state controller, and the controller is hereby authorized and instructed upon such demand to draw his warrant in favor of the governor of the state for the sum of twenty-five thousand dollars (\$25,000) to be expended by him as above provided, and the treasurer is hereby authorized and directed to pay the same; *provided*, that the governor, in his discretion, may arrange for the expenditure of said money through the general committee of management of the forty-sixth national encampment of the Grand Army of the Republic, organized under the auspices of the Grand Army of the Republic in this state.

SEC. 3. This act shall take effect from and after its passage.

CHAPTER 702.

An act to amend the Political Code of the State of California by adding a new section thereto, to be numbered section one thousand five hundred and forty-three a, providing for the payment of interest on unpaid orders or demands against any school district.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows: .

SECTION 1. A new section is hereby added to the Political Code of the State of California, to be numbered section one thousand five hundred and forty-three a and to read as follows:

1543a. When any claim or demand against any school district, or union school district, or joint union school district,

or high school district, or city high school district, or union high school district, or joint union high school district, or county high school district shall be presented to the superintendent of schools of any county or city and county, no requisition upon the county auditor shall be drawn thereon unless there is sufficient money in the fund against which such order or demand is drawn to pay the same in full. When any such order or demand is presented to the superintendent of schools of any county, or city and county, for approval and is not approved for want of funds and the amount of said order or demand does not exceed the income and revenue provided for the year in which the indebtedness was incurred, for which said order or demand was drawn, such superintendent of schools must endorse thereon the words "Not approved for want of funds," with the date of presentation and shall, in attestation thereof, affix his signature thereto; and shall number such endorsement and shall register said order or demand in the records of his office and shall thereupon deliver said order or demand to the claimant, or his order. From that time, such order or demand shall bear interest at the rate of six per cent per annum, as herein provided. When the superintendent of schools shall ascertain from the treasurer that there are sufficient public school moneys in the treasury of the county, or city and county, which can be applied to the payment of the aforesaid endorsed orders or demands and is not otherwise appropriated, he shall set apart the same, or so much thereof, as may be necessary for the payment of such endorsed orders or demands and accrued interest; and he shall, in addition, forthwith give notice, in a newspaper published in the county in which he shall have his office, and, if there shall not be any newspaper in such county, then by written notice posted on the court house door, stating therein that he is ready to approve said order, or orders, demand, or demands. Such notice shall be dated the day of its publication or posting and, from the first publication or posting of such notice, such order or orders, demand or demands shall cease to bear interest. In advertising any order or orders, demand or demands under the provisions of this section, such superintendent of schools shall not publish the order or orders, demand or demands in detail, but shall give notice that the order or orders, or demand or demands of any particular district, specifying the district or districts, presented for approval prior to the date of said notice, are ready to be approved and that requisitions upon the county auditor will be drawn thereon. When only a part of such order or orders, demand or demands are ready for approval and can be paid, such superintendent of schools must designate in such advertisement the order or orders, demand or demands which are approvable at the date thereof, and shall repeat such notice until notice is given of the payment of all such order or orders, demand or demands. After the posting or publication of the notice herein provided, when any order or orders, demand or demands drawn against any

Interest to be paid on unpaid orders against school districts.

Notice given when funds are in treasury to pay endorsed orders.

Superintendent to compute interest due.

Failure to
present
orders.

Monthly
reports of
interest.

school fund, endorsed as herein provided, shall be again presented to the superintendent of schools of any county, or city and county, for approval, such superintendent of schools shall compute the interest due on each of said order or orders, demand or demands, bearing interest under the provisions of this section, and shall note the amount of interest on the order or demand and shall enter in the records of his office, the amount of interest distinct from the principal; and shall thereupon draw his requisition upon the county auditor for the amount of said order or orders, demand or demands and the interest computed thereon, in the manner provided by section fifteen hundred and forty-three of this code and in the order in which said order or orders, demand or demands were registered in his office. Said interest shall be paid as part of said order or demand by the treasurer. Should the holders of such endorsed orders or demands fail to present the same for payment within sixty (60) days from the date of the notice herein provided for, the funds set aside for the payment of the same must be, by the superintendent of schools and treasurer, applied to the payment of unpaid orders or demands, next in order of endorsement and, if no other endorsed orders or demands shall be presented, then such money shall be applied to the payment of orders or demands not so endorsed, or otherwise disposed of according to law. The superintendent of schools shall report to the county treasurer and the county auditor, not later than the second Monday of each month, the amount of money computed as interest under this section. Such report shall show each district, for which interest has been computed on endorsed and approved orders or demands and the amount thereof for each district. The superintendent of schools shall immediately report, in writing, to the clerk or secretary of each district for which interest has been computed, as aforesaid, the amount computed for the district, of which he is clerk or secretary.

CHAPTER 703.

An act to amend section 1617 of the Political Code of the State of California, relating to the powers and duties of trustees of common school districts and of boards of education in city school districts.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1617 of the Political Code of the State of California is hereby amended to read as follows:

Duties of
trustees of
common
school
districts.

1617. The powers and duties of trustees of common school districts, and of boards of education in city school districts, are as follows:

First—To prescribe and enforce rules, not inconsistent with

law or those prescribed by the state board of education, for their own government and government of schools, and to transact their business at regular or special meetings, called for such purpose, notice of which shall be given each member.

Prescribe rules.

Second—To manage and control the school property within their districts, and pay all moneys collected by them, from any source whatever, for school purposes, and all moneys apportioned to them from taxes levied and collected under the authority of city councils for school purposes, into the county treasury, to be placed to the credit of the special fund of their districts.

Manage school property.

Third—To purchase text-books of the state series for the use of pupils whose parents are unable to purchase them, school furniture, including organs and pianos, and apparatus, and such other things as may be necessary for the use of schools; *provided*, that, except in city school districts governed by boards of education, they purchase such books and apparatus only as have been adopted by the county board of education.

Purchase text-books, etc.

Fourth—To rent, furnish, repair and insure the school property of their respective districts, such insurance to be written in any solvent insurance company doing business in this state or in any mutual insurance company organized under the laws of this state. To grant the use of school buildings or grounds for public, literary, scientific, recreational or educational meetings, or for the discussion of matters of general or public interest, upon such terms and conditions as said trustees or boards of education may deem proper: *provided, however*, that said use shall not be inconsistent with the use of said buildings or grounds for school purposes nor interfere with the regular conduct of school work; *and provided, further*, that no privilege of using said buildings or grounds shall be granted for a period exceeding one year, such privilege being renewable and revocable in the discretion of said trustees or boards of education.

Rent, etc., school property.

Fifth—When directed by a vote of their districts to build schoolhouses or to purchase or sell school lots.

Build school-houses.

Sixth—To make, in the name of the district, conveyances on all property belonging to the district, and sold by them.

Make conveyances.

Seventh—(a) To employ a principal for each school under their control, and in schools employing eight teachers or more, they may employ a supervising principal for one or more schools under their control, and in each city school district governed by a city board of education to employ a city superintendent of schools and, when necessary, deputy or assistant city superintendent of schools, and to fix and order paid the compensation of the same unless the same be otherwise prescribed by law; *provided*, that any supervising principal, or city superintendent, or deputy, or assistant city superintendent, who shall be employed after the passage of this act, may be employed for four years.

Employ principal.

(b) To employ the teachers, and immediately notify the county superintendent of schools, in writing of such employ-

Employ
teachers,
janitor.

ment, naming the grade of certificate held by the teacher employed; also to employ janitors and other employees of the school; to fix and order paid their compensation, unless the same be otherwise prescribed by law; *provided*, that no board of trustees shall enter into any contract with such employees to extend beyond the close of the next ensuing school year; except that teachers may be elected on or after June first for the next ensuing school year, and each teacher so elected shall be deemed reelected from year to year thereafter unless the governing body of the school district shall on or before the tenth day of June give notice in writing to such teacher that his services will not be required for the ensuing school year.

Such notice shall be deemed sufficient and complete when delivered in person to the teacher by the clerk or secretary of the governing body of the school district, or deposited in the United States mail with postage prepaid addressed to such teacher at his last known place of address; *and provided, further*, that any teacher who shall fail to signify his acceptance within twenty days after such election shall be deemed to have declined the same; *and provided, further*, that any board of trustees or city board of education may pay the teachers employed by them by the calendar month in twelve payments instead of by the school month, beginning such payments on the first Monday of the calendar month following the opening of the current school year, and continuing such payments in like manner from month to month until the teachers have been paid the full amount due to them.

Suspend
pupil.

Eighth—To suspend or expel pupils for misconduct, when other means of correction have failed to bring proper conduct.

Exclude
children
under six
from
school.

Ninth—To exclude from the school children under six years of age, except as hereinafter provided; *provided*, that where the kindergarten is a part of the day elementary schools, children may be admitted to the kindergarten classes at four years of age; *and provided, further*, that where any district has established a school for the instruction of the deaf, such children may be admitted to the deaf school at three years of age.

In the enforcement of the provisions of this section, children shall be admitted to the beginning classes of any school only during the first month of the school year, or when the school year is divided into school terms, during the first month of each term, and children who will be six years of age before the end of the sixth month of the school year, or before the end of the third month of the school term, shall be admitted at the beginning of the school year, or the school term, and children who will not be six years of age by the end of the period specified, shall not be admitted until the beginning of another school year or school term. Beginners shall in like manner be admitted to the beginning classes of the kindergarten during the first month of the school year, or of the school term, if the school year be divided into terms, if such children will be four years of age before the end of the sixth month of the school year or before the end of the third month of the school term, and

children who will not be four years of age within the period specified shall not be admitted to the kindergarten until the beginning of another school year or term.

Tenth—To enforce in schools the course of study and the use of text-books prescribed and adopted by the proper authority. Enforce course of study

Eleventh—To appoint district librarians, and enforce the rules prescribed for the government of district libraries. Appoint librarians.

Twelfth—To exclude from school and school libraries all books, publications, or papers of a sectarian, partisan or denominational character. Exclude certain publications.

Thirteenth—To furnish books for the children of parents unable to purchase them; the books so furnished to belong to the school district and to be kept in the district school library when not in use. Furnish books to poor children.

Fourteenth—To keep a register, open to the inspection of the public, of all children applying for admission and entitled to be admitted into the public schools, and to notify the parents or guardians of such children when vacancies occur, and receive such children into the schools in the order in which they are registered. Keep a register.

Fifteenth—To permit children from other districts to attend the schools of their district only upon the consent of the trustees of the district in which such children reside; *provided*, that should the trustees of the district in which children, whose parents or guardians desire them to attend in other districts reside, refuse to grant their consent, the parents or guardians of such children may appeal to the county superintendent and his decision shall be final. Permit children from other districts to attend.

Sixteenth—On or before the first day of April in each year to appoint a school census marshal, and notify the superintendent of schools thereof; *provided*, that in any city school district governed by a board of education, or city and county, the appointment of all school census marshals shall be subject to the approval of the city superintendent of schools. Appoint census marshal.

Seventeenth—To make an annual report, on or before the first day of July, to the superintendent of schools, in the manner and form and on the blanks prescribed by the superintendent of public instruction. Make annual report.

Eighteenth—To make a report, whenever required, directly to the superintendent of public instruction, of the text-books used in their schools. Make text-book report.

Nineteenth—To visit every school in their district at least once in each term, and examine carefully into its management, conditions and wants. This clause to apply to each and every member of the board of trustees. Visit schools.

Twentieth—Boards of trustees may, and upon a petition signed by a majority of the heads of families resident in the district as shown by the last preceding school census must, call meetings of the qualified electors of the district for determining or changing the location of the schoolhouse, or for consultation in regard to any litigation in which the district may be engaged, or be likely to become engaged, or in regard to any affairs of Call meetings of electors to change location of school-house, etc.

the district. Such meetings shall be called by posting three notices in public places, one of which shall be in a conspicuous place on the schoolhouse, for not less than ten days previous to the time for which the meeting shall be called, which notices shall specify the purposes for which said meetings shall be called; and no other business shall be transacted at such meetings. District meetings shall be organized by choosing a chairman from the electors present, and the district clerk shall be clerk of the meeting, and shall enter the minutes thereof on the records of the district. A meeting so called shall be competent to instruct the board of trustees:

1. In regard to the location or change of location of the schoolhouse, or the use of the same for other than school purposes; *provided*, that in no case shall the schoolhouse be used for purposes which necessitate the removal of any school desks or other school furniture.

2. In regard to the sale and purchase of school sites.

3. In regard to prosecuting, settling or compromising any litigation in which the district may be engaged, or be likely to become engaged, and may vote money, not exceeding one hundred dollars in any one year, for any of these purposes in addition to any amount which may be raised by the sale of district school property, and the insurance of property destroyed by fire; *provided*, that the proceeds of the insurance of the library and apparatus shall be paid into the library fund. All funds raised by the sale of school property may be disposed of by direction of a district meeting. District meetings may be adjourned from time to time, as found necessary, and all votes instructing the board of trustees shall be taken by ballot, or by ayes and noes vote, as the meeting may determine. The board of trustees shall, in all cases, be bound by the instructions of the district meeting in regard to the subjects mentioned in this section; *provided*, that the vote in favor of changing the location of the schoolhouse be two thirds of all the electors voting at said meeting upon the proposition to change the location.

Prosecute
claims.

Twenty-first—Without the vote of the district to prosecute or compromise any litigation, claims, demands and causes of action arising from the destruction, partial or total, of any school building in the course of construction during the month of April, A. D. one thousand nine hundred and six, in which the district is or shall hereafter be engaged, and devote money for any of these purposes.

Let
contracts.

Twenty-second—To let all contracts involving an expenditure of more than two hundred dollars for work to be done or for materials or supplies to be furnished, except musical instruments, to the lowest responsible bidder who will give such security as the board may require or else to reject all bids; *providing*, that continuing contracts for materials and supplies may be made with an accepted bidder for a period of one year; *and provided, further*, that the board may repair old buildings by day's labor. For the purpose of securing bids the board

must publish a notice calling for bids, stating the work to be done or materials or supplies to be furnished, and the time when the place where bids will be opened, at least once a week for two weeks in some daily or weekly newspaper published in the county, or if there is no such paper, then in some newspaper circulated in such county.

Twenty-third—To give diligent care to the health and physical development of pupils, and where sufficient funds are provided by district taxation, to employ properly certified persons for such work. Give care to health of pupils.

Twenty-fourth—To provide for the transportation of pupils wherever in their judgment such transportation of pupils is advisable: *provided*, that such transportation of pupils shall not cost the district more than fifteen cents per pupil transported per day. Provide transportation.

CHAPTER 704.

An act making an appropriation to assist in the erection of a monument to the memory of the pioneers of California, near Donner lake, Nevada county, State of California, and providing for the payment thereof.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to assist in the erection of a monument to the memory of the California pioneers, near Donner lake, Nevada county, State of California. The payments of said moneys shall be made to the grand treasurer of the Native Sons of the Golden West for account of the Donner monument fund. Appropriation: Donner monument.

SEC. 2. The state controller is hereby directed to draw his warrants in favor of the grand treasurer of the Native Sons of the Golden West for the said sum of five thousand dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1912.

CHAPTER 705.

An act making appropriations for the support of the government of the State of California for the sixty-third and sixty-fourth fiscal years.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation support of state government.

SECTION 1. The following sums of money are hereby appropriated out of any money in the state treasury not otherwise appropriated for the support of the government of the State of California for the sixty-third and sixty-fourth fiscal years:

FOR LEGISLATIVE DEPARTMENT.

Legislative department.

For salaries of senators and mileage of lieutenant governor and senators, forty-two thousand two hundred dollars.

For pay of officers, clerks and all other employees of the senate, thirty-seven thousand five hundred dollars.

For contingent expenses of senate, twelve thousand five hundred dollars.

For salaries and mileage of the assemblymen, eighty-three thousand five hundred dollars.

For pay of officers, clerks and all other employees of the assembly, thirty-seven thousand five hundred dollars.

For contingent expenses of the assembly, fifteen thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the legislature, eighty-five thousand dollars.

FOR JUDICIAL DEPARTMENT.

Judicial department.

For salaries of justices of supreme court, one hundred and twelve thousand dollars.

For salaries of two secretaries supreme court, nine thousand six hundred dollars.

For salary of reporter of decisions of supreme court and district courts of appeal, five thousand dollars.

For salary of one assistant reporter of decisions of supreme court and district courts of appeal, four thousand eight hundred dollars.

For salary of librarian of supreme court, three thousand dollars.

For salaries of two phonographic reporters of supreme court, ten thousand eight hundred dollars.

For salaries of two bailiffs of supreme court, seven thousand two hundred dollars.

For expenses of supreme court under section 47, Code of Civil Procedure, fifty thousand eight hundred dollars.

For postage and contingent expenses of the supreme court, two hundred and fifty dollars. Judicial
depart-
ment.

For salary of clerk of supreme court, ten thousand dollars.

For salary of chief deputy clerk of supreme court, four thousand eight hundred dollars.

For salaries of six deputy clerks of supreme court, twenty-one thousand six hundred dollars.

For salary of stenographer to clerk of supreme court, two thousand dollars.

For pay of porter for office of clerk of supreme court at Sacramento, one thousand four hundred and forty dollars.

For postage and contingent expenses of clerk of supreme court, four thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the clerk of supreme court, two thousand five hundred dollars.

For salaries of justices of district courts of appeal, one hundred and twenty-six thousand dollars.

For salaries of three clerks of district courts of appeal, sixteen thousand two hundred dollars.

For salaries of three deputy clerks of district courts of appeal, twelve thousand dollars.

For salaries of three photographic reporters of district courts of appeal, fourteen thousand four hundred dollars.

For salaries of three bailiffs of district courts of appeal, nine thousand six hundred dollars.

For pay of two porters of first and second district courts of appeal, three thousand six hundred dollars.

For pay of one porter of the third district court of appeal, two thousand one hundred and sixty dollars.

For postage and contingent expenses of clerks of district courts of appeal, one third to each, three thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the clerks of district courts of appeal, one third to each, three thousand dollars.

For rent of quarters for second district court of appeal, eight thousand dollars.

For state's portion of salaries of judges of superior courts, four hundred and eighty-five thousand dollars.

GOVERNOR'S OFFICE.

For salary of governor, twenty thousand dollars. Governor.

For salary of private secretary to governor, ten thousand dollars.

For salary of executive secretary to governor, seven thousand two hundred dollars.

For salary of stenographer to governor, four thousand dollars.

For salary of messenger to governor, three thousand dollars.

For special contingent expenses (secret service), governor's office, exempt from provisions of section 433 and 672 of Political Code, ten thousand dollars.

Governor. For postage, expressage, telegraphing, traveling, and contingent expenses, governor's office, six thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the governor's office, one thousand five hundred dollars.

For support of governor's residence, exempt from section 672 of Political Code, seventeen thousand five hundred dollars.

For salary of watchman, governor's mansion, two thousand four hundred dollars.

For payment of rewards offered by the governor, one thousand five hundred dollars.

For payment of rewards offered by the governor, illegal voting, five hundred dollars.

For payment of rewards for arrest and conviction of highway robbers, two thousand dollars.

For arresting criminals without the state (exempt from section four of this act), twenty thousand dollars.

LIEUTENANT GOVERNOR.

Lieutenant
governor.

For salary of lieutenant governor, eight thousand dollars.

STATE BOARD OF CONTROL.

Board of
control.

For salaries of three members of board of control, twenty-four thousand dollars.

For salary of secretary to board of control, four thousand eight hundred dollars.

For salaries of three clerks to board of control, ten thousand eight hundred dollars.

For salaries of two stenographers to board of control, six thousand dollars.

For salary of messenger to board of control, one thousand eight hundred dollars.

For salary of superintendent of accounts, board of control, six thousand dollars.

For salaries of two assistants to superintendent of accounts, board of control, ten thousand eight hundred dollars.

For traveling and contingent expenses of board of control and department of accounting, twelve thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the various offices, boards and commissions to be expended under the direction of the board of control, four thousand five hundred dollars.

For official advertising, two thousand dollars.

For purchase from federal government of topographical sheets, two thousand dollars.

For emergency fund to be expended only upon unanimous vote of the board of control, approved by the controller, seventy-five thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the board of control and department of accounting, two thousand dollars.

SECRETARY OF STATE'S OFFICE.

For salary of secretary of state, ten thousand dollars.

Secretary
of state.

For salary of deputy secretary of state, six thousand dollars.

For salary of bookkeeper, office secretary of state, four thousand eight hundred dollars.

For salary of corporation secretary, office secretary of state, five thousand six hundred dollars.

For salary of statistician, office secretary of state, four thousand eight hundred dollars.

For salary of keeper of archives, office secretary of state, four thousand dollars.

For salary of one recording clerk, office secretary of state, three thousand six hundred dollars.

For salaries of five recording clerks, office secretary of state, sixteen thousand dollars.

For salary of one register clerk, office secretary of state, three thousand six hundred dollars.

For salaries of two certificate clerks, office of secretary of state, six thousand four hundred dollars.

For salary of messenger, office secretary of state, one thousand eight hundred dollars.

For pay of porter, office secretary of state, one thousand four hundred and forty dollars.

For salary of two special clerks, January 1 to May 1, legislative year, office secretary of state, one thousand dollars.

For postage, expressage and telegraphing, office secretary of state (exempt from section four of this act), eight thousand dollars.

For contingent and traveling expenses, office secretary of state, one thousand five hundred dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the office of secretary of state (exempt from section four of this act), twelve thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office and for distributing constitutional amendments (exempt from section four of this act), four thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to be used for the compiling and publication of Blue Book (exempt from section four of this act), ten thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office for distributing notices relative to furnishing tobacco to minors (exempt from section four of this act), two hundred and fifty dollars.

For purchase of ballot paper by secretary of state, fifteen thousand dollars.

For salary of superintendent and cashier, corporation license department, four thousand eight hundred dollars.

For salaries of two clerks, corporation license department, seven thousand two hundred dollars.

Secretary
of state.

For salaries of four clerks, corporation license department, twelve thousand eight hundred dollars.

For pay of porter, corporation license department, seven hundred and twenty dollars.

For pay of messenger, corporation license department, one thousand two hundred dollars.

For advertising delinquent corporation list, corporation license department, two thousand dollars.

For postage and contingent expenses, corporation license department, two thousand six hundred dollars.

For stationery and incidental expenses, corporation license department, seven hundred and fifty dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the corporation license department, four thousand three hundred dollars.

For salary of superintendent and cashier, motor vehicle department, four thousand eight hundred dollars.

For salary of one clerk, motor vehicle department, three thousand two hundred dollars.

For badges, seals, etc., motor vehicle department, five thousand five hundred dollars.

For postage and expressage, motor vehicle department, one thousand five hundred dollars.

For stationery and incidental expenses, motor vehicle department, five hundred dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the motor vehicle department, five thousand dollars.

CAPITOL BUILDING AND GROUNDS.

Capitol
building
and
grounds.

For salary of superintendent of capitol building and grounds, six thousand dollars.

For salary of clerk to superintendent of capitol building and grounds, three thousand six hundred dollars.

For salary of engineer, three thousand six hundred dollars.

For salary of additional engineer during session of the legislature, six hundred dollars.

For salary of fireman, two thousand five hundred and twenty dollars.

For salary of additional fireman during session of legislature, four hundred and twenty dollars.

For salary of electrician, three thousand six hundred dollars.

For salary of additional electrician during session of legislature, six hundred dollars.

For salary of head porter, two thousand four hundred dollars.

For salaries of six special policemen, fifteen thousand eight hundred and forty dollars.

For salaries of two elevator attendants, four thousand three hundred and twenty dollars.

For salaries of two additional elevator attendants during session of legislature, seven hundred and twenty dollars.

For salaries of two telephone exchange operators, two thousand eight hundred and eighty dollars.

Capitol
building
and
grounds.

For salaries of two additional telephone exchange operators during session of legislature, seven hundred and twenty dollars.

For salary of one telephone exchange operator for two months each year, two hundred and forty dollars.

For purchase of carpets and furniture for capitol building (exempt from section four of this act), two thousand dollars.

For water, state capitol building, one thousand two hundred dollars.

For repairs to capitol building, furniture and fixtures (exempt from section four of this act), five thousand dollars.

For stationery, fuel, lights and supplies for legislature and state offices, twenty thousand dollars.

For salary of head gardener, state capitol grounds, three thousand six hundred dollars.

For pay of gardeners, laborers, porters and other help in capitol building and grounds, thirty-two thousand five hundred dollars.

For lighting state capitol grounds, two thousand two hundred dollars.

For purchase of implements and hose, care and improvements of grounds (exempt from section four of this act), seven thousand dollars.

For water for capitol grounds, two thousand four hundred dollars.

CONTROLLER'S OFFICE.

For salary of controller, ten thousand dollars.

Controller

For salary of deputy controller, six thousand dollars.

For salary of bookkeeper, controller's office, four thousand eight hundred dollars.

For salary of expert, controller's office, four thousand dollars.

For salary of one clerk, controller's office, three thousand six hundred dollars.

For salaries of three clerks, controller's office, nine thousand six hundred dollars.

For salary of statistician, controller's office, four thousand dollars.

For salary of warrant registrar, controller's office, four thousand dollars.

For salary of inheritance tax deputy, controller's office, four thousand eight hundred dollars.

For salary of stenographer, controller's office, two thousand four hundred dollars.

For pay of porter, controller's office, one thousand four hundred and forty dollars.

For postage, expressage, and telegraphing, controller's office, two thousand dollars.

For contingent and traveling expenses, controller, two thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the controller's office, five thousand five hundred dollars.

TREASURER'S OFFICE.

- Treasurer. For salary of state treasurer, ten thousand dollars.
- For salary of deputy state treasurer, six thousand four hundred dollars.
- For salary of cashier, treasurer's office, five thousand dollars.
- For pay of two bookkeepers, treasurer's office, eight thousand eight hundred dollars.
- For salary of stenographer, treasurer's office, two thousand four hundred dollars.
- For salaries of four watchmen, treasurer's office, ten thousand five hundred and sixty dollars.
- For pay of porter, treasurer's office, one thousand four hundred and forty dollars.
- For postage, expressage, telegraphing, contingent and traveling expenses, treasurer's office, one thousand eight hundred dollars.
- For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the treasurer's office, one thousand six hundred dollars.

ATTORNEY GENERAL'S OFFICE.

- Attorney general. For salary of attorney general, twelve thousand dollars.
- For salary of assistant attorney general, eight thousand dollars.
- For salary of chief deputy to attorney general, eight thousand dollars.
- For salaries of two deputies to attorney general, thirteen thousand two hundred dollars.
- For salaries of three deputies to attorney general, eighteen thousand dollars.
- For salaries of two clerks, attorney general's office, seven thousand two hundred dollars.
- For salary of phonographic reporter, attorney general's office, three thousand six hundred dollars.
- For four stenographers, attorney general's office, nine thousand six hundred dollars.
- For pay of porter, attorney general's office at Sacramento, nine hundred and sixty dollars.
- For postage, expressage, telegraphing, and contingent expenses, attorney general's office, four thousand dollars.
- For traveling expenses, attorney general's office, one thousand dollars.
- For costs and expenses of suits wherein the state is a party in interest, six thousand dollars.
- For office rent of attorney general in San Francisco, four thousand eight hundred dollars.
- For purchase of law books, attorney general's office, two thousand dollars.
- For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the attorney general's office, six thousand dollars.

SURVEYOR GENERAL'S OFFICE.

For salary of surveyor general, ten thousand dollars.

Surveyor
general.

For salary of deputy surveyor general, six thousand dollars.

For salary of assistant surveyor general, four thousand five hundred dollars.

For salaries of three clerks, surveyor general's office, ten thousand eight hundred dollars.

For salaries of three clerks, register state land office, ten thousand eight hundred dollars.

For pay of porter, surveyor general's office, nine hundred and sixty dollars.

For postage, expressage, and telegraphing, surveyor general's office, one thousand five hundred dollars.

For contingent and traveling expenses, surveyor general's office, one thousand dollars.

For purchase of and copying maps and records and checking surveys, surveyor general's office, four thousand eight hundred dollars.

For traveling expenses of surveyor general and attorney general when engaged in contests between the state and the United States and other state business in relation to land, one thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the surveyor general's office, one thousand five hundred dollars.

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION.

For salary of superintendent of public instruction, ten thousand dollars.

Superin-
tendent of
public in-
struction.

For salary of deputy superintendent of public instruction, four thousand eight hundred dollars.

For salary of statistician, superintendent of public instruction, four thousand eight hundred dollars.

For salary of clerk and stenographer, superintendent of public instruction's office, three thousand two hundred dollars.

For salary of text-book clerk, superintendent of public instruction's office, three thousand two hundred dollars.

For clerical assistance in superintendent of public instruction's office in distributing state school books, four hundred dollars.

For pay of porter, superintendent of public instruction's office, one thousand eight hundred dollars.

For postage, expressage, and telegraphing, superintendent of public instruction's office, two thousand six hundred dollars.

For contingent and traveling expenses (including traveling expenses under section 1532, Political Code), three thousand six hundred dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the superintendent of public instruction's office, twenty-four thousand dollars.

Text-books for orphans, five thousand dollars.

NATIONAL GUARD.

National
guard.

For salary of the adjutant general, seven thousand two hundred dollars.

For salary of assistant adjutant general, six thousand dollars.

For salary of chief clerk, adjutant general's office, three thousand eight hundred dollars.

For salaries of three clerks, adjutant general's office, ten thousand two hundred dollars.

For salary of clerk and stenographer, adjutant general's office, three thousand dollars.

For salary of military storekeeper, adjutant general's office, two thousand four hundred dollars.

For salary of assistant military storekeeper, adjutant general's office, one thousand eight hundred dollars.

For postage, expressage, and telegraphing, adjutant general's office, one thousand six hundred dollars.

For care of state armory, cleaning and transportation of arms, traveling and contingent expenses of the adjutant general, six thousand dollars.

For target practice and purchase of medals, national guard, twenty thousand dollars.

For allowance for brigade headquarters, national guard, four thousand eight hundred dollars.

For allowance for regimental headquarters, including allowance for bands, national guard, thirty thousand dollars.

For armory rents and other expenses of the national guard, two hundred and twenty-five thousand dollars.

For traveling expenses and per diem of officers on detail duty, national guard, ten thousand dollars.

For hospital supplies, national guard, one thousand dollars.

For furnishing coal and other supplies, and for repairs to training ships, naval militia, seven thousand dollars.

For purchase of uniforms, and equipments, national guard (except from section four of this act), thirty thousand dollars.

For expenses of court-martial and contingent expenses thereof, one thousand dollars.

For encampments, national guard (except from section four of this act), thirty thousand dollars.

For pay of enlisted men at joint maneuver encampments under section 2076 of the Political Code, thirty-seven thousand five hundred dollars.

For allowance to surgeon general, six hundred dollars.

For allowance for officers, under provisions of section 2078, Political Code, fifteen thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the adjutant general's office, six thousand dollars.

STATE LIBRARY.

State
library.

For salary of state librarian, seven thousand two hundred dollars.

For salaries of two deputy state librarians, seven thousand two hundred dollars.

STATE PRINTING OFFICE.

For salary of superintendent of state printing, ten thousand dollars. Printing office.

For salary of deputy superintendent of state printing, four thousand eight hundred dollars.

For salary of copy editor for state printing office, three thousand six hundred dollars.

For salary of watchman, state printing office, two thousand four hundred dollars.

For postage, traveling, telegraphing, and contingent expenses, state printing office, one thousand five hundred dollars.

For lithographing, engraving, and half-tone plates and zincotypes, and work of like character, state printing office, five thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the office of superintendent of state printing, seven hundred dollars.

STATE BOARD OF HEALTH.

For salary of secretary to state board of health, seven thousand two hundred dollars. Board of health.

For salary of assistant to secretary to state board of health, four thousand eight hundred dollars.

For salary of attorney to state board of health, six thousand dollars.

For salary of engineer inspector, state board of health, four thousand eight hundred dollars.

For equipment and supplies for engineer inspector, eight hundred dollars.

For salary of sanitary chemist, state board of health, three thousand dollars.

For salary of statistician, state board of health, four thousand eight hundred dollars.

For salary of deputy statistician, state board of health, three thousand two hundred dollars.

For salaries of two copyists, state board of health three thousand six hundred dollars.

For payment of fees for reporting occupational diseases, four hundred dollars.

For salary of clerk, state board of health, three thousand two hundred dollars.

For salary of director, food and drug laboratory, state board of health, eight thousand dollars.

For salary of assistant director, food and drug laboratory, state board of health, three thousand six hundred dollars.

For traveling and contingent expenses, state board of health, six thousand dollars.

For support of state hygienic laboratory for bacteriological work, state board of health, twenty thousand dollars.

For support of pure food and drug laboratory, state board of health, thirty thousand dollars.

For sanitary work in oriental ports, ten thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the state board of health, six thousand dollars.

OFFICE OF INSURANCE COMMISSIONER.

Insurance
commissioner.

For salary of insurance commissioner, eight thousand dollars.

For salary of deputy insurance commissioner, five thousand four hundred dollars.

BOARD OF RAILROAD COMMISSIONERS.

Railroad
commissioners.

For salaries of railroad commissioners, thirty-six thousand dollars.

For salary of secretary to board of railroad commissioners, seven thousand two hundred dollars.

For salary of assistant secretary to board of railroad commissioners, three thousand six hundred dollars.

For salary of stenographer to board of railroad commissioners, two thousand four hundred dollars.

For salary of rate expert to board of railroad commissioners, six thousand dollars.

For office rent, board of railroad commissioners, four thousand eight hundred dollars.

For fuel, lights, postage, expressage, and incidental expenses, board of railroad commissioners, four thousand eight hundred dollars.

For traveling and contingent expenses of investigations and for printing, binding, ruling and all other work performed and materials furnished by the state printing office to the board of railroad commissioners, twenty thousand dollars.

STATE BOARD OF EQUALIZATION.

Board of
equalization.

For salaries of members of the state board of equalization, thirty-two thousand dollars.

For salary of clerk, state board of equalization, six thousand dollars.

For pay of porter, state board of equalization, nine hundred and sixty dollars.

For postage, expressage, telegraphing, and contingent expenses, state board of equalization, one thousand dollars.

For clerical and expert assistance, printing, postage and all other expenses involved in making the assessment of taxes under section 14, article XIII of the constitution, thirty-six thousand dollars.

For traveling and contingent clerical expenses (section 3702, Political Code), state board of equalization, twelve thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the state board of equalization, five thousand dollars.

STATE BOARD OF FORESTRY.

For salary of state forester, six thousand dollars.

Board of
forestry.

For salary of deputy state forester, three thousand six hundred dollars.

For salary of assistant state forester, three thousand two hundred dollars.

For support of state board of forestry, including field and traveling expenses, fifteen thousand dollars.

For printing, binding, ruling and all other work performed and material furnished by the state printing office to the state board of forestry, two thousand five hundred dollars.

CALIFORNIA REDWOOD PARK.

For improvement and maintenance, California Redwood Park, ten thousand dollars.

California
Redwood
Park.

COMMISSIONER FOR REVISION AND REFORM OF THE LAW.

For salary of the commissioner for revision and reform of the law, nine hundred dollars.

Commis-
sioner for
revision
and reform
of the law.

For salary of stenographer to commissioner for revision and reform of the law, four hundred dollars.

For postage, expressage, telegraphing, stationery and contingent expenses for commissioner for revision and reform of the law, fifty dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office for publication of index to laws, four thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the commissioner for revision and reform of the law, one hundred and sixty dollars.

STATE ENGINEERING DEPARTMENT.

For salaries of three appointed members of advisory board to state engineering department, twenty-one thousand six hundred dollars.

Engineer-
ing de-
partment.

For salary of state engineer, ten thousand dollars.

For salary of highway engineer, twenty thousand dollars.

For salaries of two assistant state engineers, twelve thousand dollars.

For salary of state architect, nine thousand six hundred dollars.

For salary of architectural designer for state engineering department, four thousand eight hundred dollars.

For salaries of three architectural draughtsmen for state engineering department, twelve thousand dollars.

For salaries of two engineer's draughtsmen for state engineering department, eight thousand dollars.

For salary of one testing engineer for state engineering department, four thousand two hundred dollars.

For salary of one mechanical engineer for state engineering department, five thousand four hundred dollars.

Engineering department.

For salaries of two filing clerks, state engineering department, seven thousand two hundred dollars.

For salary of blue-print pressman for state engineering department, three thousand dollars.

For salary of secretary, state engineer, four thousand eight hundred dollars.

For salaries of two clerks and stenographers, state engineering department, six thousand dollars.

For salary of the porter and messenger to state engineering department, one thousand eight hundred dollars.

For contingent and traveling expenses, state engineering department, twenty thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the state engineering department, five thousand dollars.

For improvements and maintenance of Mono Lake Basin road, five thousand dollars.

For improvements and maintenance of Sonora and Mono road, twelve thousand dollars.

For improvements and maintenance of Lake Tahoe road, ten thousand dollars.

STATE MINING BUREAU.

Mining bureau.

For salary state mineralogist, six thousand dollars.

For support of the mining bureau, including salaries, forty thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the state mining bureau, four thousand dollars.

STATE BOARD OF CHARITIES AND CORRECTIONS.

Board of charities and corrections.

For salaries and expenses state board of charities and corrections (the same being the appropriation made by chapter 363, statutes 1903, as amended by statutes of 1911, and not additional thereto), twenty thousand dollars.

HOSPITALS FOR INSANE.

Hospitals for insane.

For support of Stockton State Hospital, three hundred and sixty-two thousand five hundred dollars.

For salaries of officers and employees of same, three hundred and six thousand dollars.

For support of Napa State Hospital, three hundred and fifty thousand dollars.

For salaries of officers and employees of same, three hundred and six thousand dollars.

For support of Agnews State Hospital, two hundred thousand dollars.

For salaries of officers and employees of same, two hundred thousand dollars.

For support of Mendocino State Hospital, two hundred and ten thousand dollars.

For salaries of officers and employees of same, one hundred and sixty thousand dollars.

For support of Southern California State Hospital, three hundred and forty-six thousand five hundred dollars.

For salaries of officers and employees of same, two hundred and twenty thousand dollars.

For support of Sonoma State Home, two hundred and twenty-five thousand dollars.

For salaries of officers and employees of same, one hundred and seventy-five thousand dollars.

For support of Folsom State Hospital, six thousand dollars.

For salaries of officers and employees of same, six thousand dollars.

STATE COMMISSION IN LUNACY.

For salaries of officers and employees and for salary of general superintendent of state hospitals, thirty-seven thousand five hundred dollars. Commission in Lunacy.

For traveling expenses and all other contingent expenses of the commission and its officers and employees, five thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the state commission in lunacy, five thousand five hundred dollars.

INSTITUTION FOR DEAF AND BLIND.

For support of Institution for Deaf and Blind at Berkeley, fifty thousand dollars. Institution for Deaf and Blind.

For salaries of officers and employees of same, one hundred and five thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the Institution for Deaf and Blind, six hundred dollars.

INDUSTRIAL HOME FOR ADULT BLIND.

For support of Home for Adult Blind, thirty-eight thousand dollars. Industrial Home for Adult Blind.

For salaries of officers and employees of same, twenty-four thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the Home for Adult Blind, four hundred dollars.

STATE PRISONS.

For support of state prison at San Quentin, four hundred and fifty thousand dollars. Prisons.

For salaries of officers and employees of same, two hundred and twenty thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the state prison at San Quentin, two thousand five hundred dollars.

For support of state prison at Folsom, two hundred thousand dollars.

For salaries of officers and employees of same, one hundred and sixty thousand eight hundred dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the state prison at Folsom, two thousand five hundred dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the state board of prison directors, five hundred dollars.

For parole work of state board of prison directors, five thousand dollars.

PRESTON AND WHITTIER SCHOOLS.

Preston
and
Whittier
schools.

For support of Preston School of Industry, one hundred and forty thousand dollars.

For salaries of officers and employees of same, one hundred and seventeen thousand dollars.

For salary of parole officer of same, five thousand dollars.

For library, Preston School of Industry, seven hundred and fifty dollars.

For support of Whittier State School, one hundred and thirty thousand dollars.

For salaries of officers and employees of same, one hundred and twenty thousand dollars.

For salary of parole officer of same, five thousand dollars.

For library, Whittier State School, seven hundred and fifty dollars.

TRANSPORTATION EXPENSES.

Transportation
expenses.

For transportation of prisoners, insane, delinquent and feeble-minded children to state institutions to which they are committed (exempt from section four of this act), one hundred and ninety-five thousand dollars.

UNIVERSITY OF CALIFORNIA.

University
of California.

For support and maintenance of University of California (chapter 143, Statutes 1901), two hundred thousand dollars.

For maintenance department of music, University of California, six thousand dollars.

For support of maintenance of experimental and pathological station (chapter 278, Statutes 1905), forty thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the University of California, twelve thousand dollars.

UNIVERSITY FARM AND SCHOOL OF AGRICULTURE.

University
farm.

For salaries of officers, instructors and employees of the University farm and agricultural school at Davis, sixty thousand dollars.

For support and maintenance of said farm and school, fifty thousand dollars.

For care and improvement of grounds of said school, five thousand dollars.

STATE NORMAL SCHOOLS.

For support of state normal school at San Jose, fifteen thousand dollars. Normal schools.

For salaries of officers, teachers and employees of same, one hundred and twenty-four thousand dollars.

For care and improvement of grounds of same, six thousand dollars.

For library, museum, and purchase of scientific apparatus for same, three thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the state normal school at San Jose, nine hundred dollars.

For support of state normal school at Los Angeles, fifteen thousand dollars.

For salaries of officers, teachers, and employees of same, one hundred and forty-three thousand dollars.

For care and improvement of grounds of same, three thousand dollars.

For library, museum and purchase of scientific apparatus for same, five thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the state normal school at Los Angeles, nine hundred dollars.

For support of state normal school at Chico, seven thousand dollars.

For salaries of officers, teachers, and employees of same, seventy-seven thousand five hundred dollars.

For care and improvement of grounds of same, three thousand five hundred dollars.

For library, museum, and purchase of scientific apparatus for same, two thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the state normal school at Chico, nine hundred dollars.

For support of state normal school at San Diego, seven thousand five hundred dollars.

For salaries of officers, teachers, and employees of same, seventy-seven thousand five hundred dollars.

For library, museum, and scientific apparatus for same, three thousand dollars.

For care and improvement of grounds of same, three thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the state normal school at San Diego, nine hundred dollars.

For support state normal school at San Francisco, seven thousand dollars.

For salaries of officers, teachers, and employees of same, sixty-six thousand dollars.

For care and improvement of grounds of same, one thousand dollars.

For library, museum, and scientific apparatus for same, one thousand five hundred dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the state normal school at San Francisco, nine hundred dollars.

For support of state normal school at Santa Barbara, six hundred dollars.

For salaries of officers, teachers, and employees of same, twenty-three thousand three hundred dollars.

For care and improvement of grounds of same, one thousand dollars.

For library, museum, and scientific apparatus for same, three hundred dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the state normal school at Santa Barbara, four hundred dollars.

JOINT BOARD NORMAL SCHOOL TRUSTEES.

For traveling expenses of joint board of normal school trustees, one thousand five hundred dollars.

Joint
board
normal
school
trustees.

CALIFORNIA POLYTECHNIC SCHOOL.

For support and maintenance, including purchase of stock and equipment for farm and laboratories, twenty-five thousand dollars.

Poly-
technic
school.

For salaries of officers, teachers, and employees of same, sixty thousand dollars.

For care and improvement of grounds of same, six thousand dollars.

For library for same, one thousand five hundred dollars.

For expenses of trustees of same, eight hundred dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the California Polytechnic School, nine hundred dollars.

STATE BOARD OF EDUCATION.

For traveling expenses of state board of education, one thousand five hundred dollars.

Board of
education.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the state board of education, five hundred dollars.

BUREAU OF LABOR STATISTICS.

For salary of the commissioner, bureau of labor statistics, six thousand dollars.

Bureau of
labor
statistics.

For salary of the deputy commissioner, bureau of labor statistics, four thousand eight hundred dollars.

For salary of assistant deputy commissioner, bureau of labor statistics, four thousand two hundred dollars.

For salary of statistician, bureau of labor statistics, four thousand two hundred dollars.

For salary of stenographer, bureau of labor statistics, two thousand four hundred dollars.

For office rent, bureau of labor statistics, three thousand six hundred dollars.

For salaries of assistants, traveling and contingent expenses, bureau of labor statistics, the same being the appropriation made by chapter 42, Statutes 1909, and not additional thereto, fifteen thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the bureau of labor statistics, six thousand dollars.

STATE COMMISSIONER OF HORTICULTURE.

For salary of commissioner, eight thousand dollars.

For salary of chief deputy commissioner, four thousand eight hundred dollars.

Commissioner of horticulture.

For salary of secretary, four thousand eight hundred dollars.

For salary of superintendent of state insectary, four thousand eight hundred dollars.

For salary of assistant superintendent of state insectary, three thousand six hundred dollars.

For salary of field deputy, insectary division, three thousand dollars.

For salary of chief deputy quarantine officer at San Francisco, four thousand eight hundred dollars.

For salary of deputy quarantine officer at San Francisco, three thousand six hundred dollars.

For salary of clerk at Sacramento office, three thousand dollars.

For use and support of office of commissioner of horticulture, searching for beneficial insects, and use and support of state insectary, fifty-five thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the commissioner of horticulture, ten thousand dollars.

STATE DAIRY BUREAU.

For support of state dairy bureau (the same includes the appropriation made by chapter 75, Statutes 1897, and is not additional thereto), forty thousand dollars.

Dairy bureau.

FOR VETERANS' HOME.

For support and maintenance, two hundred and fifty-five thousand dollars.

Veterans' home.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the Veterans' Home, two hundred and fifty dollars.

STATE AGRICULTURAL SOCIETY.

For aid to state agricultural society, provided that the state agricultural society create and maintain a statistical department for the annual collection, compilation, and distribution of statistics relating to the products and resources of the state, forty thousand dollars.

Agricultural society.

For salary of secretary, four thousand eight hundred dollars.

For salary of assistant secretary, three thousand dollars.

For salary of stenographer, one thousand four hundred and forty dollars.

For salary of night watchman, one thousand eight hundred dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the state agricultural society, six thousand five hundred dollars.

For traveling expenses of the directors of the state agricultural society, one thousand dollars.

STATE VETERINARIAN.

Veterinarian.

For salary of state veterinarian, seven thousand two hundred dollars.

For salary of assistant state veterinarian, six thousand dollars.

For salary of deputy state veterinarian, three thousand six hundred dollars.

For salary of clerk to state veterinarian, three thousand two hundred dollars.

For traveling and contingent expenses of the office of state veterinarian, sixteen thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the state veterinarian, four hundred dollars.

MARSHALL MONUMENT AND SUTTER'S FORT.

Marshall monument and Sutter's Fort.

For salary of guardian, Marshall monument and grounds, one thousand two hundred dollars.

For salary of guardian of Sutter's Fort, one thousand eight hundred dollars.

For salary of gardener of Sutter's Fort, two thousand four hundred dollars.

For salary of assistant gardener of Sutter's Fort, two thousand one hundred and sixty dollars.

For maintenance of grounds and buildings at Sutter's Fort, one thousand five hundred dollars.

HARBOR COMMISSIONERS, EUREKA.

Harbor commissioners, Eureka.

For salary of three commissioners, two thousand four hundred dollars.

For salary of harbor master, two thousand four hundred dollars.

For salary of secretary to harbor commissioners, two thousand dollars.

For contingent expenses of harbor commissioners at Eureka (the same being the appropriation made by section 2572 of the Political Code and not additional thereto), three thousand dollars.

MISCELLANEOUS PURPOSES.

Miscellaneous.

For support of orphans, half-orphans, and abandoned children, eight hundred and sixty thousand dollars.

For Woman's Relief Corps Home, eight thousand dollars.

For payment of interest on one hundred thousand dollars to Hastings College of the Law, fourteen thousand dollars.

For rental, Hastings College of the Law, four thousand eight hundred dollars.

For care of state burial grounds, two hundred dollars.

For all expenses incurred by the state treasurer in the preparation and advertising for sale of the state highway bonds (Statutes 1909, chapter 383), exempt from section four of this act, ten thousand dollars.

Expenses incurred by treasurer.

SEC. 2. The various sums herein appropriated for printing, binding, ruling, materials and all other work provided for by law to be done in the state printing office shall be expended only upon requisitions to be approved by the state board of examiners, and said board is authorized and given power to reduce the amount of such requisitions either in whole or in any item thereof. When any state publication is printed and paid for out of any appropriation in this act, the disposition of the same shall be subject to the provisions of section 2295a of the Political Code of the State of California. The sums that are herein appropriated for expenses of the senate and assembly shall be disbursed under the direction of the bodies to which they respectively belong, and shall not be subject to any of the provisions of section six hundred and seventy-two of the Political Code: *provided*, that the state controller shall not be required to draw any warrants until the original claims and vouchers, itemized and properly sworn to, are filed with him. The sums herein appropriated for the expenses of the national guard shall be audited by the adjutant general, as required by sections two thousand and eighty-three and two thousand and eighty-five of the Political Code. Not more than five hundred dollars of the moneys hereby appropriated for the support of the institutions of the state shall be used in each fiscal year for permanent improvements, but shall be used solely for the payment of salaries and traveling expenses of the commissioners or directors having charge of the same (when such salaries or expenses are allowed by law), the salaries of employees, the purchase of material and supplies for the use of said institutions, and for such incidental and current expenses as may be necessarily incurred for the proper management and support of said institutions.

Printing.

Disposition of publications.

Permanent improvements.

SEC. 3. All persons having demands against the state, the various state officers, and the officers of all institutions under the control of the state, except the governor, to whom and for which appropriations other than salaries are made under the provisions of this act, shall, with their biennial report, submit a detailed statement, under oath, of the manner in which all appropriations for their respective departments and institutions have been expended, and the state board of examiners is hereby expressly prohibited from allowing any demand payable out of any such appropriations until the same are presented in itemized form, accompanied by affidavit and voucher for money expended by them, stating specifically the service

Reports of expenditures.

Itemized statement of expenses, etc.

rendered, by whom performed, time employed, distance traveled, and necessary expenses thereof; if for articles purchased, the name of each article, together with the price paid for each, and of whom purchased, with the date of the purchase. All bills and vouchers which shall be presented for supplies furnished or services rendered, shall be original bills and vouchers of the parties furnishing supplies and rendering services: *provided*, that no officer shall use or appropriate any money, appropriated by this act, for any purpose whatsoever, unless authorized thereto by law; *and provided*, that any officer, board, commission or department for whom any appropriation is made herein, may, with the permission of the board of examiners, and without at the time furnishing vouchers and itemized statements, draw from such appropriation a sum not to exceed five hundred dollars for any such officer, board, commission or department. The sum so drawn shall be used as a revolving fund where cash advances are necessary, and at the close of each fiscal year, or at any other time, upon the demand of the board of examiners, must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the board of examiners and the controller.

Revolving fund.

Monthly expenditures.

SEC. 4. Not more than one twenty-fourth of the amount appropriated under this act for each department or institution for the two years ending June thirtieth, nineteen hundred and thirteen, shall be expended during any one month without the consent of the state board of examiners, and not more than one half of such appropriation shall be expended during the sixty-third fiscal year, unless the same has been expressly authorized by this act.

Expenditures in excess of appropriations forbidden.

SEC. 5. The officers of the various departments, boards, commissions, and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditure in excess of such appropriations, except the unanimous consent of the state board of examiners be first obtained, and a certificate, in writing, duly signed by every member of said board, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the state in violation of the provisions of this section shall be absolutely null and void, and shall not be allowed by said state board of examiners, nor paid out of any state appropriations: *provided*, that any member of any such department, board, commissions, or institutions, who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act, except by the unanimous consent of the state board of examiners, and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation, to whom such indebtedness is owing.

No money to pay for insurance.

SEC. 6. No money appropriated by this act shall be used to renew, or pay for the renewal of, any insurance on any

public building or property, nor to effect or pay for any new insurance on any public building or property, except the state printing office and its contents.

STATE OF CALIFORNIA.
EXECUTIVE OFFICE, SACRAMENTO.

The within bill, Assembly Bill No. 1586 (the general appropriation bill), is approved with the exceptions hereinafter noted; and the items hereafter specifically set forth are objected to in accordance with section 16 of article IV of the constitution and disapproved, to wit:

The item found under the caption "State Board of Health" "For salary of engineer inspector state board of health four thousand eight hundred dollars," for the reason that the said office of engineer inspector does not exist and has not been created.

The item under said caption "State Board of Health," "For equipment and supplies for engineer inspector, eight hundred dollars," for the reason that the said office of engineer inspector not having been created no equipment and supplies are required therefor.

The item under the said caption "State Board of Health," "For salary of sanitary chemist state board of health, three thousand dollars," for the reason that no such office exists as sanitary chemist and none has been created.

And all of said three items are unnecessary and improperly included in the said general appropriation bill.

The item under the caption "State Board of Health," "For sanitary work in oriental ports, ten thousand dollars," for the reason that the item is indefinite and uncertain, and it is doubtful whether or not the said sum could be legally expended, and the method of expenditure is not set forth.

The item under the caption "State Prisons," "For parole work of state board of prison directors, five thousand dollars," because the said work is amply provided for elsewhere and the state board of prison directors in a written communication to me have stated that this item might be construed as a limitation upon their right of expenditure and for that reason is undesirable, and would seriously hamper parole work.

The other portions of the said bill are approved.

Dated May 1, 1911.

HIRAM W. JOHNSON,
Governor of California.

CHAPTER 706.

An act to add a new section to the Political Code to be numbered 4085½, authorizing the board of supervisors of the several counties of this state to declare innavigable streams highways for the purpose of fishing, and providing for the use of the same.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered and known as section four thousand and eighty-five and one half, and to read as follows:

4085½. On the application of any individual, association or corporation interested, the board of supervisors of any county of this state may, by ordinance, declare all or any portion of any slough, river or stream which does not lie within or run through cultivated land lying within the county which is

Innavigable streams may be declared highways for fishing.

stocked or supplied, in whole or in part, with fish, by the state or counties and which has not been declared by law to be navigable, and which in fact is not navigable for commercial purposes, to be a public highway for the purpose of fishing in said slough, river or stream, and the same shall thereupon become and be a public highway for such purpose, subject only to the reservations hereinafter contained. In case any owner of land adjacent to or across which such slough, river or stream flows does not consent to the use of the slough, river or stream for such purpose with the right to pass along the banks for the purpose of fishing and grant the same to the county by suitable instrument in writing, on application, the board of supervisors may contract for and purchase any or all such rights; or if the same can not be purchased at a satisfactory price, may authorize proceedings to be commenced to procure the same in the manner directed by title seven, part three, of the Code of Civil Procedure.

CHAPTER 707.

An act making an appropriation for the equipment, support and maintenance of the branch agricultural experiment station in Imperial county.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation agricultural experiment station in Imperial county.

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of the money in the state treasury, not otherwise appropriated, to be expended by the regents of the University of California for the equipment, support and maintenance of the branch agricultural experiment station in Imperial county.

SEC. 2. The state controller is hereby authorized to draw warrant for fifteen thousand dollars, payable to the regents of the University of California, and the treasurer of the state is hereby directed to pay such warrant.

CHAPTER 708.

An act to amend section 718 of the Civil Code, relating to leases of city and town lots.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 718 of the Civil Code is hereby amended to read as follows:

718. No lease or grant of any town or city lot for a longer period than ninety-nine years, in which shall be reserved any rent or service of any kind, shall be valid; *provided*, that the property of any municipality, or any minor or incompetent person, shall not be leased for a longer period than ten years.

Lease of city lots.

CHAPTER 709.

An act to provide for maintenance of county highways improved under bond issues in the counties of the state and empowering the boards of supervisors to levy taxes therefor.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Whenever any county highway is improved under a county bond issue, which bond issue covers all property of the county, and is accepted by the board of supervisors, it becomes their duty to provide for a continuous system of maintenance from the fund hereinafter created.

Maintenance of highways.

SEC. 2. The board of supervisors must annually for each fiscal year, levy a tax, not to exceed three cents on each one hundred dollars of value of taxable property of the county, for each one hundred miles of improved county highways under a bond issue therefor. This tax shall be collected by the several officers charged with the collection of other county taxes in the same manner and at the same time as other county taxes are collected on all property, and the collections thereof must be paid into the county treasury and by the county treasurer converted into a separate fund, hereby created, known as the county highway maintenance fund. The money derived from such tax must be applied solely to the maintenance of county highways improved under a bond issue to cover the whole county.

Fund.

SEC. 3. The board of supervisors must expend money from the "county highway maintenance fund" for the maintenance of highways described in section one of this act, on a continuous basis of repair, and the highways shall be improved uninterruptedly after their acceptance.

Expenditure of fund.

CHAPTER 710.

An act to repeal section eleven hundred eighteen of the Political Code of the State of California, relating to qualification and registration of voters at primary elections.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Repealed. SECTION 1. Section eleven hundred eighteen of the Political Code of the State of California is hereby repealed.

CHAPTER 711.

An act to repeal section eleven hundred nineteen of the Political Code of the State of California, relating to registration of voters at primary elections.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Repealed. SECTION 1. Section eleven hundred nineteen of the Political Code of the State of California is hereby repealed.

CHAPTER 712.

An act to amend section eleven hundred twenty of the Political Code of the State of California, relating to qualifications of voters.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section eleven hundred twenty of the Political Code of the State of California is hereby amended so as to read as follows:

1120. All persons shall be entitled to vote at the elections mentioned in section 1044 of this code, who come within the terms or comply with the requirements of this section. Every person who was a qualified elector at the general state election immediately preceding the holding of any of the elections mentioned in section 1044 of this code, and who was registered

Qualifications of voters.

as required by law as a qualified elector of any one of the precincts which together compose the special election or consolidated precincts, and who continues to reside within the exterior boundaries of such special election or consolidated election precinct, until the time of the holding of the election provided for and held under said section 1044, shall be entitled to vote at said election, without other or additional registration. All other persons, in order to be entitled to vote at any of the elections provided for in said section 1044, must be registered in the manner required by sections 1094, 1096 and 1097 of this code, as an elector of and within one of the precincts which compose the special election or consolidated precinct wherein he claims to be entitled to vote. Such registration must be made and had in accordance with the provisions of sections 1094, 1096 and 1097 of the Political Code; *provided*, that such registration shall be in progress at all times except during the thirty days immediately preceding any such municipal or special election held under said section 1044 of this code.

CHAPTER 713.

An act to repeal sections eleven hundred eighty-six, eleven hundred eighty-seven, eleven hundred eighty-nine, eleven hundred ninety, eleven hundred ninety-three, eleven hundred ninety-four, thirteen hundred fifty-seven, thirteen hundred fifty-eight, thirteen hundred sixty, thirteen hundred sixty-one, thirteen hundred sixty-two, thirteen hundred sixty-three, thirteen hundred sixty-four, thirteen hundred sixty-five, thirteen hundred sixty-six, thirteen hundred sixty-seven, thirteen hundred sixty-seven a, thirteen hundred sixty-eight, thirteen hundred sixty-nine, thirteen hundred seventy, thirteen hundred seventy-one, thirteen hundred seventy-two, thirteen hundred seventy-three, thirteen hundred seventy-four and thirteen hundred seventy-five of the Political Code of the State of California, relating to elections.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Sections 1186, 1187, 1189, 1190, 1193, 1194, 1357, 1358, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1367a, 1368, 1369, 1370, 1371, 1372, 1373, 1374 and 1375 of the Political Code of the State of California are hereby repealed. Repealed.

CHAPTER 714.

An act appropriating money for the erection of buildings on, and acquiring title to the land of, the state branch agricultural experiment station, located at Riverside, California, and for general improvements thereon.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation: agricultural experiment station at Riverside.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of twenty-five thousand (\$25,000.00) dollars, to be used by the regents of the University of California for the purpose of erecting a building or buildings at the branch agricultural experiment station located at Riverside, California, acquiring title to the land upon which the station is now located, and for general improvements thereon.

SEC. 2. The controller of the state is hereby directed to draw his warrant for said sum of twenty-five thousand (\$25,000.00) dollars, and the treasurer of the state is hereby directed to pay the same.

CHAPTER 715.

An act relating to the acquisition, construction and operation of public utilities by municipal corporations.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Municipalities may acquire public utilities.

SECTION 1. Any municipal corporation of the State of California may acquire, construct, own, operate, or lease any public utility. A public utility, as the term is used herein, is defined to mean the supply of a municipal corporation alone, or together with the inhabitants thereof, or any portion thereof, with water, light, heat, power, transportation of persons or property, means of communication, or promoting the convenience of the public. The power to acquire and operate any public utility shall include the power to complete, reconstruct, extend, change, enlarge and repair any such public utility acquired, constructed, owned or operated by a municipality.

May acquire, etc., land easements.

SEC. 2. For such purpose any such municipal corporation may acquire, own, control, sell or exchange lands, easements, licenses and rights of every nature within or without its munic-

ipal limits. and may operate any such public utility within or without the municipal limits when necessary to supply such municipality, or the inhabitants, or any portion thereof, with the service desired.

SEC. 3. Whenever, in the operation of any such utility, any such municipality shall develop an excess of water, light, heat or power, over and above the amount thereof which is necessary for the use of such municipality and its inhabitants, or of such portion thereof as the legislative body of such municipality may determine shall be supplied therewith, then such municipality may sell, lease or distribute such excess of water, light, heat or power, outside of the corporate limits of such municipality.

May sell excessive water, etc.

SEC. 4. No lease of any public utility shall be valid for a period of more than fifteen years and all such leases shall be let to the highest bidder at public auction.

Term of lease.

SEC. 5. This act shall take effect and be in force from and after its passage.

CHAPTER 716.

An act to amend section 1076 of the Political Code of the State of California, relating to the form of claim against county.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4076 of the Political Code of the State of California is amended to read as follows:

4076. No account shall be passed upon by the board, unless made out as prescribed in this and the preceding section, and filed with the clerk three days prior to the time of the meeting of the board at which it is asked to be allowed. Such demand shall be made out in form substantially as follows:

Form prescribed for accounts against counties.

CLERK'S MEMORANDA.

No. Fund.
Demand of, dated, in sum of \$..... for
Allowed by the board of supervisors, 19...., in sum of \$.....
Attest: clerk of the board.
Demand of

CHAPTER 717.

An act to amend section 4305 of the Political Code of the State of California, relating to the salary fund.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4305 of the Political Code of the State of California is hereby amended to read as follows:

4305. For the purpose of paying the salaries provided for in this title, all fees directed to be paid into the county treasury shall be set apart therein as a separate fund, to be known as the salary fund, to be applied to the payment of said salaries. Should, in the opinion of the auditor, the fees to be collected be not sufficient to pay such salaries, it shall become the duty of the board of supervisors at the time the tax levy is made to estimate such deficiency and raise it by direct taxation the same as other funds.

CHAPTER 718.

An act to provide for the formation, government and control of overflow districts.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Whenever one half or more of the voters residing within a proposed district of swamp, overflow, or other lands lying within this state, one third or more of which lands are liable to be flooded by the waters of any stream or lake, and more than half of said lands requiring irrigation during a portion of the year, susceptible of one mode of irrigation and reclamation, desire to reclaim and irrigate the same, they may present to the board of supervisors of the county in which the lands or the greater part thereof are situated, at a regular meeting of the board, a petition setting forth that they propose to form an overflow district of the same.

SEC. 2. Such petition must contain a description of the lands by legal subdivisions, or by other boundaries, or by subdivisions shown upon a map recorded in the counties in which such lands are situated; the approximate number of acres in the proposed district, and each tract, with the names (if known) of the owners thereof, and designate as unsold any lands not reduced to private ownership.

Affidavit
of three
signers.

SEC. 3. Said petition must be accompanied by the affidavit of at least three signers thereto, showing that not less than one third of the land is subject to overflow, and that all of the land described in the petition can either be irrigated or reclaimed, or irrigated and reclaimed by one mode of irrigation and reclamation.

Certificate
of county
clerk.

SEC. 4. Said petition must also be accompanied by a certificate of the county clerk of the proper county, showing that the names of the signers of said petition are on the last great register of the precinct or precincts in which the proposed district is situated.

Petition
publi-
shed
two weeks
before
hearing.

SEC. 5. Such petition must be published for two weeks next preceding the hearing thereof in some newspaper published in the proposed district, or if no newspaper is published therein, then in some newspaper having a general circulation in said district, and an affidavit of such publication must be filed with said board of supervisors at or before the hearing of said petition.

Order of
approval.

SEC. 6. If such board of supervisors find, on hearing the petition, that its statements are correct, they must make an order approving the same and establishing the district. If it be shown that any land has been improperly included in the proposed district, they must reform the boundaries of such district accordingly in their order. The order of approval must be signed by the chairman, and attested by the clerk of said board, and a copy thereof attached to the petition.

Order to be
recorded.

SEC. 7. After the approval of the petition by the board of supervisors of the county in which the greater part of the district is situated, the order establishing the district, or a certified copy thereof, must be recorded in the office of the county recorder of each county, in which any portion of the lands embraced in the district are situated, in a book kept for the purpose of recording papers relative to overflow districts, and a certified copy thereof forwarded to the register of the state land office by the recorder of the county in which the district was formed.

Free-
holders
appointed
trustees.

SEC. 8. Said board of supervisors of said county must thereafter, upon the application of ten or more qualified voters of the district, appoint three eligible freeholders to act as trustees until their successors are elected and qualified.

All
counties
forming
part of
district
to be
notified.

SEC. 9. When a district is situated in more than one county, the trustees must forward a certified copy of the order of the board of supervisors establishing the district, to the clerk of the board of supervisors of the counties in which any portion of the district may lie, and the board to which the same is forwarded must not allow another district to be formed within such district, or including any part thereof.

Districts
numbered.

SEC. 10. All districts organized under this act must have a state number, and the register upon receipt of a certified copy of the order of the board of supervisors establishing the district must number the same, and send the number to the county recorder of any county in which the district or a por-

tion thereof is situated, and such recorder must number the records of said district in like manner, and the district must thereafter be known and designated thereby.

SEC. 11. The board of supervisors of the county in which the district was formed must call an election to be held in the district, on the second Tuesday after the first Monday in November of the even-numbered years, at which election must be elected three freeholders who are resident voters in said district, and who shall constitute, when elected and qualified, the board of trustees of the district.

Elections.

SEC. 12. Notice of such election must be published, for at least thirty days prior thereto, in a newspaper published in the district, if any newspaper is published therein, and if not, then in some newspaper having a general circulation in the district.

Notice of election published.

SEC. 13. The supervisors of each county, in which said district is wholly or partially situated, shall form at least one voting precinct in such district, and appoint an election board, and otherwise provide for such election in the precinct or precincts so formed.

Voting precinct.

SEC. 14. If the persons appointed on such election board, or any of them, fail to attend at the time and place for election, the voters present at the time and place of opening the polls, may appoint the board, or supply the place of any absent member thereof.

Failure of persons appointed on election board to appear.

SEC. 15. Each member of the board must, before entering upon his duties, be sworn to a faithful performance thereof by some officer authorized to administer oaths, or by any qualified elector.

Members of board sworn.

SEC. 16. The board of trustees must canvass the votes and issue certificates of election to the person elected, and must place the ballots when canvassed in an envelope, and forward the same to the clerk of the board of supervisors of the county in which the district is formed.

Canvass of votes.

SEC. 17. Any legally qualified voter may challenge any vote, and the board of election may determine, by oath of the parties, or otherwise, as they may think proper, whether or not the person challenged is entitled to vote, and in case of challenge, either one of the board of election is hereby authorized to administer the oath.

Challenge of votes.

SEC. 18. The polls shall be opened and closed as provided by law for general elections; and the provisions of the general election laws of this state are applicable to elections provided for in this act, when no different provision is contained herein.

Polls open.

SEC. 19. The trustees shall hold office for four years succeeding their election, except the first board elected under the provisions of this act, shall, after election, choose by lot, two of their number to hold office for a term of two years, and one for a term of four years, or until their successors are elected and qualified.

Term of trustees.

SEC. 20. In case of a vacancy in the board of trustees, the supervisors of the county in which the district was formed,

Vacancy.

shall, by appointment, fill any vacancy until the next regular election.

Trustees' oath.

SEC. 21. Before entering upon their duties, the trustees must take and subscribe to an oath, that they will obey the constitution of the United States, of the State of California, and the laws and statutes thereof, and will faithfully and diligently discharge the duties of their office according to law.

Bond.

SEC. 22. The trustees of any district organized under this act shall give a bond of two thousand five hundred dollars each, for the faithful performance of their duties, which bond must be approved by a judge of the superior court of the county in which the district was formed.

Office of trustees.

SEC. 23. The board of trustees must keep an office, at some convenient place in the district, for the transaction of the business of the district, in which must be kept the books, maps, papers, records, contracts, and all other documents pertaining to the affairs of the district; they shall also keep a record and books of account of all expenditures and disbursements, and minutes of the meetings of the board, and such books, records and maps shall be open for inspection by all persons interested, at all reasonable times.

Copies of papers to supervisors.

SEC. 24. The trustees must, upon the request of the board of supervisors of any county in which the district or any part thereof is situated, forward to said board copies of any papers in their possession belonging to said district, and any other information they may require pertaining to the business and affairs of the district.

By-laws.

SEC. 25. The trustees must adopt by-laws for the government and control of the affairs of the district, not otherwise provided by law. The by-laws thus adopted must be approved by the supervisors of the county or counties in which the district is situated, and thereafter filed for record with the county recorder of said county or counties in the book kept by him for the purpose of recording instruments and writings relative to overflow districts.

Amendments.

SEC. 26. The by-laws may be amended from time to time in the same manner as the original by-laws were adopted.

District deemed organized.

SEC. 27. After the by-laws are recorded, the district shall be deemed organized for all purposes, and may then sue and be sued in the courts of competent jurisdiction.

Officers of board.

SEC. 28. The board of trustees shall elect one of their number president thereof; they shall have power to employ an attorney, engineer, clerk, and such other employees as may be necessary for the transaction of business and the reclamation and irrigation of the lands of the district; to modify or change such original plan or plans, adopt new and supplemental, or additional, plans.

Powers.

SEC. 29. Said board shall have power to acquire by purchase, or otherwise, necessary lands, right of way, and the right to take material for the construction of all works necessary to reclaim and irrigate the lands of the district, including drains, canals, sluices, bulkheads, water-gates, levees, pipe lines,

pumping plants, culverts, embankments and all other things necessary to construct, maintain, and keep in repair all works requisite and necessary to that end; and do all other acts and things necessary and required to properly reclaim and irrigate the lands embraced in the district.

SEC. 30. Whenever in their judgment it becomes necessary, the trustees may in the name of the district, or the president thereof acting in their behalf, may proceed under the provisions of title seven, part three, of the Code of Civil Procedure, for the condemnation of any lands, or material needed by the district for right of way or for other purposes pertaining to the construction, maintenance, or repair of the works of the district, whether said land or material is outside of, or within, the limits of the district, and the title of said lands and material, whether acquired by condemnation or otherwise, shall become vested in the district. May condemn lands, etc.

SEC. 31. All work necessary for the irrigation and reclamation of the lands of the district, must be executed under the direction of, and in the manner prescribed by, the board of trustees. Work done under direction of board.

SEC. 32. Whenever the trustees find that the surveys of the lands within the district, made by the authority of the United States land office, are incomplete, or inaccurate, they shall cause their engineer to survey, and map the boundaries of the district, and all property lines embraced therein; and after said map has been approved by the supervisors, and the county surveyor of the county or counties in which said district is situated, it shall be recorded in the office of the county recorder, in the map book of said county or counties, and shall thereafter for all purposes provided by law, become the official map of said district, and the lands embraced therein, subject to amendment or change, in the same manner as the original map was prepared and adopted. Survey.

SEC. 33. The trustees may by provision of the by-laws allow the water supplied by the district to be used for domestic, power, irrigation, and other purposes; and they shall adopt rules and charges for the use and distribution of the same, which shall become effective when approved by the board of supervisors of the county or counties in which the district is situated. Use of water.

SEC. 34. The trustees shall draw all warrants upon the funds of the district, either in money or bonds; after the warrants are approved by the supervisors of the county in which the district was formed, they are to be presented to the treasurer of said county and, if not paid upon presentation, such endorsement must be made thereon and they must be registered and bear interest from the date of presentation; but no warrant shall be an indebtedness against the district until it has been approved by the board of supervisors of said county. Warrants drawn on funds.

SEC. 35. The trustees must at the end of each month pay all money received by them for the district, from the sale of water, material, or from other sources, into the treasury of the Monthly payments into county treasury.

county in which the district was formed, and the treasurer must receipt for the same and place such money to the credit of the district.

Compensation of board.

SEC. 36. The several members of the board of trustees of overflowed districts shall each be entitled to receive, for actual and necessary services performed, and for expenses incurred by them respectively for and in the interest of the district, such compensation as the board shall determine to be just and reasonable for which warrants of the district may be drawn and paid in the same manner, and out of the same funds, as other warrants of the district; after they have been approved by the board of supervisors of the county in which the district was formed.

Plans of work.

SEC. 37. The board of trustees must report to the board of supervisors of the county or counties in which the district is situated, such original plan or plans of the work; and every new, supplemental, or additional plan, if any, together with the estimates of the cost of the work necessary, for the reclamation and irrigation of the lands in the district, in pursuance of such plan or plans, together with the estimates of the incidental expenses, supervision, repairs, and costs of collections, and such other expenses necessary to the construction and maintenance of said work.

Lands sold subject to by-laws.

SEC. 38. The purchaser of any tract of land which may be unsold in any overflow district at the time said district was formed, takes the same subject to all the provisions of such by-laws and charges assessed in pursuance thereof.

Rights of purchaser.

SEC. 39. Such purchaser has all the rights and privileges enjoyed by original petitioners, if he pays into the county treasury of the county in which the district was formed, to the credit of said district, not less than twenty per cent of the principal, one year's interest at the rate of seven per cent on the remainder, and any charges assessed against the lands so purchased and remaining unpaid; and each year thereafter shall continue to pay twenty per cent of the principal and interest on the remainder until the whole of said assessment or charges have been paid.

Lien on land for unpaid assessments.

SEC. 40. From the time the purchaser has acquired said land designated upon the petition as unsold, the district shall have a lien upon said land for the amount of the unpaid assessments, which lien, together with the costs, may be collected by the trustees of the district in a suit to be brought in the name of the district by said trustees at any time after said purchaser has defaulted in any of the payments provided for in section 39 of this act.

Payment of interest due state suspended.

SEC. 41. Whenever the supervisors of any county, in which any overflow district has been formed under the provisions of this act, certify to the register of the state land office that the works of irrigation and reclamation are in progress, in conformity with the requirements and plans hereinbefore provided, the payment of interest due the State of California by purchasers in such district is hereby suspended; but if the

works are not completed and accepted, or that not less than two dollars in money per acre has been expended on said work within five years of the date of filing the petition, the interest for the whole time must be charged and collected by the register.

SEC. 42. Whenever the trustees certify under oath to the board of supervisors of the county in which the district was formed, and show to their satisfaction that the works of reclamation and irrigation are completed or that two dollars in money per acre has been expended on said works of reclamation and irrigation, the board of supervisors must certify such fact to the register. Works completed.

SEC. 43. The register must thereupon forward to the county clerk and county treasurer of the county in which the district or any part thereof is situated, a statement showing the names of purchasers of lands in the district and the amount paid by each purchaser of swamp and overflowed land; and thereafter upon the order of the trustees of the district approved by the supervisors of the county in which the district was formed, the county treasurer or such other person having custody of the purchase money of the swamp and overflowed lands lying within said district, shall pay such money to the county treasurer of the county in which the district was formed, and said money shall by him be placed to the credit of the district, and fifty cents per acre or such part thereof as has been paid in shall by him be placed to the credit of the district, to be used in paying the necessary expenses incurred in forming and organizing such district, and for such other expenses of the district as the trustees of the district and the board of supervisors of the county in which the district was formed may order. The remainder of the purchase price in excess of fifty cents per acre shall then be refunded to the purchaser and all further payments in excess of the fifty cents per acre before mentioned and interest due from the purchaser as a part of the purchase price shall then be canceled and deed issued to said purchaser as though the full purchase price had been paid. Deed issued.

SEC. 44. The revenue of overflow districts formed under this act, other than that received from the sale of water, franchises, power, and from other sources by the trustees of the district, and approved by the board of supervisors of the county in which the district was formed, must be derived from a tax levied upon the taxable property of the district, as shown by the last assessment roll of the county or counties in which the district or a part thereof is situated. Tax levy.

SEC. 45. The board of trustees of overflowed districts formed under this act, must on the first Monday of June of each year certify to the clerk of the board of supervisors of the county or counties in which the district or any part thereof is situated, an estimate of the expenditures necessary to conduct the business, and execute the work of the district, also the amount of interest and principal of any bonded or other indebtedness, that will become due during the ensuing year. Estimate of expenditures.

Statement of equalized value of taxable property.

SEC. 46. The assessor of each county in which the district is wholly or partially situated, shall each year, after the county assessments have been equalized by the state board of equalization, and prior to the time when the board of supervisors of the counties meet to levy the taxes for county purposes, certify to the board of supervisors of said county or counties, a statement of the equalized value of all taxable property within the district and situated in the county in which he is the assessor; thereupon the board of supervisors of the county or counties in which any portion of said district is situated, shall, at the time of levying taxes for county purposes, levy a tax upon the property of such district situated in said county or counties sufficient to meet the requirements of said district, and to pay the interest which may become due on any bonds, or other indebtedness of such district during such year, and if any portion of the principal of said bonds, or other indebtedness, shall become due during the year, an amount sufficient to pay such portion of such principal, and such other charges against such district necessary to maintain and construct the works and conduct its business, less the amount estimated by the trustees to be derived from the sale of water, or other sources under their control during said year; the tax must be levied upon the property of the district situated in such county or counties by the board of supervisors of each county according to the ratio which the assessed valuation of the property of said district situated in such county, bears to the total valuation of the property of the district.

Taxes entered on assessment roll.

SEC. 47. All taxes so levied must be computed and entered upon the assessment roll of the county where such property may be situated, by the county auditor, and collected by the tax collector, at the same time and in the same manner as state and county taxes, and when collected shall be paid into the county treasury for the use of such district.

Money to be forwarded to treasurer of county in which district was formed.

SEC. 48. When any tax has been collected under the provisions of this act, and placed in the treasury of any county other than the one in which the district was formed, the treasurer of said county must, within thirty days after receipt of the same, forward all money in such treasury belonging to the district, to the county treasurer of the county in which the district was formed, who shall receive and receipt for the same, and place such money in the treasury of such county to the credit of said district.

No fees to officers.

SEC. 49. No assessor, tax collector, treasurer, or clerk shall receive any fee for any services required to be performed by them under the provisions of this act. All expenses necessarily incurred in carrying out the provisions of this act, shall be paid to the board of supervisors of the county incurring the expense, for the benefit of said county, by warrants of the district, in the same manner as other expenses of said district.

SEC. 50. If the owners of lands representing more than two thirds of any body of lands within any overflowed district formed under this act, in which such lands have not been

reclaimed or irrigated, and for which the trustees have made no provision for such reclamation and irrigation, desire to have such body of lands set over from said district, they must, in addition to the petition required for that purpose, show to the board of supervisors in which the district is formed, that said body of lands is capable of an independent mode of reclamation and irrigation, and that said body of lands could not be reclaimed and irrigated according to the plans and specifications adopted by the board of trustees of the district and that such segregation would not endanger or delay, or otherwise interfere with the work of irrigating and reclaiming the remainder of the district.

Lands capable of independent mode of reclamation may be set aside.

SEC. 51. Whenever in the opinion of the board of trustees of any overflowed district, formed under this act, the cost of reclamation and irrigation according to the plans thereof, will be too great to be raised by taxes as provided in this act, to be paid within one year; the board of trustees of such district shall, for the purpose of voting the necessary bonded indebtedness therefor, order a special election to be held in said district at some time and some place or places designated by them.

Special election to vote bonds.

SEC. 52. At such special election there shall be submitted to the voters of said district, the question of whether or not the bonds of said district shall be issued in an amount necessary to construct said works of reclamation and irrigation, and which amount shall be estimated by said board of trustees and stated in the order for such election.

Question submitted.

SEC. 53. Said election shall be called by the supervisors of the county in which the district was formed, upon petition signed by at least two members of the board of trustees, and said election shall conform to the provisions of this act, relative to election, and to the election laws of the State of California, and the question whether or not bonds of said district shall be issued in the amount named in the estimate and order of the board of trustees, for reclaiming and irrigating the lands of said district, shall be submitted to the voters thereof.

Election called by supervisors.

SEC. 54. The notice of such special election shall specify the time and place or places of holding such election, the amount of bonds proposed to be issued, the names of the persons to act as the board or boards of election, and the ballot shall contain the words, "Bonds—Yes" and "Bonds—No."

Notice of election to specify time and place.

SEC. 55. If a majority of the votes cast at such election are in favor of the bonds, the board of trustees of the district shall cause bonds, in the amount stated in the order for election, to be issued and placed in the custody of the treasurer of the county in which the district was formed.

Majority in favor.

SEC. 56. The treasurer of said county shall place the bonds issued pursuant to this act, to the credit of said district and may at any time upon the order of the board of supervisors of said county, sell any of said bonds for the best price obtainable therefor, but in no event for less than the face value of said bonds, and the accrued interest thereon. Any money

Sale of bonds.

derived from the sale of such bonds by such county treasurer, shall be placed in the treasury to the credit of said district, and a proper record of such transaction be placed upon the books of such treasurer.

Denomina-
tion and
form.

SEC. 57. Said bonds shall be of a denomination of not less than one hundred dollars, and not more than one thousand dollars each, shall be negotiable in form, signed by the board of trustees, and the chairman of the board of supervisors of the county in which the district was formed, and attested by the clerk of said board of supervisors, and the seal of such board of supervisors, and shall be numbered consecutively as issued, and bear date at the time of their issue, and shall express on their face that they were issued by authority of this act, stating its title and date of approval, and the date of election at which such issuance was authorized.

Interest.

SEC. 58. The bonds shall bear interest at a rate not to exceed six per cent per annum, payable semi-annually on the first day of January and the first day of July in each year, at the office of the county treasurer of the county in which the district was formed, or some other place allowed by law, and approved by the supervisors of said county and the judge or judges of the superior court thereof, upon presentation of the proper coupons therefor.

Coupons.

SEC. 59. Coupons for such installment and interest shall be attached to said bonds, and shall be numbered, signed, and attested in the same manner as the bonds.

Payment.

SEC. 60. The principal of said bonds shall be paid as follows, to wit: five per cent of the whole amount of the bonds issued, according to their consecutive numbers, shall be paid ten years from the date of their issue, at the place provided for their payment, and five per cent thereof each succeeding year thereafter, until all are paid.

Deemed
municipal
bonds.

SEC. 61. When said bonds are issued in accordance with the provisions of this act, they shall be deemed municipal bonds for all purposes mentioned in the codes and statutes of this state. The principal and interest of said bonds shall be paid by revenue derived from a tax levied upon the assessable property of the district in accordance with the provisions of this act.

Bonds not
presented
when due.

SEC. 62. If any bond shall not be presented for payment when it becomes due, it shall cease to draw interest; but if presented at such time and not paid for the want of funds, the county treasurer shall so endorse it, and thereafter such bond shall draw interest until paid at the rate specified therein.

Orders on
treasurer
to pay for
labor, etc.

SEC. 63. The board of trustees of said district may draw orders upon the county treasurer of the county in which the district was formed, payable in bonds or money in proportion to the amount thereof, to pay for labor or services performed, for materials or property furnished to said district, for the purpose of constructing, repairing and maintaining, the reclamation and irrigation works thereof, and the contingent expense of said district, which order shall be approved

by the board of supervisors of said county, and thereafter paid by said treasurer, in the manner therein provided for, if such bonds then remaining in the treasury to the credit of the district be sufficient to pay the same.

SEC. 64. Nothing in this act shall be construed as in any manner affecting or modifying the provision of the Political Code of the State of California concerning reclamation districts formed under the provisions of said code.

Does not affect reclamation districts.

CHAPTER 719.

An act regarding irrigation and declaring the same to be a public use.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Irrigation in the State of California is hereby declared to be a public necessity and a public use, and the power of eminent domain may be exercised on behalf of such public use in accordance with the provisions of title VII, part III of the Code of Civil Procedure of the State of California; *provided*, that any person, firm or corporation, exercising the power of eminent domain and in control of water appropriated for sale, rental or distribution, shall not, by this act, be relieved from the duty of furnishing water to irrigate the lands over which any right of way is obtained by condemnation for irrigation purposes as required by an act entitled, "An act to regulate and control the sale, rental and distribution of appropriated water in this state, other than in any city, city and county, or town therein and to secure the rights of way for the conveyance of such water to the places of use," approved March 12, 1885, or any other law now in force in this state.

Power of eminent domain may be exercised to further irrigation.

SEC. 2. This act shall not repeal or modify an act entitled, "An act to regulate and control the sale, rental and distribution of appropriated water in this state, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use," approved March 12, 1885, and other acts supplemental thereto and amendatory thereof, or shall the same be construed to alter or change the law of the State of California as to the duty of any person, firm or corporation in charge of a public use to furnish water.

Does not repeal act of 1885.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER 720.

An act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California, situated within the exterior boundaries of a military, Indian or forest reservation created by authority of the United States, or of a national forest, national park or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on which certificates of purchase have not been issued, and prescribing the duties of the surveyor general in relation thereto, and repealing all acts and parts of acts in conflict herewith.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

School sections withdrawn from sale.

SECTION 1. All sixteenth and thirty-sixth sections of school land, belonging to the State of California, and situated within the exterior boundaries of a military, Indian or forest reservation created by authority of the United States, or of a national forest, national park or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, are hereby withdrawn from sale by the State of California.

Applications null and void.

SEC. 2. Any and all applications heretofore filed in the office of the surveyor general for any of the lands mentioned in section one of this act, or tendered or presented for filing, and upon which said applications no certificates of purchase have been issued, are hereby declared to be null and void, and shall be canceled by the surveyor general, and the surveyor general is hereby prohibited from taking any further action on said applications other than canceling the same.

Does not prevent indemnity selection.

SEC. 3. Nothing in this act contained shall be construed as preventing the use of said sixteenth and thirty-sixth sections as bases for indemnity selections, as provided by law, and, likewise, nothing in this act contained shall be construed as a recognition that prior to the passage hereof the said sixteenth and thirty-sixth sections, in section one hereof referred to, have not heretofore been withdrawn from sale by the state.

SEC. 4. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 5. This act shall take effect immediately from and after its passage.

CHAPTER 721.

An act to amend section 3498 of the Political Code, relating to approval of applications for state lands.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3498 of the Political Code is hereby amended so as to read as follows:

3498. All applications, under whatsoever act, filed in the office of the surveyor general, must be retained ninety days before approval. Before approval by the surveyor general, the applicant must appear before him in person, or before a deputy surveyor general, or before some person authorized to administer oaths, and designated by the surveyor general, at such time and place as he may fix, and answer, under oath, such interrogatories as may be put to him regarding his application, or the truth of the same, or any fact or circumstance connected therewith, and shall furnish such other or further evidence thereof as may be required by the surveyor general. The surveyor general shall mail to each applicant, addressed to the said applicant at the address given in the application, a letter or notice specifying the time and place of such hearing, which letter or notice shall be mailed at least ten days before such hearing. If it shall appear to the surveyor general that the application is made in good faith, and that all the facts stated in the application are true, and that the land applied for is subject to sale, he shall approve the application, otherwise he shall disapprove the same. All unapproved applications which have been on file over six months, wherein the applicant has not, before the expiration of said time, submitted himself for examination as above provided, and wherein proof has not been furnished as required by the surveyor general, or wherein a contest has not been referred to court or a demand made for an order of reference, as provided in section 3414 of the Political Code, shall be null and void; *provided, however,* that where applications are filed subject to the rights of a previous applicant, such subsequent applications shall not be approved until the rights of the first applicant shall have expired. No application shall be approved which describes land situated in more than one county, or land situated in more than one United States land district. No application shall be approved by the surveyor general for any sixteenth or thirty-sixth section of school land belonging to the state which is situated within the exterior boundaries of a military, Indian or forest reservation created by authority of the United States, or of a national forest, national park or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, or for swamp and overflowed land until the

Approval
of applica-
tions for
state
lands.

swamp and overflowed land is segregated by authority of the United States. Nothing herein contained shall be construed as a recognition that prior to the passage hereof, the said sixteenth or thirty-sixth sections, last above referred to, were offered for sale, or that applications therefor were to be approved or were subject to approval. The applicants in all applications filed, but not approved, prior to the passage hereof, shall be allowed six months from the passage hereof within which to secure approvals under the provisions hereof.

SEC. 2. This act shall take effect immediately from and after its passage.

CHAPTER 722.

An act to amend section 3513 of the Political Code, relating to the non-payment of principal and interest for state lands.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3513 of the Political Code is hereby amended so as to read as follows:

Non-pay-
ment of
principal
and in-
terest on
state
lands.

3513. In case payment is not made within fifty days, the lands described in the survey or location revert to the state without suit, and the survey or location is void. All subsequent payments must be made to the county treasurer, in like manner, who must indorse the same upon the certificate of purchase. The treasurer must direct the purchaser to take the certificate of purchase so indorsed to the auditor, who must charge the treasurer with the amount received, and make his check upon the indorsed receipt. If any interest due is not paid by the first day of May following the first day of January on which the interest payment becomes due, the certificate of purchase shall *ipso facto* become null and void, and the lands described therein revert to the state without suit and shall again become subject to entry and sale in the same manner, and subject to the same conditions as apply to other state lands of like character. The forfeiture, herein provided for the non-payment of interest, shall not apply to any certificates of purchase issued before the passage hereof.

SEC. 2. This act shall take effect immediately from and after its passage.

CHAPTER 723.

An act to amend section 3519 of the Political Code, relating to the issuance of patents by the state.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3519 of the Political Code is hereby amended so as to read as follows:

3519. Whenever full payment has been made for any tract of land, the selection of which has been approved by the United States authorities, or when the tract fully paid for is a sixteenth or thirty-sixth section, or a legal subdivision thereof, belonging to the state, or is segregated swamp and overflowed land, or land uncovered by the recession or drainage of waters of inland lakes, the register, upon the surrender of the certificate of purchase, must prepare a patent for the land, the said patent to be issued in the name of the original applicant, and send it to the governor, together with a certificate that the laws in relation thereto have been complied with, that payment in full has been made, and that the party named in the prepared patent is entitled to it. The said patent so issued shall inure to the benefit of the assignees, grantees, or successors in interest of said original applicant. Patent to land issued after full payment.

SEC. 2. This act shall take effect immediately from and after its passage.

CHAPTER 724.

An act to repeal sections 3444, 3496 and 3501 of the Political Code, relating to affidavit for purchase of state lands, when applicant is a female.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Sections 3444, 3496 and 3501 of the Political Code are hereby repealed. Repealed.

SEC. 2. This act shall take effect immediately from and after its passage.

CHAPTER 725.

An act to amend section 3408d of the Political Code, relating to indemnity selections in lieu of losses in grants made to the state, where the state is entitled to make such selections for any reason: providing a method for the sale at public auction of indemnity certificates or scrip entitling the owner to have selected for him government lands in lieu thereof.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3408d of the Political Code is hereby amended so as to read as follows:

3408d. Whenever the state shall be entitled to make indemnity selections for any reason, the surveyor general shall, on behalf of the state and in the manner herein provided, issue and sell to persons qualified to purchase state lands, indemnity certificates of location or scrip, as herein provided. No person shall be entitled to purchase an indemnity certificate of location or scrip unless he be qualified to purchase state lands as provided by law, and no person shall be entitled to purchase such a certificate representing more than six hundred and forty acres of land, nor less than the smallest legal subdivision of land as shown and indicated on the United States plats. As the surveyor general shall ascertain, from time to time, the number of acres to which the state is entitled as indemnity, he shall sell at his office in the city of Sacramento, State of California, at public auction, to the highest bidder, for cash in gold coin, and to persons qualified to purchase state land indemnity certificates or scrip. All sales under the provisions hereof shall take place on the first Monday in the months of January, March, May, July, September and November in each year commencing at the hour of ten A. M. and if any such day falls on a legal holiday, then the next business day thereafter: *provided, further*, that the first sale under the terms hereof shall be held on the first Monday in May, 1909. No person shall bid, purchase or buy at said sale for or on behalf of any other person, unless such person so bidding on behalf of another shall file with the surveyor general a written authorization so to do, and shall also file an affidavit by such person intending to purchase, showing that the said last-named person is qualified to purchase state lands, and no bid shall be received or considered and no land or the right to any land will be sold and no certificate of indemnity or scrip shall be issued for less than the sum of one dollar and twenty-five cents per acre. Certificates of indemnity or scrip as herein provided shall be offered for sale and sold in such quantities as may in the discretion of the surveyor general be deemed to be for the best interests of the state, but in no case shall indemnity certifi-

Surveyor
general
to issue
indemnity
certificates.

Sales.

No person
to bid on
behalf of
another.

Minimum
price per
acre

cates or scrip be offered for sale in quantities exceeding eighty acres. When certificates of indemnity or scrip are sold as herein provided, the surveyor general shall issue to the purchaser an indemnity certificate of location or scrip, in such form as may be by him provided, containing the date of the sale, a description of the land, or statement of the facts or other cause constituting the bases by reason of which the state is entitled to indemnity, the name of the person to whom issued, the price paid therefor, and the fact that such certificate may be surrendered to the surveyor general, and the holder and owner thereof (provided he be the original purchaser of such certificate of indemnity or scrip) shall be entitled to have selected from the vacant unappropriated lands of the United States within the state open to selection, the same number of acres as represented by the certificate surrendered, which the party who makes the surrender shall designate; *provided, however,* that if the land sought to be selected be suitable for cultivation, then such person must be an actual settler thereon, and in that event, he shall only be entitled to have selected or located for him not more than three hundred and twenty acres, and the said certificate, if representing more than three hundred and twenty acres, shall not be deemed to give the said person so surrendering it the right to have selected for him any more than a single individual is by law now allowed to acquire, and if any such certificates of indemnity or scrip shall represent more than three hundred and twenty acres, the said owner thereof shall be entitled to restitution for the said excess to the amount paid therefor. If the lands applied for be not open to entry the holder of a certificate of indemnity shall be entitled to apply for other lands or receive restitution to the amount paid for such certificate or certificates of indemnity or scrip. At the time of surrendering said certificate said person so surrendering the same shall make and file the same affidavit and application as is now required by law for the purchase of state school lands, and he shall pay all fees as provided by law in connection with the sale of state school lands, and the issuing of evidences of title therefor. The said certificates of indemnity or scrip, however, shall be held to be, and shall be considered and accepted as the full purchase price for the land sought to be purchased by the applicant. The said certificate of indemnity shall not be subject to sale or assignment; *provided, however,* that if the purchaser shall die without having selected lands in accordance therewith, his successors in interest or legal representatives may surrender the said certificate and be entitled to restitution for the amount paid therefor. If it appears, when any certificate of indemnity or scrip is surrendered that the owner of said certificate was not qualified to purchase state lands when the said certificate was purchased, the said certificate shall be canceled and become null and void and he shall be entitled to restitution therefor. The surveyor general shall have the right to continue any sale, when he shall deem it to the interest of the state so to do, to the next sale date

Certificates
 issued.

If purchaser is
 not entitled
 to purchase
 certificate
 canceled.

thereafter. Whenever it is made to appear to the satisfaction of the surveyor general that the base or bases named in any certificate of indemnity or scrip is or are invalid, or has or have been used in a previous state indemnity selection, or will not be accepted by the land department of the United States, the owner and holder thereof may surrender said certificate of indemnity or scrip to the surveyor general and said certificate of indemnity or scrip shall be canceled and the surveyor general shall issue a new certificate of indemnity or scrip in lieu thereof containing an equal amount of acres of valid bases, and if the base land described in the said canceled certificate of indemnity or scrip has been used in making a state indemnity selection for said owner, the surveyor general shall forward to the United States land office an amendatory of said state indemnity selection by substituting the base land described in the new certificate of indemnity or scrip for the base land in the certificate canceled by him. If any certificate of indemnity or scrip has been lost or destroyed the owner thereof may, upon filing an affidavit with the register of the state land office showing the facts constituting such loss or destruction, have issued to him a duplicate thereof, across the face of which shall be marked in red ink the word "duplicate," and which shall have the same force and effect as the original. No person shall be considered as having made an entry of state lands under the provision of this article until the lands have been listed to the state. Whenever in accordance with the provisions of this article any person shall have the right to recover from the State of California any sum of money paid by him for a certificate of indemnity or scrip, he shall surrender the same to the surveyor general who shall thereupon cancel the same and issue to him a certificate showing the amount paid and the class of land upon which the payment was made, and upon the surrender of such certificate to the controller of state he must draw his warrant in favor of the person surrendering the same for the amount therein specified, upon the treasurer of state, who must pay the same out of the fund into which the purchase money was paid. All the provisions of the laws of this state governing the sale and disposition of state school land, where not in conflict with the provisions hereof, shall apply equally to lands purchased upon the surrender of certificates of indemnity or scrip. All moneys received by the surveyor general under the provisions hereof shall be disposed of by him in the same manner as other moneys received from the sale of state school lands.

If certificate has been lost.

SEC. 2. This act shall take effect and be in force immediately from and after its passage.

CHAPTER 726.

An act to amend section 3407 of the Political Code, relating to the approval of applications and issuance of certificates of purchase for indemnity school lands.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3407 of the Political Code is hereby amended so as to read as follows:

3407. When the surveyor general shall receive from the register or receiver of the United States land office, or both, a notice to the effect that any indemnity school land selection has been filed and accepted, subject to future approval, the said surveyor general shall, subject to the provisions of section 3498 of this code, approve the application in accordance with the said acceptance, and the register of the state land office must issue a certificate of purchase for the land sought by the applicant showing full payment therefor, if said selection was made upon the surrender of a certificate of indemnity or scrip, as provided in section 3406 of this code, otherwise he shall issue to the party applying a copy of his approval, requiring the payment of twenty per cent of the principal or the full purchase price.

Surveyor general to approve application.

SEC. 2. This act shall take effect immediately from and after its passage.

CHAPTER 727.

An act providing for the conveyance by quitclaim deed, from the State of California to the government of the United States, of certain lands erroneously conveyed or patented to said state by said government.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. In all cases where it appears to the register of the state land office that the government of the United States has, through error or misdescription, conveyed to the State of California any lands not intended to be conveyed, but where it was intended to convey other lands in place of those so conveyed, the said register of the state land office shall certify said facts to the governor, and it shall be the duty of the governor of this state to cause to be executed and delivered to the government of the United States, a conveyance by quit-

Conveyance by quitclaim deed of lands erroneously conveyed.

claim deed, of all such land so erroneously conveyed or patented. Such deed shall be executed on behalf of the State of California by the hands of the governor and of the secretary of state, and shall be attested by the great seal of state, and recorded in the office of the register of the state land office; *provided, however*, that before said conveyance is delivered, the land intended to be conveyed to the state, and to which the state may be entitled, shall be listed or conveyed to said state.

SEC. 2. This act shall take effect immediately from and after its passage.

CHAPTER 728.

An act providing for the cancellation of all liens for taxes on any sixteenth or thirty-sixth section, or legal subdivision thereof, which sixteen or thirty-sixth section, or legal subdivision thereof, has been or may hereafter be used as bases for lieu selections, in accordance with the provisions of section 3406 of the Political Code.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Cancellation of
liens for
taxes on
sections
16 and 36.

SECTION 1. It shall be the duty of the board of supervisors of each county in the State of California, upon petition of the surveyor general of the State of California, at the first meeting of the board following the receipt of said petition, to order the cancellation of all liens for taxes on any sixteenth or thirty-sixth section, or legal subdivision thereof, which sixteenth or thirty-sixth section, or legal subdivision thereof, has been, subsequent to March 24, 1909, or may hereafter be, used as bases for lieu selections, and for which certificates of indemnity or scrip have been, or may hereafter be, issued, as provided by law, and the title to which the surveyor general of the State of California shall certify to said board of supervisors as being vested in the State of California.

SEC. 2. The cancellation of the liens shall be reported by the board of supervisors to the surveyor general of the State of California and to the county recorder to be noted by him upon his records.

SEC. 3. This act shall take effect immediately from and after its passage.

CHAPTER 729.

An act to amend section 3788 of the Political Code of the State of California, relating to lands sold to the state for delinquent taxes, and providing for their disposal and sale, and providing for redemption and restoration of the title by former owners.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3788 of the Political Code is hereby amended so as to read as follows:

3788. When state lands, upon which the full purchase price has not been paid, have been sold to the state for delinquent taxes, and the deed therefor to the state provided for in section thirty-seven hundred and eighty-five of this code, has been forwarded to and filed with the surveyor general, the said lands shall again become subject to entry and sale, in the same manner, and subject to the same conditions, as apply to other state lands of like character, except that the former possessors or owners of the land thus deeded to the state, their heirs or assigns, shall be preferred purchasers thereof for the period of six months after the deeds are filed with the surveyor general, as prescribed in this section; during which said period of six months no application by any person other than said former possessors, or owners, their heirs or assigns, shall be filed; and provided, further, that the former possessors or owners of said land thus deeded to the state, their heirs or assigns, shall have the right to be restored to their former estate and title (at any time either during the said period of six months above referred to, or afterwards, and before application for said land is made and filed with the surveyor general by any other person) upon paying to the county treasurer of the county wherein the said land is situated a sum equivalent to the taxes, penalties, costs and accruing costs by virtue whereof the state became a purchaser of the said lands, and also, all delinquent taxes, penalties, and costs which may have accrued upon such lands subsequent to the date of the certificate of purchase under which the former possessors or owners, or their heirs and assigns, claim title to said lands and also all unpaid interest up to the first day of January, as hereinafter provided, which said money so paid into the treasury shall be distributed in the manner prescribed in section thirty-eight hundred and sixteen; provided, that the money received for twenty per cent of the purchase money and accruing interest, together with the principal, in case of full payment on the lands, shall be distributed by the surveyor general, in the manner now provided by law for such distribution. If such former owner or possessor, his heirs or assigns desires to avail

Lands sold to state for taxes, subject to entry

Restoration to former estate.

Distribution of money received.

Procedure
to recover
interest.

himself of the privileges hereof, he shall file with the surveyor general the receipt of the county treasurer, showing the payment of all such taxes, together with all unpaid interest up to the first day of January following the date when he shall make the said payment to the said county treasurer, and thereupon the surveyor general shall give to such person a certificate signed and sealed by him, but which need not be acknowledged, showing full payment of all such sums, which said receipt of the surveyor general shall be recorded by said persons in the county recorder's office of the county wherein the said lands are situated, and the said receipt, when so recorded, shall have the same effect as a deed of reconveyance of the interest conveyed by such deed, and the said former owner or possessor, his heirs or assigns, shall thereby be restored to all his rights in the said lands, and his certificate of purchase shall be in full force and effect as effectually as though no sale had been made; but the surveyor general shall not receive or file any application or make a sale of any lands thus decided to the state, except upon the previous payment into the state treasury, as other moneys are required to be paid therein, in addition to the price of said lands as compared with the price fixed for other state lands of like character, by the person or persons proposing to file the application and make the purchase, of a sum equal to the delinquent taxes, penalties, costs and accruing costs, by virtue whereof the state became a purchaser of the lands thus sought to be entered or purchased, and also all delinquent taxes, penalties and costs which may have accrued upon such lands prior to and subsequent to the date of the sale to the state in pursuance of which the state received a deed therefor, and the surveyor general's authority for filing said application, if said lands are otherwise subject to sale, shall be the production by said applicant of the county treasurer's receipts showing full payment of the delinquent taxes, penalties and costs as herein specified. If an application for the land is not presented to the surveyor general's office by the party, or his agent, who paid the delinquent taxes, penalties and costs, by virtue whereof the state became a purchaser of said land, within a period of fifteen days after the payment thereof, the land shall be subject to sale to the first person presenting his application for said land to the surveyor general's office, accompanied by a certified copy of the auditor's estimate and treasurer's receipt, showing full payment of all delinquent taxes, penalties and costs, as herein specified. An estimate of the amount of delinquent taxes, penalties and costs, as herein specified, must be made by the county auditor of the county wherein the land is situated, upon the written request for same by the surveyor general, and without cost to the state. Said county auditor's estimate shall include all delinquent taxes, penalties and costs, as shown by the records in the state land office, by virtue whereof the state became a purchaser of the land thus sought to be entered or purchased, and also all delinquent taxes, penalties and costs which may have accrued upon such lands prior to and subsequent to the date of the

Land
subject
to sale.

sale to the state, in pursuance of which the state received a deed therefor. The money thus paid into the treasury shall be distributed in the manner prescribed in section thirty-eight hundred and sixteen; *provided*, that the moneys received for twenty per cent of the purchase money and accruing interest, together with the principal, in case of full payment on the lands, shall be distributed by the surveyor general, in the manner now provided by law for such distribution. Nothing in this section contained shall apply to land situated within the exterior boundaries of a military, Indian or forest reservation created by authority of the United States, or of a national forest, national park or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes.

Money distributed.

Not applicable to certain lands.

SEC. 2. This act shall take effect and be in force immediately from and after its passage.

CHAPTER 730.

An act to amend section fourteen hundred and sixteen of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the state.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1416 of the Civil Code of the State of California is hereby amended so as to read as follows:

1416. Within sixty days after the notice is posted, the claimant must commence the excavation or construction of the works in which he intends to divert the water, or the survey, road or trail building, necessarily incident thereto, and must prosecute the work diligently and uninterruptedly to completion, unless temporarily interrupted by snows or rain; *provided*, that if the erection of a dam has been recommended by the California debris commission at or near the place where it is intended to divert the water, the claimant shall have sixty days after the completion of such dam in which to commence the excavation or construction of the works in which he intends to divert the water; *provided*, that whenever any city and county, or any incorporated city or town within this state makes, or has made, or acquires, or has acquired any appropriation of any of the waters of this state in accordance with the provisions of section 1415 of this code, it shall not be necessary for such city and county, city or town to commence the work for development of more of the water so claimed than is actually necessary for the immediate needs of such city and county, city or town and it shall be held to be a sufficient compliance with the requirements of this chapter, to the full amount of water stated in the notice posted and recorded, for such city and county, city or town to

Work to be done in appropriation of water.

within sixty days make the necessary surveys, or within six months to authorize the issuance of municipal bonds, for the construction of the necessary works designed to supply such city and county, city or town with the water required for immediate use. Any appropriation heretofore made by any such city and county, city or town in connection with which surveys were at any time made, or an issue of bonds authorized for the construction of any portion of the works necessary for a diversion of any part of the water appropriated, is hereby confirmed to the full amount of water stated in the original notice or notices.

CHAPTER 731.

An act to add a new section to the Penal Code to be numbered three hundred and seventy-four (a) relating to the dumping of garbage or other refuse upon the navigable waters of the State of California or upon the waters of the Pacific ocean.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. That an act entitled: "An act to establish a Penal Code," be amended by adding a new section thereto, to be numbered three hundred and seventy-four a, and to read as follows:

374a. Any person who places, deposits or dumps any garbage, swill, refuse, cans, bottles, paper, or vegetable matter, or the carcass of any dead animal, or the offal from any slaughter pen or butcher shop, or any trash or rubbish in or upon the navigable waters of this state, or who places, deposits or loads the same upon any scow, barge, float, hulk, or any steam or sailing vessel, or any vessel of any kind, with intent that the same shall be dumped or deposited therefrom in or upon any of the navigable waters of this state, or of the Pacific ocean without the state, at any point therein, within twenty miles of any point on the coast line of the state, and any captain, or other person in charge of any scow, barge, float, hulk, or any steam or sailing vessel, or any vessel of any kind, who permits the same to be loaded with any garbage, swill, refuse, cans, bottles, paper, or vegetable matter, or the carcass of any dead animal, or the offal from any slaughter pen or butcher shop, or any trash or rubbish, with intent that the same shall be dumped or deposited therefrom in or upon any of the navigable waters of this state, or of the Pacific ocean without the state, at any point therein, within twenty miles of any point on the coast line of the state, is guilty of a misdemeanor, and no scow, barge, float, hulk, or any steam or sailing vessel, or any vessel of any kind, upon which any garbage, swill, refuse, cans, bottles, paper, or vegetable matter, or the carcass of any dead animal, or the offal

Unlawful to dump garbage, etc., in navigable waters of the Pacific ocean.

Misdemeanor.

from any slaughter pen or butcher shop, or any trash or rubbish has been loaded with the intent that the same shall be dumped or deposited therefrom upon any of the waters of the Pacific ocean where permitted by this section, shall leave any point within the state unless it shall carry for the entire trip an inspector appointed by the state board of health, or where such point of departure is within a municipality, then by such municipality, and it shall be the duty of such inspector to enforce the provisions of this section, and the captain, or other person in charge of any such scow, barge, float, hulk, steam, sailing or other vessel, so leaving without carrying such inspector during the entire trip is guilty of a misdemeanor; *provided, however*, that this act shall not be construed to affect the discharge of any sewer system.

SEC. 2. This act shall take effect on and after May 1st, 1912.

CHAPTER 732.

An act fixing the salaries of the judges of the superior court of the State of California, in and for the county of Kern, and providing for the payment thereof.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The annual salary of each of the judges of the superior court of the State of California in and for the county of Kern is five thousand dollars; one half thereof to be paid by the said state and the other half thereof by the said county; at the same times and in like manner as the salaries of the other judges of the superior court of said state are paid.

Salary of
superior
judges of
Kern
county.

SEC. 2. All acts and parts of acts so far as they conflict with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 733.

An act to amend section five hundred and thirty of the Code of Civil Procedure of the State of California, relating to the granting of injunctions for the use of water.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section five hundred and thirty of the Code of Civil Procedure is hereby amended to read as follows:

530. In all actions which may be hereafter brought when

When injunction for use of water may be refused upon defendant giving bond.

an injunction or restraining order may be applied for to prevent the diversion, diminution or increase of the flow of water in its natural channels, to the ordinary flow of which the plaintiff claims to be entitled. the court shall first require due notice of the application to be served upon the defendant, unless it shall appear from the verified complaint or affidavits upon which the application therefor is made, that, within ten days prior to the time of such application, the plaintiff has been in the peaceable possession of the flow of such water, and that, within such time, said plaintiff has been deprived of the flow thereof by the wrongful diversion of such flow by the defendant, or that the plaintiff, at the time of such application, is, and for ten days prior thereto, has been, in possession of the flow of said water, and that the defendant threatens to divert the flow of such water; and if such notice of such application be given and upon the hearing thereof, it be made to appear to the court that plaintiff is entitled to the injunction, but that the issuance thereof pending the litigation will entail great damage upon defendant, and that plaintiff will not be greatly damaged by the acts complained of pending the litigation, and can be fully compensated for such damage as he may suffer. the court may refuse the injunction upon the defendant giving a bond such as is provided for in section five hundred and thirty-two; and upon the trial the same proceedings shall be had, and with the same effect as in said section provided.

CHAPTER 734.

An act to amend an act entitled, "An act to secure the payment of the claims of materialmen, mechanics, or laborers, employed by contractors upon state, municipal or other public work," approved March 27, 1897.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. An act of the legislature of the State of California entitled, "An act to secure the payment of the claims of materialmen, mechanics, or laborers employed by contractors upon state, municipal, or other public work," approved March 27, 1897, is hereby amended so as to read as follows:

Contractor having state, etc., building to give bond to secure payment for material, etc.

Section 1. Every contractor, person, company, or corporation, to whom is awarded a contract for the execution or performance of any building, excavating, or other mechanical work for this state, or by any county, city and county, city, town, or district therein, shall, before entering upon the performance of such work, file with the commissioners, managers, trustees, officers, board of supervisors, board of trustees, com-

mon council, or other body by whom such contract was awarded, a good and sufficient bond, to be approved by such contracting body, officers or board, in a sum not less than one half of the total amount payable by the terms of the contract; such bond shall be executed by the contractor, and at least two sureties, in an amount not less than the sum specified in the bond, and must provide that if the contractor, person, company, or corporation, fails to pay for any materials or supplies furnished for the performance of the work contracted to be done, or for any work or labor done thereon of any kind, that the sureties will pay the same in an amount not exceeding the sum specified in the bond; *provided*, that such claim shall be filed as hereafter required.

SEC. 2. Any materialman, person, company, or corporation, furnishing materials or supplies used in the performance of the work contracted to be executed or performed, or any person who performed work or labor upon the same, or any person who supplies both work and materials, and whose claim has not been paid by the contractor, company, or corporation, to whom the contract has been awarded, shall, within ninety days from the time such contract is completed, file with the commissioners, managers, trustees, officers, board of supervisors, board of trustees, common council, or other body by whom such contract was awarded, a verified statement of such claims, together with a statement that the same has not been paid. At any time within six months after the filing of such claim, the person, company or corporation filing the same may commence an action against the sureties on the bond, specified and required by section one hereof.

Materialmen may file statement.

CHAPTER 735.

An act to validate the organization and incorporation of municipal corporations.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. All municipal corporations, the organization and incorporation of which have been authenticated by an order of a board of supervisors in this state, declaring the same incorporated as municipal corporations of the classes to which such corporations may respectively belong, and a certified copy of which order has been filed by such board of supervisors in the office of the secretary of state, and which corporations thereafter have acted in the form and manner of municipal corporations under the provisions of "An act to provide for the organization, incorporation and government of municipal corporations," approved March thirteenth,

Organization of municipal corporations validated.

eighteen hundred and eighty-three, and the amendments thereto, are hereby declared to be and to have been municipal corporations from the date of filing the certified copy of said order of the board of supervisors with the secretary of state; and all acts of the said municipal corporations, heretofore performed according to the act aforesaid, are hereby validated, and declared to be legal; *provided, however*, that all municipal corporations shall be excepted from the operation of this act where the right to act as such is being contested or inquired into in any legal proceeding brought within six months after the certified copy of the order of the board of supervisors was filed in the office of the secretary of state.

CHAPTER 736.

An act to validate proceedings for the annexation of territory to, incorporation in, and inclusion thereof within municipal corporations.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Annexation of territory to municipality validated.

SECTION 1. Any territory which purports to have been heretofore annexed to, incorporated in, and included within a municipal corporation under "An act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19th, 1889, and the acts amendatory thereof, the certified record whereof, showing the facts required in said act, shall have heretofore been filed by the secretary of state as required in said act, is hereby declared to be and to have been since the filing of said record, duly annexed to, incorporated in, and included within such municipal corporation: and all proceedings for the annexation of such territory are hereby validated and declared legal.

SEC. 2. This act shall take effect from and after its passage.

CHAPTER 737.

An act to provide for the formation and establishment of boulevard districts; the construction, acquisition, maintenance, control and use of boulevards; defining the term boulevard; providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevard; providing for a boulevard commission to have charge of the affairs of boulevard districts, and the construction, maintenance and repair of boulevards, within such districts; providing for the election of such commission, their terms of office, and of elections to be held in such districts; and repealing an act entitled "An act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard," approved March 22, 1905, and the act amendatory thereof, approved April 15, 1909.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Any portion of a county not contained in a boulevard district under the provisions of this act, may be formed into a boulevard district, and when so formed shall be known and designated by the name and style of boulevard district (using the name of the district) of county (using the name of the county in which said district is located), and shall have the rights herein enumerated and such as may hereafter be conferred by law.

Boulevard district

SEC. 2. A petition for the formation of such boulevard district (naming it) may be presented to the board of supervisors of the county wherein the district is proposed to be formed, which said petition shall be signed by not less than twenty-five freeholders, resident within the proposed district, and shall contain:

Petition to supervisors.

(1) The boundaries of the proposed district and the number of inhabitants residing therein;

(2) The number of acres contained therein and the assessed value thereof and of the improvements thereon;

(3) A particular description of the boulevard which it is desired to lay out, open and construct;

(4) A request that an election be called within said district for the purpose of determining the question of the formation of said boulevard district and the building of the boulevard described in said petition.

SEC. 3. Such petition must be presented at a regular meeting of said board of supervisors and they shall thereupon fix a time for hearing said petition, not less than twenty, nor more than sixty days after the date of presentation thereof.

Hearing on petition.

and shall publish a notice of the fact that such petition has been filed (referring to the same on file with the clerk of the board of supervisors for further particulars) and giving the date and hour at which said petition will be heard, which said notice shall be published at least once a week for two consecutive weeks in some newspaper published and circulated in said proposed district; *provided*, that if no newspaper be so published in said district, then said notice shall be so published in some newspaper published and circulated at the county seat in which said proposed district is located.

SEC. 4. Upon the day named for the hearing of said petition, the board of supervisors shall hear the same and may adjourn such hearing from time to time, not more than thirty days in all. On the final hearing the said board shall define and establish the boundaries of said boulevard district as provided in said petition, unless they shall deem it proper to change them; *provided*, that any change made by said board of supervisors shall not include any territory outside of the boundaries described in the petition, until the board has given at least two weeks' notice of its intention to include such territory within such district, by publication for two weeks of such notice of intention in a newspaper of general circulation published either in said district or at the county seat. The territory of such district shall not be changed or reduced to such an extent as to prevent the creation and establishment of such boulevard district.

Boundaries established.

SEC. 5. The boundaries established by the board of supervisors shall be the boundaries of such boulevard district until the same shall be changed in the manner provided by law. But, if it shall appear to the board that the boundaries of any such district have been incorrectly described in the petition, it shall direct the county surveyor to ascertain and report the correct description of the boundaries, in conformity with the orders of said board of supervisors, which said report must be filed within ten days from the day of making such order. At the first regular meeting after the filing of said report, the board of supervisors shall ratify the same, by resolution entered in its minutes, with such modifications as they deem necessary, and the boundaries so established shall be the legal boundaries of such boulevard district.

Election.

SEC. 6. The board of supervisors thereupon, and not later than thirty days after the establishment of said boundaries, as hereinbefore provided, shall give notice of an election to be held in such proposed boulevard district for the purpose of determining whether such district shall be formed. The order must fix the day of such election, which must be within sixty days from the date of the order, and must show the boundaries of the proposed district, and must state that at such election three persons who are to compose the boulevard commission will be voted for. This order shall be entered in the minutes of the board, and shall be conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was, at the time of the signing and presentation of

such petition, a resident and freeholder of the proposed district; a copy of such order shall be posted for four successive weeks prior to the election, in three public places within the proposed district, and shall be published for four successive weeks prior to the election in some newspaper published in the proposed district, if there be one, and if not, in some newspaper published at the county seat. It shall be sufficient if the order be published once a week.

Order
posted
and pub-
lished.

SEC. 7. The board of supervisors, at least fifteen days prior to the election, shall select one, and may select two, polling places within the proposed district, and make all suitable arrangements for the holding of such election. They must appoint one inspector and two judges of election in each polling place, who shall constitute the officers of said election; if none are so appointed or if those appointed are not present at the time of the opening of the polls, the electors present may appoint them and they shall conduct the election. The ballot shall contain the words "For a Boulevard District" or "Against a Boulevard District" as the case may be, and also the names of the persons to be voted for at said election. At such election there shall be elected three persons for members of the boulevard commission. Such election, and all subsequent elections in said district, shall be conducted as nearly as practicable in accordance with the general election laws of the state, except that the provisions of said laws as to the form of ballots and the making of nominations shall not apply. Every qualified elector, resident within the proposed district for the period requisite to enable him to vote at a general election shall be entitled to vote at the election above provided for. The officers of the election must certify the result of the election to the board of supervisors, and if a majority of the votes cast at such election shall be in favor of a boulevard district the board of supervisors shall make and cause to be entered in the minutes of said board an order that a boulevard district of the name, and with the boundaries stated in the petition (setting forth such boundaries), has been duly established and shall declare the persons receiving respectively the highest number of votes for members of the boulevard commission, duly elected as such commissioners; and said order shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided for by this act or by law, and of the existence and validity of the boulevard district. If a majority of the votes cast shall be against a boulevard district, the board shall by order entered in its minutes so declare, and no other proceeding shall be taken in relation thereto until the expiration of six months from the date of the presentation of the petition to said board.

Polling
places and
election
officers.

Ballot.

Boulevard
commis-
sion.

Census
of votes.

SEC. 8. There shall be an election for two members of the boulevard board in every even-numbered year, beginning with the first even-numbered year after the election at which the said district was organized, and the two members then to be elected shall hold office until the election and qualification of

Subsequent
elections.

Members
organize.

their successors in the next even-numbered year; and there shall be an election for one member of the boulevard commission in every odd-numbered year beginning with the first odd-numbered year after the election at which the district was organized, and the member then to be elected shall hold office until the election and qualification of his successor in the next odd-numbered year. The three members elected at the election at which the district was organized shall, at their first meeting, or as soon thereafter as may be practicable, so classify themselves by lot, that two of them shall go out of office in the first even-numbered year after the election at which the district was organized, and upon the election and qualification of their successors, as provided by this act. The members of the boulevard commission shall receive no compensation whatever, either for general or for special services. All elections for officers after the formation of the district shall be held on the first Monday after the first Tuesday in the month of March. Not less than twenty days after [before] the day of such election the boulevard commission must give notice of said election by posting notice thereof in three public places in the boulevard district, which notice must specify the time and place of elections, the hours during which the polls will be kept open, and the officers to be elected. They shall select one, and may select two, polling places within the district; shall appoint one inspector and two judges of election in each polling place, and make all necessary and proper arrangements for holding the election. Said election officers shall constitute the election board. If no election officers are so appointed, or if those appointed are not present at the time of the opening of the polls, the electors present may appoint them and they shall conduct the election. Such election shall be conducted as nearly as practicable in accordance with the general election laws of the state, except that the requirements of said laws as to the form of ballots and the making of nominations of candidates, shall not apply. Every qualified elector resident within the district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the election. At such election the last great register of the county shall be used, and any elector whose name is not upon such great register shall be entitled to vote upon producing and filing with the board of election a certificate, under the hand and seal of the county clerk, showing that his name is registered and unanceled upon the great register of such county; *provided*, that he is otherwise entitled to vote. The officers of the election must publicly canvass the votes immediately after the closing of the polls, and must certify the result within twenty-four hours after the closing of the polls to the boulevard commission. Said commission shall within five days after the day of election canvass said returns, and shall make, sign and deliver certificates of election to the person or persons elected.

Electors.

Canvass
of votes.

SEC. 9. Every boulevard district formed under the provisions of this act shall have power to have and use a common

seal, alterable at the pleasure of the boulevard commission; to sue and be sued by its name; to lay out, establish, construct, acquire and maintain one or more boulevards within the district, and for this purpose to acquire by purchase, gift, devise, condemnation proceedings or otherwise real and personal property and rights of way within the district, and to pay for and hold the same; to make and accept any and all contracts, deeds, releases and documents of any kind which shall be necessary or proper to the exercise of any of the powers of the district, and to direct the payment of all lawful claims and demands against it; to issue bonds as hereinafter provided, and to provide for the payment of the same and the interest thereon; and to cause to be levied taxes sufficient when directed by a vote of the people of the district for the construction, maintenance or repair of said boulevard, and the running expenses of the district; to employ all necessary engineers, surveyors, agents and workmen to do the work on said boulevard and in said district; and generally to do and perform any and all acts necessary or proper to the complete exercise and effect of any of its powers or the purposes for which it was formed.

Powers of district.

SEC. 10. The officers of the district shall be three members of the boulevard commission, and their term of office shall be for two years. No person shall be eligible to act as a commissioner who has not been a bona fide resident and freeholder of the district for at least one year prior to his election or appointment. Any vacancy in the commission shall be filled by appointment for the unexpired term by the board of supervisors of the county in which said district is located, but no member of the board of supervisors shall be eligible to membership on said commission, or to hold any position in connection therewith. Each commissioner shall give a bond to the boulevard district for the faithful performance of his duties in the sum of five thousand dollars, to be approved by the judge of the superior court.

Officers of district.

Vacancy.

Bond.

SEC. 11. The boulevard commission shall be the governing body of the district, and shall exercise all the powers thereof. At its first meeting, or as soon thereafter as may be practicable, the commission shall choose one of its members as president, and another of its members as secretary. All contracts, deeds, warrants, releases, receipts and documents of every kind shall be signed in the name of the district by its president, and shall be countersigned by its secretary. The commission may hold such meetings, either in the day or in the evening, as may be convenient. In case of the absence or inability to act of the president or secretary, the board shall, by order entered upon its minutes, choose a president pro tem. or secretary pro tem., as the case may be.

Commission governing body of district.

SEC. 12. Any boulevard constructed under this act may be constructed over, along or upon any county road or public highway, or any part thereof, and the moneys belonging to such boulevard district may be expended in the improvement of such road or highway to conform to the width and general

Boulevard may be constructed over public highway.

"Boulevard" defined.

character of the balance of the boulevard. By the term "boulevard" as used herein is meant a highway of limited dedication and use, not less than thirty, and not more than one hundred feet in width, and upon, along, and over which no franchise for telephone, telegraph or electric wires or poles, or for the operation or running of cars or vehicles upon fixed tracks or rails thereon, shall be granted; and any easements granted or condemned for the building of said boulevard shall be so granted or condemned; *provided*, that nothing herein shall be deemed to apply to or as preventing the granting of such franchise or limiting the use of wagons across said boulevard, on, over and along intersecting streets and highways.

Bond elections.

SEC. 13. At any time after the district is organized, the boulevard commission may, by order entered in the minutes of the meetings of the commission, call an election for the purpose of determining whether bonds shall be issued for the construction of such boulevard. Such order shall fix the day of the election and shall specify the amount of money to be raised, and shall state in general terms the purpose for which it is to be raised. A copy of such order shall be posted for four successive weeks prior to the election in at least three public places within the district, and shall be published for four successive weeks prior to the election in some newspaper published within the district, if there be one, and if not, in some newspaper published at the county seat. It shall be sufficient if the order be published once a week.

Polling places, etc.

SEC. 14. At any time prior to the day fixed for the election the commission shall select one, and may select two, polling-places within the district, and appoint one inspector, one judge and one clerk for each precinct to conduct the same, and shall make all necessary and proper arrangements for holding the election. The ballots shall contain the words "For the Issuance of Bonds," or "Against the Issuance of Bonds." The election shall be conducted in accordance with the general election laws of the state, so far as the same may be applicable, except as herein otherwise provided. Every qualified elector resident within the district for the length of time necessary to enable him to vote at a general election shall be entitled to vote at the election. After the votes shall have been counted and the result announced by the election officers the ballots shall be sealed up and delivered to the secretary or president of the boulevard commission, and said commission shall within two days thereafter proceed to canvass the same and shall enter the result upon its minutes. Such entry shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided by this act or by law, and of the facts stated in such entry. If, at such election, two thirds of the votes cast be in favor of the issuance of bonds, the said commission shall have full power and authority to issue and dispose of said bonds as proposed in the order calling the election and as hereinafter provided. The boulevard commission shall advertise for bids for constructing such boulevard,

or for doing any repair or maintenance work thereon in accordance with plans, profiles, and specifications to be prepared by said commission, by publishing a notice thereof for three successive weeks in a weekly newspaper published within the boulevard district, if such newspaper is published therein; otherwise in a newspaper published at the county seat. Every contract for doing any part of said work shall be let, after advertisement as herein provided, to the lowest responsible bidder, who shall give a bond to the boulevard district for the faithful performance of his contract, with sureties satisfactory to said commission in an amount equal to at least fifty per cent of the amount of the contract price, which shall be stated in said advertisement; *provided, however*, that the commission may make contracts, without advertisement, for any work on said boulevard the cost of which does not exceed one thousand dollars; *and provided, further*, that the commission may reject any or all bids and may thereupon readvertise for bids for doing any part or the whole of said work; or may do said work without letting any contract therefor when the amount of the work is less than one thousand dollars. Said commission may hire all necessary engineers, inspectors and superintendents to supervise the performance of contracts entered into by said commission, or to have charge of the doing of all work done without contract.

Advertise
for bids
for con-
structing
boulevard.

SEC. 15. All bonds issued under the provisions of this act shall be of such denomination as the boulevard commission may determine, except that no bonds shall be of less denomination than one hundred dollars nor of a greater denomination than one thousand dollars. Said bonds shall be payable in gold coin of the United States at the office of the county treasurer of the county wherein said district is situated, and shall bear interest at a rate not exceeding seven per centum per annum; which interest shall be payable semi-annually in like gold coin. Not less than one twentieth part of the total issue of bonds shall be payable each year, on a day to be fixed by the commission and specified in the bonds. Each bond shall be signed by the president and countersigned by the secretary of the boulevard commission, and said bonds shall be numbered consecutively, beginning with number one, and shall have coupons attached referring to the number of the bond to which they are attached, which coupons shall be signed by the president and countersigned by the secretary of said commission. The bonds must be sold or disposed of by the boulevard commission in such manner and in such quantities as may be determined by said commission in its discretion, but no bond must be sold for less than its face value. The proceeds of such sale shall be deposited with the county treasurer and shall be by him placed in the fund to be called the boulevard construction and maintenance fund of boulevard district (naming it); the money in such fund shall be used for the purpose indicated in the order calling the election upon the question of the issuance of bonds; *provided*, that any money remaining in said fund on completion of the work contracted for, shall be expended in the betterment and main-

Denomina-
tions of
bonds,
payment,
sale, etc.

tenance of said boulevard. If the result of the election be against the issuance of bonds no other election upon the question shall be called or held for six months.

Estimate
to be
furnished
super-
visors.

SEC. 16. The commissioners must on or before the first meeting of the board of supervisors in September of each year, furnish the supervisors and the auditor of the county wherein the district is situated, an estimate in writing of the amount of money needed for the purpose of the district for the ensuing fiscal year. The amount must be sufficient to pay off the annual interest accruing upon said bonds, as it falls due, and also to pay one twentieth part of the principal of said bonds; to pay the estimated cost of repairs and maintenance of the boulevard and the running expenses of the district.

Tax levy.

SEC. 17. The board of supervisors of any county wherein is situated a boulevard district, must annually at the time of levying county taxes levy a tax to be known as the "..... (name of district) boulevard district tax," sufficient to raise the amount reported to them as herein provided, by the boulevard commission. The supervisors must determine the rate of such tax by deducting fifteen per cent for anticipated delinquencies from the total assessed value of the real property of the district within the county, as it appears on the assessment roll of the county, and dividing the sum reported by the boulevard commission as required to be raised by the remainder of such total assessed value. The tax so levied shall be computed and entered on the assessment roll by the county auditor, and if the supervisors fail to levy the tax as provided in the preceding section, then the auditor must do so. Such tax shall be collected at the same time and in the same manner as state and county taxes, and when collected shall be paid into the county treasury for the use of said district, and the purposes herein specified. The provisions of the Political Code of this state prescribing the manner of levying and collecting taxes and the duties of the several county officers with respect thereto are, so far as they are applicable and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

Repository
of funds.

SEC. 18. The treasury of the county wherein the district is situated shall be the repository of all the funds of the district. The treasurer of the county shall receive and receipt for the same, and shall place the same to the credit of the district. He shall be responsible upon his official bond for their safe-keeping and disbursement in the manner herein provided.

Funds.

SEC. 19. The following funds are hereby established to which the money belonging to the district shall be apportioned by the treasurer, to wit: bond fund; construction and maintenance fund, and district expense fund. The treasurer shall pay out the same only upon warrants of the boulevard commission, signed by the president and attested by the secretary. The treasurer shall report in writing to the commis-

sioners whenever requested by them or the secretary the amount of money in the various funds, the amounts of receipts since his last report and the amounts paid out.

SEC. 20. The amount to be raised by the issuance of bonds on the taxable property within said district, shall in the aggregate not exceed seventy-five per cent of the estimated cost of acquiring the right of way therefor and the constructing said boulevard, as given in the estimates to be furnished by the county surveyor; the balance of twenty-five per cent shall be paid out of the general road fund of the county. Seventy-five per cent of the cost of maintenance and repair of said boulevard shall be paid by the boulevard district and twenty-five per cent of the cost of such maintenance and repair thereof shall be paid out of the general road fund of the county.

Limit of
bond issue.

SEC. 21. When directed by the boulevard commission of said district, and before the calling of any election for the issuance of bonds, the county surveyor shall prepare a map showing the location of said proposed boulevard; also showing a cross-section and profile of said proposed boulevard, together with specifications for the construction thereof, and an estimate of the cost of acquiring the right of way therefor, and of the construction of said boulevard.

Map to be
prepared
by county
surveyor.

SEC. 22. There shall be filed with said board of supervisors, at the time of the filing of the petition for the organization of said boulevard district with said board, a bond in the sum of not more than three hundred dollars, with two sufficient sureties, to be approved by said board, who shall each qualify in double the amount of said bond, conditioned that they will pay the expense and cost of said election in an amount not exceeding the amount mentioned in said bond, in case the proposition to organize said district shall be defeated at said election.

Bond to
cover cost
of election.

SEC. 23. The district may at any time be dissolved upon the vote of two thirds of the qualified electors thereof at an election called by the boulevard commission upon the question of dissolution. Upon a petition signed by a majority of the electors of said district asking for the dissolution of said district, the boulevard commission shall, within thirty days after receiving said petition, by resolution, order that an election be held in the said district for the determination of the question, and appoint three qualified electors thereof to conduct said election. Such election shall be called and conducted in the same manner as other elections of the district. Upon such dissolution, any property which may have been acquired by such boulevard district shall vest in any incorporated town or city where said boulevard district shall be wholly within or be identical with the corporate limits of such incorporated town or city; and the property in the territory of said district outside of the limits of such incorporated town or city shall vest in the county board of supervisors; and if there be no such incorporated town or city, then such property shall vest in the board of supervisors of the county

Dissolution
of district.

wherein such boulevard district is situated until the formation of such incorporated town or city; *provided, however*, that if at the time of the election to dissolve such district there be any outstanding bonded indebtedness of such district, then, in such event, the vote to dissolve such district shall dissolve the same for all purposes excepting only the levy and collection of taxes for the payment of such outstanding indebtedness of such district; and from the time such district is thus dissolved until such bonded indebtedness with the interest thereon is fully paid, satisfied and discharged, the legislative authority of such incorporated town or city, or the board of supervisors, if there be no such incorporated town or city, is hereby constituted ex officio the boulevard commission of such district. And it is hereby made obligatory upon such board to levy such taxes and perform such other acts as may be necessary in order to raise money for the payment of such indebtedness, and the interest thereon, as herein provided.

Repealed.

SEC. 24. That certain act entitled "An act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard," approved March 22, 1905, and the act amendatory thereof, approved April 15, 1909, are hereby repealed.

CHAPTER 738.

An act to amend sections 593, 598 and 604 of the Civil Code, to repeal sections 591, and 603 thereof, and to enact section 603, all relating to religious, social and benevolent corporations.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 593 of the Civil Code is hereby amended to read as follows:

Benevolent corporations.

593. Any number of persons, associated together for any lawful purpose other than pecuniary profit, may incorporate their said association, as provided in this title.

Repealed.

SEC. 2. Section 594 of the Civil Code is hereby repealed.

SEC. 3. Section 598 of the Civil Code is hereby amended to read as follows:

Sale of real property.

598. Before selling, mortgaging, aliening, encumbering, or granting its real property, or any part thereof, except a burial plot situated in grounds dedicated to burial purposes, a corporation organized under this title must first make it appear that the same is for its interest, to the satisfaction of the superior court of the county wherein, as set forth in its articles of incorporation, its principal business is to be transacted. To this end said corporation shall file with the clerk of said court a verified petition, describing the property affected, showing that

Hearing on petition.

the selling, mortgaging, aliening, encumbering, or granting of said property is for its interest, and praying that leave therefor be granted. Thereupon the court shall make an order, reciting that said leave has been prayed for, describing the property affected, and fixing a time and place for the hearing of the petition. Thereafter certified copies of said order shall be kept posted conspicuously for a period of ten days at the following places: (1) on the real property affected; (2) at the head office of the corporation, and (3) at a place where the members of the corporation congregate. At the time set for the hearing the court must require proof that said notice has been faithfully given: and any member may appear and oppose or support the granting of the leave. If satisfied that it is for the interest of said corporation, said court shall thereupon grant said leave.

SEC. 4. It is hereby declared that section 603 of the Civil Code as heretofore existing is repealed, and a new section 603 is hereby added to the Civil Code to read as follows:

603. Any religious association or body of this state, composed of constituent churches, parishes, congregations, societies or mission which have a common convention, synod, council, assembly or conference, may incorporate under the provisions of this title. The articles of incorporation shall set forth the proceedings authorizing the incorporation of such association, the time and place at which they were had, the manner in which, and the terms for which, the directors or trustees named in the articles of incorporation were chosen, and that said proceedings were in accordance with the constitution, by-laws, discipline, canons, rules and regulations of such association. The articles of incorporation need be subscribed and acknowledged only by the presiding officer, and clerk, scribe, or secretary of such association: but they must make affidavit, which shall be appended to the articles, that they subscribed and acknowledged the articles of authority of such association, and that the statements therein contained are true to the best of their knowledge, information and belief.

Incorporation of religious associations.

SEC. 5. Section 604 of the Civil Code is hereby amended to read as follows:

604. Any corporation organized under section 603, or under section 603 or section 604 as they existed before this amendment, must maintain its head office at the place where, as set forth in its articles of incorporation, its principal business is to be transacted; but may provide in its by-laws that the annual meeting and annual election shall be held at such other place as may from time to time be designated by the directors or trustees. Any such corporation may hold and administer not only the common property, funds, and money of such corporation, but also the property, funds, and money of any constituent church, parish, congregation, society, or mission; and in so far as the land held by any such corporation is held or used for church, hospital, school, college, asylum, parsonage, or cemetery purposes, the limitation declared in section 595 shall not apply.

Head office, annual election, etc.

CHAPTER 739.

An act to amend section three thousand seven hundred and seventy-six and repeal section three thousand seven hundred and seventy-seven of the Political Code, relating to tax sales.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section three thousand seven hundred and seventy-six of the Political Code is hereby amended to read as follows:

Record of
sale kept
by col-
lector, etc.

3776. The tax collector must enter in appropriate columns in the delinquent list opposite the description of each parcel of land sold the date of sale and the total amount for which such parcel of land was sold. In case of a subsequent redemption the auditor must make a note of such redemption and the date thereof on the margin of the delinquent list opposite the description of the land sold. Wherever by any other section of this code, provision is made for the cancellation of a certificate of tax sale, the tax sale itself may be canceled for like reasons by the same board or officer mentioned in said sections; and whenever any sale is so canceled, the auditor shall be notified thereof and shall enter the fact and date of such cancellation upon the margin of the delinquent list opposite the description of the property involved.

Repealed.

SEC. 2. Section three thousand seven hundred and seventy-seven of the Political Code is hereby repealed.

CHAPTER 740.

An act to amend an act entitled, "An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain act approved March 19, 1909, by amending section six thereof, and by adding a new section to said act which section shall be numbered 13a, relating to the practice of medicine and surgery, osteopathy, and other systems and modes of treating the sick or afflicted, in the State of California, and imposing certain duties and obligations upon all persons who shall practice or shall attempt to practice, medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and providing penalties for a violation of any of the provisions of said act, or of any of the provisions of section 13a hereby added thereto.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section six of an act entitled, "An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain act approved March 19, 1909, is hereby amended to read as follows:

Section 6. Three forms of certificate shall be issued by said board under the seal thereof and signed by the president and the secretary: *first*, a certificate authorizing the holder thereof to practice medicine and surgery; *second*, a certificate authorizing the holder thereof to practice osteopathy; *third*, a certificate authorizing the holder thereof to practice any other system or mode of treating the sick or afflicted not referred to in this section. In order to procure a certificate to practice medicine and surgery, the applicant for such certificate must file with said board at least two weeks prior to a regular meeting thereof, satisfactory testimonials of good moral character, and a diploma issued by some legally chartered medical school, the requirements of which shall have been at the time of granting such diploma in no particular less than those prescribed by the Association of American Medical Colleges for that year, or satisfactory evidence of having possessed such diploma, and he must also file with said diploma an application sworn to before some person authorized to administer oaths, and attested by the hand and seal of such officer, if he have a seal, stating that he is the person named in said diploma, that he is the lawful

Forms of
certificate
issued.

Applica-
tion for
certificate.

Applica-
tion for
certificate
to practice
oste-
opathy,
etc.

holder thereof, and that the same was procured in the regular course of instruction and examination, without fraud or misrepresentation. The said application shall be made upon a blank furnished by said board, and it shall contain such information concerning the medical instruction and the preliminary education of the applicant as said board may by rule provide. Applicants who have failed to meet the above requirements must be rejected. Applicants for a certificate to practice osteopathy shall be subject to the above regulations, except that in place of the diploma hereinbefore referred to, they shall be required to file a diploma from a legally chartered college of osteopathy, having a course of instruction of at least twenty months, requiring actual attendance, and after 1908, of three years of nine months each, and including the studies examined upon under this act. Applicants for a certificate to practice any other system or mode of treatment not in this act referred to, shall be subject to the above regulations, except that in place of the diplomas hereinbefore referred to, they shall be required to file a diploma from a legally chartered college of the system or mode of treatment which the applicant claims or intends to follow; *provided, however*, that the state board of medical examiners may issue a certificate to any person who has practiced a special branch of medicine and surgery, at the time this act goes into effect, for a period of not less than thirty-five years, fifteen years of which time shall have been within the State of California; an applicant to practice a special branch of medicine and surgery must file an affidavit with the board of medical examiners, sworn to before some person authorized to take and administer an oath and attested by the hand and seal of such person, stating that he has successfully and effectively practiced the special branch of medicine and surgery for the term of years as hereinbefore mentioned; and such applicant to practice a special branch of medicine and surgery, shall not be required to file a diploma, as hereinbefore referred to, but such applicant may be required to take an examination, which shall be practical in character and shall consist of a practical demonstration in the special branch of medicine and surgery set forth in the affidavit of such applicant; and such practical demonstration shall be for the purpose of ascertaining an applicant's fitness to practice the special branch of medicine and surgery set forth in the affidavit of the applicant; and in addition thereto, such applicant may be required to produce testimony to the effect that he has successfully and effectively practiced the special branch of medicine and surgery as set forth in the affidavit hereinabove referred to; and if after such practical demonstration an applicant shall qualify, by effecting a cure, the state board of medical examiners shall issue a certificate to such applicant to practice the special branch of medicine and surgery set forth in the affidavit of such applicant. In addition to the requirements above set forth, except as otherwise stated, all applicants for a certificate must be personally examined by said board as

Personal
examination.

to their qualifications. The examination shall be conducted in the English language, shall be practical in character and designed to discover the applicant's fitness to practice his profession, and shall be, in whole or in part, in writing on the following fundamental subjects, to wit: Anatomy, histology, gynecology, pathology, bacteriology, chemistry and toxicology, physiology, obstetrics, general diagnosis, hygiene. Examinations in each subject shall consist of not less than ten questions, answers to which shall be marked upon a scale of zero to ten. But all applicants must obtain not less than a general average of seventy-five per cent and not less than sixty per cent in any one subject: *provided*, that applicants who can show at least ten years of reputable practice shall be granted a credit of five per cent upon the general average, and five per cent additional for each subsequent ten years of such practice; *provided, further*, that any applicant obtaining seventy-five per cent each, in seven subjects, shall be subsequently reexamined in those subjects only in which he failed, and without additional fee. The examination papers shall form a part of the records of the board, and shall be kept on file by the secretary for a period of one year after each examination. In said examination the applicant shall be known and designated by number only, and the name attached to the number shall be kept secret until after the board has finally voted upon the application. The secretary of the board shall in no instance participate as an examiner in any examination held by the board.

Examination papers preserved.

SEC. 2. A new section to be numbered section 13a, is hereby added to that certain act entitled "An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain act approved March 19, 1909, which section shall be in the words and figures following, to wit:

Section 13a. Any person, company or association shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by imprisonment in the county jail not less than ten (10) days nor more than one (1) year, or by a fine of not less than one hundred (100) dollars, nor more than one thousand (1000) dollars, or by both such fine and imprisonment, who (1) shall sell or barter or offer to sell or barter any medical or osteopathic degree or any certificate or transcript, made or purporting to be made pursuant to any laws regulating the license and registration of physicians, osteopathic physicians or persons lawfully engaged in practicing any other system or mode of treating the sick or afflicted; or, (2) shall purchase or procure by barter, any such diploma, certificate or transcript, with intent that the same shall be used as evidence of the holder's qualification to practice medicine, surgery, osteopathy, or any other system or mode of treating

Sale of medical degree a misdemeanor.

Diploma, etc.

Altering diploma.	<p>the sick or afflicted, or in fraud of the laws regulating such practice; or, (3) shall, with fraudulent intent, alter in a material regard any such diploma, certificate or transcript; or, (4) shall use or attempt to use any such diploma, certificate or transcript, which has been purchased, fraudulently issued, counterfeited or materially altered, either as a certificate, or color of certificate, to practice medicine, surgery, osteopathy, or any other system or mode of treating the sick or afflicted; or, (5) shall practice medicine, surgery, osteopathy or any other system or mode of treating the sick or afflicted under a false or assumed name, or under any name other than that inscribed by the board of medical examiners of the State of California, in its certificate issued to such person entitling, or which is claimed to entitle, such person to practice medicine, surgery, osteopathy, or any other system or mode of treating the sick or afflicted; or, (6) shall assume the degree of "doctor of medicine." or shall append the letters "M.D." to his or her name not having duly conferred upon him or her, by diploma from a recognized medical college or school legally empowered to confer the same, the right to assume said title: or shall assume any title, or append any letters to his or her name, with the intent to represent falsely that he or she has received a degree, or a certificate to practice medicine, surgery, osteopathy, or any other system or mode of treating the sick or afflicted; or, (7) shall in an affidavit, required of an applicant for examination, license, or registration under this act, willfully make a false statement in a material regard; or, (8) shall engage in the practice of medicine, surgery, osteopathy, or any other system or mode of treating the sick or afflicted without causing to be displayed in a conspicuous manner and in a conspicuous place in her or his office the name of each and every person employed in the practice of medicine, surgery, osteopathy, or any other system or mode of treating the sick or afflicted therein; or, (9) shall within ten days after demand made by the secretary of the board, fail to furnish to said board the name and address of all persons practicing or assisting in the practice of medicine, surgery, osteopathy, or any other system or mode of treating the sick or afflicted, in the office of said person, company or association, at any time within sixty (60) days prior to said notice, together with a sworn statement showing under and by what license or authority said person or persons, or said employee, or employees, is or are, or has or have been practicing medicine or surgery, osteopathy or any other system or mode of treating the sick or afflicted, but such affidavit shall not be used as evidence against such person or employee in any proceeding under this section: or, (10) is practicing medicine, surgery, osteopathy, or any other system or mode of treating the sick or afflicted in this state without a certificate from the board of medical examiners of the State of California, or whose certificate has been revoked or suspended by said board; or, (11) shall in any sign displayed by him or her, or in any advertisement</p>
Fraudulent use of diploma	
Practicing under assumed name.	
Assuming degree.	
False statement.	
Display of names in office.	
Failure to furnish names of assistants.	
Practicing without certificate.	
Advertising as doctor.	

published in any newspaper by him or her, use the word "doctor" as indicating or implying that he is a doctor of medicine either before or after his or her name, or shall append the letters "M.D." to his or her name in any such sign, or in any such advertisement, without having, at the time of so doing, a valid, unrevoked certificate, as provided in this act. Nothing, however, in this section shall be construed as repealing or in any manner affecting section 17 of an act entitled "An act for the regulation of the practice of medicine and surgery, osteopathy and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14th, 1907, as amended by a certain act approved March 19th, 1909.

Not
repealed.

SEC. 3. Any surgeon honorably discharged from the medical department of the United States army or navy, regular or volunteers, is herewith authorized to practice medicine and surgery in the State of California, by filing a sworn copy of his discharge with the state board of medical examiners and paying said board a fee of fifty dollars (\$50.00).

Surgeon
from
United
States
army.

SEC. 4. This act shall take effect and be in force from and after July 1st, 1911.

CHAPTER 741.

An act to amend the Political Code of the State of California by amending sections 1091, 1097, 1109, 1145 and 1216 of said Political Code, and by adding to said Political Code two new sections to be known and numbered as section 1106a, and section 1072a of said Political Code, all relating to elections.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1094 of the Political Code is hereby amended to read as follows:

1094. There shall be, in each even-numbered year in each of the counties of the state, a new and complete registration of the voters of such counties and cities and counties, who are entitled thereto. Such registration shall begin on the first day of January of such years, and shall be in progress at all times except during the thirty days immediately preceding any election. The board having charge and control of elections in the several counties and cities and counties, may provide by resolution, for the registration of voters in their respective precincts, by the officer charged with the registration of voters and may also provide by resolution for the registration of voters at specified times and places, other than the office of the county clerk or registrar of voters deemed

Complete
registra-
tion of
voters.

most convenient to large numbers of voters, without reference to respective or particular precincts, in such a manner that the affidavits of registration as provided by law may be taken at such time and place, of any voter within the county or city and county who is entitled to register therein; and further provided, that in cities and counties where the registration at the last preceding presidential election exceeded eighty-five thousand, that such registration must be on the same day or days, and for the same period of time in all places previously so fixed for such registration in such city and county. Upon the written request of the officer charged with the registration of voters, every landlord, or keeper of premises where lodgers abide, shall furnish said officer a list of all lodgers occupying rooms or sleeping apartments or beds in the premises under his or her or its control. Such lists shall be furnished upon blanks provided by said officer. Any landlord or keeper of premises where lodgers abide, who neglects or refuses to comply promptly with the provisions of this section, or who furnishes a false list of such lodgers shall be guilty of a misdemeanor. Any voter registered in premises in which the landlord or keeper neglects or refuses to comply with this section, or who is found registered as residing in such premises, and whose name is not returned in any list furnished by said landlord or keeper, under this section, may be cited to appear before the election commissioners within five days, in order to verify his right to vote. It shall be considered as a proper citation to such voter, if the citation is addressed to the name of the party registered, the number of room (if any room be named in his affidavit of registration) and place of registration; and if the party cited does not appear in answer to the citation at the time appointed, his name may be stricken from the register of voters, or may be placed upon a special challenge list to be sent to the inspector of election in the precinct with directions to challenge the vote of such person if offered at the election, under subdivision 5 of section 1230 of the Political Code. Such citation may be served by mailing the same addressed as required in a sealed envelope with proper postage prepaid thereon, and the five days above mentioned shall begin to run two days after the deposit of such envelope in the mail. The landlord or keeper of premises from which the voter is registered shall also be cited to appear at the same time and place, at which the citation of his alleged lodger is returnable, and such citation may be served in the same manner as above provided for the citation to the voter.

SEC. 2. Section 1097 of the Political Code is hereby amended to read as follows:

1097. No person's name must be entered by the clerk unless:

1. Upon the production and filing of a certified copy of the judgment of the superior court directing such entry to be made.

2. If a naturalized citizen upon the production of his cer-

Duty of
landlords.

Names
may be
stricken
from
register.

Qualifica-
tions for
registra-
tion.

tificate of naturalization, which certificate must be issued ninety days prior to the succeeding election, or upon his affidavit that it is lost or out of his possession, which affidavit must state the place of his nativity, and the time and place of his naturalization, together with his affidavit that he has resided in the United States for five years, and in this state for one year next preceding the time of application, and that he would be an elector of the county or city and county at the next succeeding election; *provided, however*, if such naturalized citizen shall have been previously registered as a qualified elector in any of the counties or cities and counties of this state, and shall produce a certificate of such registration, issued by the party authorized by law to issue such certificate, which shall recite the time and place of naturalization of such elector, such certificate shall be *prima facie* evidence of his naturalization. In the event that such naturalized citizen shall state in his affidavit that he was naturalized in the county or city and county in which he seeks to register, or in the event that he was previously registered within the preceding eight years within the county or city and county in which he seeks to register, and his certificate of naturalization has not been revoked, he shall not be required to produce his certificate of naturalization, nor to make such affidavit of lost certificate in lieu thereof; *provided, however*, that in any county or city and county where the affidavits of registration have been destroyed by fire or conflagration, or other public calamity, the above stated provision as to previous registration within the preceding eight years shall in such county or city and county, apply only for such number of years past as there shall exist a record of previous registration, and not to exceed in any event said eight years.

Qualifications for registration.

3. If born in a foreign country, upon his affidavit that he became a citizen of the United States by virtue of the naturalization of his father while he was residing in the United States, and under the age of twenty-one years, and that he is or would be an elector of the county at the next ensuing election.

4. In all other cases, upon the affidavit of the party that he is or will be an elector of the county at the next succeeding election. Such affidavit must be made before the county clerk or officer charged with the registration of voters, or their deputy. If any elector is absent from the county in which he claims residence, he may appear before any judge or clerk of any court of record, or notary public, or if in a foreign country, before any minister, consul, or vice-consul of the United States, and make and subscribe an affidavit as to his residence, specifying in what ward or precinct he claims residence; that he will be necessarily and unavoidably absent from said county or city and county on all the days allowed by law for general registration of electors, and setting forth in such affidavit each and all the matters required by section one thousand and ninety-six of the Political Code of the State

of California, and forward such affidavit, duly authenticated as above, by mail, enclosed in an envelope, addressed to the county clerk of any county, or the registrar of voters in any city and county. Upon receipt of such affidavit by such clerk or registrar of voters within the time allowed by law for registration, it shall entitle the name of such elector to be entered by the clerk in the proper register in such precinct.

5. In every case the affidavit of the party must show all the facts required to be stated in the entry on the register, except the date of the entry.

SEC. 3. A new section is hereby added to the Political Code to be known and numbered as section 1106a, and to read as follows:

1106a. In any county or city and county where there shall be a registrar of voters, the county clerk of such county or city and county shall furnish to such registrar of voters before the first day of September of each year, a statement taken from the records of the courts having jurisdiction in cases of infamous crimes and the embezzlement or misappropriation of public moneys within his county, showing the names of all persons appearing from such records to have been convicted of an infamous crime, or of the embezzlement or misappropriation of public money, in such court during the year prior to such first day of September, and which conviction shall have been carried into effect, and such registrar of voters shall thereupon during the first week of September in each year, cancel the affidavits of registration of such persons. The county clerk shall certify the said statement under the seal of his office.

SEC. 4. Section 1145 of the Political Code is hereby amended to read as follows:

1145. The inspectors may:

1. Administer all oaths required in the progress of an election.
2. Appoint judges and clerks, if, during the progress of an election, any judge or clerk ceases to act, or becomes incapacitated from acting.

SEC. 5. A new section is hereby added to the Political Code to be known and numbered as section 1072a, and to read as follows:

1072a. It shall be unlawful for any person serving as an election officer, or who has served as an election officer at an election, or who has been appointed to serve as an election officer at any election, to assign or in any manner transfer the compensation which he will receive or be entitled to receive, or to have allowed to him for service as an election officer at any precinct, to any person, persons or corporation, until after the full completion of the election at the precinct, or until after the returns of such election from the precinct where he served as an election officer, have been sealed and delivered to the county clerk or registrar of voters, or postmaster or express agent, as provided by section 1264 of the Political Code, and it shall be

Cancel-
lation
of regis-
tration of
persons
convicted
of in-
famous
crimes.

Powers of
election
inspectors.

Unlawful
for election
officer to
assign
compensa-
tion until
after
returns
have been
sealed.

unlawful for any person, persons or corporation, or their agent or servant, to either directly or indirectly receive any such assignment or transfer, or pay or advance any sum of money whatever, to any such election officer or to any person for the use of such election officer, until said election returns have been sealed and delivered as hereinbefore provided. Any person who shall violate any provision of this section shall be guilty of a misdemeanor.

SEC. 6. Section 1216 of the Political Code is hereby amended to read as follows:

1216. In all counties, and cities and counties, in this state, having a registrar of voters and a board of election commissioners, the powers conferred and the duties imposed by this code upon the county clerks and other officers, in relation to matters of election and polling places, shall be exercised and performed by such registrar of voters, and board of election commissioners; and all certificates of nomination, nomination papers, or election papers, required by this code or by law to be filed with or presented to the county clerk, shall be filed with or presented to the registrar of voters; and the deputies or clerks in the office of the registrar of voters acting under the orders of the registrar of voters, or the election commission shall have all the powers of the deputies of the county clerk in matters relating to elections.

Duties of registrar of voters.

CHAPTER 742.

An act to provide for the investigation of the practicability of the construction of canals and the canalization of rivers, their tributaries, and other waterways in California in aid of commerce; to define the duties of the department of engineering and of the governor, in relation thereto, and to make an appropriation to defray the cost of such investigation.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The department of engineering is hereby authorized and directed to investigate the practicability of the construction of canals, with dams, locks and other structures required for their operation, in, along, or adjacent to, the Sacramento and San Joaquin rivers, their tributaries, and other waterways, and of the canalization thereof, where necessary, and also of the construction of such canals, with dams, locks and other structures required for their operation, inland in the Sacramento, San Joaquin and Santa Clara valleys, with the view of determining the utility thereof in aid of commerce and navigation. Such investigation to be made as complete as possible and to embrace all of said rivers, their tributaries, and

Department of engineering to investigate practicability of canals along Sacramento and San Joaquin rivers.

other waterways and all of said valleys, wherever therein, canal navigation can be maintained. The investigation shall also embrace the following subjects:

Subjects
embraced.

1. Water supply and sources thereof;
2. Duration of period during year when water would be available for canal navigation and other purposes;
3. Quantity of water obtainable by storage;
4. Feasibility of use of electrical energy for propulsion of boats in canal navigation and other purposes;
5. Probable depth obtainable for canals in the various rivers, waterways and sections to be investigated, and the cargo capacity of boats suitable for different portions of such canals.

Report.

SEC. 2. The said department shall complete such investigation as soon as practicable, consistent with efficiency and accuracy. Its report and recommendations shall be prepared in duplicate and one copy thereof transmitted to the governor on or before December 1, 1912, whereupon the governor shall submit the same with his recommendations thereon, to the legislature on or before January 10, 1913.

May confer
with
United
States
engineers.

SEC. 3. The said department, when thereto directed by the advisory board thereof, may confer with the board of officers of the engineer corps, United States army, stationed at San Francisco, California, the California debris commission, and the official representatives and engineers of reclamation and drainage districts, concerning the investigation contemplated by this act. When appropriations are available therefor, the department of engineering, when thereto directed by said advisory board, shall proceed to construct canals and other works in connection therewith, in the manner and at the place, or places, specified by law.

Construc-
tion
of canals.

Appropriation.

SEC. 4. There is hereby appropriated the sum of two thousand five hundred dollars out of any moneys in the state treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this act, to be expended under the supervision of said department of engineering.

SEC. 5. The controller of state is hereby directed to draw his warrant for the amount herein appropriated in favor of the officers of said department of engineering authorized by law to receive the same, in such amounts and at such times as may be approved by the state board of examiners, and the state treasurer is directed to pay the same.

SEC. 6. This act shall take effect and be in force from and after July 1, 1911.

CHAPTER 743.

An act to amend section 10 of an act entitled "An act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa county known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors and marines, and to provide for the government thereof by the state."

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 10 of an act entitled "An act to accept from the Veterans' Home the conveyance of, and to vest the title in the State of California, to the tract of land in Napa county known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors, and marines, and to provide for the government thereof by the state" is hereby amended so as to read as follows:

Section 10. All moneys received by the directors, or by any officer of the home (except such as may be paid to them by the state for disbursement), including pension and other moneys belonging to the members in the home, and other trust moneys, shall be immediately paid over to the treasurer of the home. On or before the tenth day of each and every month the treasurer of the home shall forward to the state treasurer all moneys in his possession, except pension and other moneys belonging to members, and other trust funds, the post fund, and the moneys hereinafter referred to as subject to their direct disbursement, and designated the "emergency fund," together with a statement of the source from which the same has been received. Said moneys shall be immediately deposited by the state treasurer to the credit of the fund hereinafter designated "fund for the support and maintenance of the Veterans' Home of California." Any balance of pension moneys held by the board, or by its authority, upon the death of the pensioner, undisposed of by will, or any moneys belonging to the members of the home, and deposited with the board, or with any of its officers, as hereinafter provided for, and undisposed of by will, shall, upon the death of the member, be held as a trust fund, to be paid by the board, or upon its order, directly and without probate, to the heirs at law entitled thereto, and in the proportions to which they may be entitled; should none of the heirs at law be discovered, or should the heirs at law discovered within such time be not entitled to the whole thereof, the balance of moneys not so paid to the heirs at law, and undisposed of by will, shall be paid to the post fund of the home to be used for the common benefit of the members of the home, under the direction of the board, subject to future reclamation by the heirs at law entitled

Money turned over to treasurer.

Monthly forwarding to state treasurer.

Balance of pension money on death of pensioner.

Members
may
deposit
money.

Withdraw-
ing
deposit.

Personal
effects of
deceased
members.

thereto upon application filed within five years after the death of such member, and upon proper proof. Subject to the above provisions as to the disposition thereof, the members of the home may voluntarily deposit any of their moneys with the board, or with the officer authorized to receive the same, and the board, or such officer, shall be obligated to receive such moneys, and shall keep the same without charge as a trust fund for the member depositing the same, to be withdrawn by him in whole, or in part, during his life, and at his pleasure, and the balance, if any, undisposed of by will, shall be subject to the above trusts, and retained by the board for the common benefit of the members of the home as above provided, if not paid to the heirs at law within the time and in the manner above provided. The moneys now in the hands of the board, or the treasurer of the home, belonging to the members thereof, and heretofore deposited for safe-keeping, may be withdrawn, in whole or in part, at the will of the member during his life, and in case of any balance remaining upon his death, undisposed of by will, the same shall be subject to said trust, to be disposed of as hereinbefore provided. Nothing herein contained shall in any manner affect the moneys of the members now deceased, which moneys are now held in trust under the laws of this state, the rules, regulations and by-laws of the home. The personal effects of deceased members of the home shall be held for the heirs at law above mentioned for the period of one year from the date of the death of the member, and if not claimed within said time, shall be turned over to the commandant, or the officer in charge, who, on a day and hour to be fixed by him, and after posting notices of the same in three conspicuous places at the home, shall sell at public sale said personal effects, the proceeds of which sale shall go to the post fund, to be used for the common benefit of the members, as hereinbefore provided for pension and other moneys, and subject to future reclamation within a period of five years from the date of the death of the member, as hereinbefore mentioned. The board of directors shall make proper rules and regulations to carry into effect the provisions of this section.

CHAPTER 744.

An act to amend section 595 of the Code of Civil Procedure of this state, relating to trials in civil causes.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section five hundred and ninety-five of the Code of Civil Procedure of California is hereby amended to read as follows:

595. A motion to postpone a trial on the ground of the

absence of evidence can only be made upon affidavit showing the materiality of the evidence expected to be obtained, and that due diligence has been used to procure it. A trial shall be postponed when it appears to the court that the attorney of record, party, or principal witness is actually engaged in attendance upon a session of the legislature of this state as a member thereof. The court may require the moving party, where application is made on account of the absence of a material witness, to state upon affidavit the evidence which he expects to obtain; and if the adverse party thereupon admits that such evidence would be given, and that it be considered as actually given on the trial, or offered and overruled as improper, the trial must not be postponed. In actions involving the title to mining claims, or involving trespass for damage upon mining claims, if it be made to appear to the satisfaction of the court that, in order that justice may be done and the action fairly tried on its merits, it is necessary that further developments should be made, underground or upon the surface of the mining claims involved in said action, the court shall grant the postponement of the trial of the action, giving the party a reasonable time in which to prepare for trial and to do said development work.

Motion to postpone a trial.

Involving title to mining claim.

CHAPTER 745.

An act to amend an act entitled "An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended March 19, 1909, by amending section one of said act.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of an act entitled "An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended March 19, 1909, is hereby amended to read as follows:

Section 1. The governor shall appoint a board of medical examiners, to be known as the board of medical examiners of the State of California, consisting of eleven members. Such appointments shall be made as follows: Five members from the school or system commonly known and designated as the regular or allopathic, two members from the homeopathic school or system, two members from the eclectic school or

Board of medical examiners.

system and two members from the osteopathic school or system. Said members of the medical profession at the time of such appointment, shall have been residents of the State of California, and citizens of the United States, and practicing the principles of medicine, in accordance with the system or school from which they are appointed, for at least five years next preceding their appointment. All vacancies shall be filled by appointment from the school or system in which the vacancy occurs. The appointment of each member shall be for a term of two years, and until his successor is appointed and qualified; *provided, however*, that no professor, instructor, or other person in any manner connected with or financially interested in any college or school of medicine, or surgery, or osteopathy, shall be appointed a member of said board. It shall require the affirmative vote of seven members of said board to carry any motion or resolution, to adopt any rule to pass any measure, or to authorize the issuance of any certificate as in this act provided; *provided, further*, the governor of the State of California shall have, at all times, the power to remove from office any member of the board for continual neglect of duty required by this act, or for incompetency, or unprofessional or dishonorable conduct.

Sec. 2. This act shall take effect immediately.

CHAPTER 746.

An act to amend section four thousand and forty-one of the Political Code of California, relating to the general, permanent powers of the board of supervisors.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four thousand and forty-one of the Political Code of California is hereby amended to read as follows:

Powers of supervisors.

4041. The boards of supervisors, in their respective counties, shall have jurisdiction and power, under such limitations and restrictions as are prescribed by law:

Supervise conduct of county officers.

1. To supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county charged with the assessing, collecting, safe-keeping, management, or disbursement of the public revenues; to see that they faithfully perform their duties, direct prosecutions for delinquencies, and, when necessary, require them to renew their official bonds, make reports and present their books and accounts for inspection.

Divide counties into townships.

2. To divide the counties into townships, election, school, road, supervisor, sanitary, and other districts required by law, change the same, and create others, as convenience requires.

3. To establish, abolish, and change election precincts, and to appoint inspectors, clerks and judges of election, canvass all election returns, declare the result, and order the county clerk to issue certificates thereof; but no election precinct shall be established or abolished, or the boundaries of any precinct changed, within ninety days prior to any election.

Establish election precincts.

4. To lay out, maintain, control, construct, repair, and manage public roads, turnpikes, ferries, wharves, chutes, and other shipping facilities and bridges within the county, unless otherwise provided by law, and to grant franchises and licenses to collect tolls thereon; *provided*, where the cost of the construction of any bridge, wharf, chute, or other shipping facilities, or any repairs thereto, that may be built or repaired under the provisions of this subdivision exceeds the sum of five hundred dollars, they must cause to be prepared and must adopt plans and specifications, strain-sheets, and working-details, and must advertise for bids for the construction of such bridge, wharves, chutes, or other shipping facilities, unless otherwise provided by law, in accordance with the plans and specifications so adopted. All bidders shall be afforded opportunity to examine such plans and specifications, and said board shall award the contract to the lowest responsible bidder, and the plans and specifications so adopted shall be attached to and become a part of the contract; and the person or corporation to whom the contract is awarded shall be required to execute a bond, to be approved by said board, for the faithful performance of such contract; *provided*, that after the submission of the bids as herein provided, the board of supervisors being advised by the county surveyor that the work can be done for a sum less than the lowest responsible bid, it shall then be their privilege to reject all bids and to order the work done or structure built by day's work, under the supervision and control of the said surveyor; *provided, further*, that the surveyor in such cases shall be held personally responsible (under his official bond, to construct or repair said bridge or structure), according to his plans and specifications, at a cost not to exceed the amount of the lowest responsible bid received; *provided*, that the road commissioners or road overseers in their respective districts shall employ all labor required and direct the conduct of work of any kind upon any and all public roads; *provided, however*, that where the estimated cost of the construction or repair of any turnpike, ferry, wharf, chute, or other shipping facility or bridge within the county or any building or other structure of the character referred to in subdivisions five and eight of this section or the furnishing thereof exceeds the sum of fifty thousand dollars, the board must submit to the qualified electors of the county at the next general election, the question whether such work shall be done, or whether such work shall not be done. The question so submitted shall contain a brief statement of the work to be done and the estimated cost thereof. If a majority of the votes cast on such question at such an election be in favor of performing the work, the board shall

Lay out roads.

Bidders may examine plans.

Rejection of all bids.

Submission to electors.

have power to order such work done in the manner provided by law; *provided, however*, that when a bond election is held, as provided by law, for any of the aforesaid purposes and said bond election carries then the board may proceed at once in accordance with law to carry out the improvement or work called for in said bond election without calling or holding the election provided for in this section; *and provided, further*, that in cases of great emergency caused by flood, fire, earthquake, or act of God, by the unanimous consent of the whole board they may proceed at once to replace or repair any and all bridges and structures without such election or notice, the work to be done by day labor under direction of the board or by contract or by a combination of the two; if wholly or in part by contract, the contractor to be paid actual cost of material and labor expended by him in doing the work, plus fifteen per cent to cover all profit, supervision, use of machinery and tools and other expenses; *provided*, that no more than the lowest current market prices shall be paid for material.

Emergency.

Construct hospitals.

5. To construct or lease, officer and maintain, hospitals and almshouses, or otherwise, in their discretion, provide for the care and maintenance of the indigent sick or dependent poor of the county; and for such purposes to levy the necessary property or poll taxes, or both. The board of supervisors shall appoint some suitable person to take care of and maintain such hospitals and almshouses, and shall also appoint some suitable graduate or graduates in medicine to attend to such indigent sick or dependent poor, and to the patients in such hospitals and almshouses. The board shall not let the care, maintenance, or attendance of such indigent sick or dependent poor by contract to the lowest bidder.

Provide farm.

6. To provide a farm, in connection with the county hospital, or almshouse, and make regulations for working the same.

Purchase property necessary for county use.

7. To purchase, receive by donation, lease, or otherwise acquire real or personal property or water rights necessary for use of the county; to purchase, receive by donation, or otherwise acquire real property for public pleasure grounds, or public parks, and to improve, preserve, take care of, manage and control the same; to purchase, receive by donation, lease, or otherwise acquire real property upon which to sink wells to obtain water for sprinkling roads and other county purposes, and to erect thereon tanks and reservoirs for the storage of water for such purposes, and to erect pumping apparatus for obtaining the same, to preserve, take care of, and manage and control the same; but no purchase of real property shall be made unless a notice of the intention of the board to make such purchase, describing the property to be purchased, the price to be paid therefor, from whom it is proposed to be purchased, and fixing the time when the board will meet to consummate such purchase, has been published for at least three weeks in some newspaper of general circulation published in the county; or if none be published in the county, then has been posted at least three weeks prior to the

time when the board meets to consummate such purchase in at least three public places in each supervisor district.

8. To cause to be erected, or rebuilt, or repaired, or furnished, a court house, jail, hospital, historical museum, art gallery and such other public buildings as may be necessary, or to provide suitable buildings for such purposes. None of the aforesaid buildings shall be erected, or constructed, or rebuilt, or repaired, or furnished, where the estimated cost of such work exceeds the sum of twenty-five hundred dollars, until plans and specifications have been made therefor, and adopted by the board. All such work and furnishing must be by contract, let to the lowest responsible bidder after notice by publication in a newspaper of general circulation published in such county for at least twenty days. In case there is no newspaper published in said county, then such notice shall be given by posting in three public places for at least twenty days.

Erect
public
buildings.

9. To sell at public auction, at the court house door, or at such other place within the county as the board may, by a four-fifths vote, order, after five days' notice, given either by publication in a newspaper published in the county or by posting in five public places in the county, and convey to the highest bidder for cash any property belonging to the county not required for public use, paying the proceeds into the county treasury for the use of the county; *provided*, if in the unanimous judgment of the board, the property does not exceed in value the sum of seventy-five dollars, or if it be the product of the county farm, the same may be sold at private sale, without advertising, by any member of the board empowered for that purpose by a majority vote of the board, such sale to be reported to and confirmed by such board of supervisors.

Sell county
property
not needed.

10. To examine and audit, at least every twelve months, the accounts of all officers having the care, management, collection, or disbursement of moneys belonging to the county, or moneys received or disbursed by them under authority of law.

Audit
accounts.

11. To examine, settle, and allow all accounts legally chargeable against the county, except salaries of officers, and such demands as are authorized by law to be allowed by some other person or tribunal, and order warrants to be drawn on the county treasurer therefor.

Allow
accounts.

12. To levy taxes upon the taxable property of their respective counties for all county purposes, and also upon the taxable property of any district, for the construction and repair of roads and highways and other district purposes; *provided*, that no tax shall be levied upon any district until the proposition to levy the same has been submitted to the qualified electors of such district and received a majority of all the legal votes cast upon such proposition.

Levy
taxes.

13. To acquire and take by purchase, condemnation, or otherwise, land for the uses and purposes of public boulevards; to lay out, establish and improve public boulevards and to incur a bonded indebtedness for any of such purposes; *pro-*

Acquire
land for
boulevards.

vided, that no such indebtedness shall be incurred for any of such purposes until after the question of the issue of bonds therefor shall have been submitted to the qualified electors of the county, at a special election called for that purpose and two thirds of the electors of the county voting at such election shall have voted in favor of issuing such bonds; said election to be called and held, and said bonds, if authorized, to be issued, sold and made payable in the manner and form prescribed by section four thousand and eighty-eight of this code. Said boards shall also have power to maintain public boulevards established and laid out under the provisions of this title, and to make and enforce rules and regulations for the protection, management, control and use of such boulevards.

Maintain
pounds.

14. To maintain, regulate, and govern public pounds, fix the limits within which animals shall not run at large, and appoint poundkeepers who shall be paid out of the fines imposed and collected from the owners of impounded animals, and from no other source.

Equalize
assess-
ments.

15. To equalize assessments.

Direct
prosecu-
tions.

16. To direct and control the prosecution and defense of all suits to which the county is a party, and, by a two-thirds vote of all the members, may employ counsel to assist the district attorney in conducting the same.

Insure
property.

17. To insure the county buildings and other property in the name of and for the benefit of the county.

Establish
salary
fund.

18. To establish a salary fund, and such other county funds as they may deem necessary for the proper transaction of the business of the county, and to transfer moneys from one fund to another, as the public interest may require.

Fill
vacancies.

19. To fill by appointment all vacancies that may occur in any office filled by the appointment of the board of supervisors and elective county or township officers, except in those of judge of the superior court and supervisor, the appointee to hold office for the unexpired term or until the next general election.

Reproduce
records.

19a. To employ the copyists necessary to reproduce any of the county records and indices thereto, that may have been lost, or destroyed by conflagration, public calamity, or otherwise, or that may be in danger of destruction by age, obliteration, or constant use in any of the county offices.

Employ
purchasing
agent.

19b. To employ a purchasing agent, whose duties shall be to purchase for the county, and the offices thereof, all stationery, clothing, bedding, groceries, provisions, drugs, medicines and all other supplies, the same to be purchased only upon a proper requisition therefor. Also to employ for said purchasing agent such assistants as may be necessary for him to properly fulfill his duties.

Make
rules.

20. To make and enforce such rules and regulations for the government of their body, the preservation of order, and the transaction of business, as may be necessary.

Adopt
seal.

21. To adopt a seal for the board, a description and impression of which must be filed in the office of the county clerk and of the secretary of state.

22. To license, in the exercise of their police powers, and for the purpose of regulation, as herein provided, and not otherwise, all and every kind of business not prohibited by law, and transacted and carried on within the limits of their respective jurisdictions, and all shows, exhibitions, and lawful games carried on therein, to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise; *provided*, that every honorably discharged soldier, sailor, or marine of the United States, who is unable to obtain a livelihood by manual labor, shall have the right to hawk, peddle and vend any goods, wares or merchandise, except spirituous, malt, vinous or other intoxicating liquor, without payment of any license, tax or fee whatsoever, whether municipal, county or state, and the board of supervisors or legislative body shall issue to such soldier, sailor or marine, without cost, a license therefor; *provided, however*, no license can be collected, or any penalty for the non-payment thereof enforced against any commercial traveler whose business is limited to the goods, wares, and merchandise sold or dealt in in this state at wholesale.

License
business.

23. To provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects injurious to fruit or fruit trees, or vines, or vegetable or plant life.

Destroy
pests.

24. To provide for the prevention of injuries to sheep by dogs, and to tax dogs and direct the application of the tax.

Prevent
injuries to
sheep.

25. To provide by ordinances not in conflict with the general laws of the state for the protection of fish and game, and may shorten the season for the taking or killing of fish and game within the dates fixed by the general state laws, but shall not lengthen the same.

Protect
fish and
game.

26. To provide for the working of prisoners confined in the county jail, under judgment of conviction of misdemeanor, under the direction of some responsible person, to be appointed by the sheriff, whose compensation shall not exceed one hundred dollars per month, upon the public grounds, roads, streets, alleys, highways, or public buildings, or in such other places as may be deemed advisable for the benefit of the county.

Provide
for work-
ing of
prisoners.

27. To provide for the burying of the indigent dead.

Bury
indigent
dead.

28. To make and enforce, within the limits of their county, all such local police, sanitary, and other regulations as are not in conflict with general laws.

Make regu-
lations.

29. To adopt such rules and regulations, within their respective counties, with regard to keeping and storing of every description of gunpowder, Hercules powder, giant powder, or other explosive or combustible material, as the safety and protection of the lives and property of individuals may require.

Regulate
storing of
gun-
powder.

30. To appropriate from the general fund of the county, unless otherwise in this title provided, not to exceed, in counties of the first and second class, the sum of ten thousand dollars, and in all other counties the sum of two thousand dollars in any one year, to aid in or carry on the work of

Aid immi-
gration.

inducing immigration thereto, or for the purpose of exhibiting or advertising the agricultural, mineral, manufacturing, or other resources of the county; *provided, however*, that no part of such sums of money, so appropriated from the general fund of the county, shall be expended except upon the vote of two thirds of the members of the board.

Regulate
width of
tires.

31. To enforce by ordinance, within the limits of their counties, all such regulations concerning the size of wagons and vehicles of all kinds to be used on the roads or highways, and the width of tires on the same, as are not in conflict with general laws.

Grant
franchises
for toll
roads.

32. To grant licenses and franchises for constructing, keeping and taking tolls on roads, bridges, ferries, wharves, chutes, booms, and piers, and to grant franchises along and over the public roads and highways for all lawful purposes, upon such terms and conditions and restrictions as in their judgment may be necessary and proper, and in such manner as to present the least possible obstruction and inconvenience to the traveling public.

33. To grant, on such terms, conditions, and restrictions as in their judgment may be necessary and proper, licenses and franchises for taking tolls on public roads or highways, whenever in their judgment the expense necessary to operate or maintain such public roads or highways as free public highways is too great to justify the county in so operating or maintaining them. It shall always be a condition attached to the granting of such licenses and franchises, that such roads or highways shall be kept in reasonable repair by the person or persons to whom such licenses or franchises may be granted.

Construct
roads.

34. To enact ordinances and regulations for the construction, alteration, repair, and control of all public roads and highways in the county, unless otherwise provided by law.

Levy road
fund tax.

35. To levy a special road fund tax, not to exceed two (2) mills on the one dollar of assessed valuation, on all the property in such counties, outside of any incorporated city or town. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be expended for the construction and maintenance of the main public roads or county highways in the several road districts, in proportion to the amount collected from such districts; *provided*, that in addition to the tax mentioned in this subdivision the board of supervisors shall have the power and it shall be their duty, upon the petition of a majority of the property owners of any road district, to levy a special road fund tax not to exceed two mills on the one dollar of assessed valuation on all the property in such road district, to be expended in the maintenance of the public roads in such district. To levy a special sanitary tax, not to exceed one half ($\frac{1}{2}$) mill on the one dollar of assessed valuation, on all the property in such counties, outside of any incorporated city or town. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be used to prevent the introduction of dangerous, infectious or

Levy sani-
tary tax.

communicable diseases and to eradicate them if introduced, and for the purpose of general sanitation.

36. To encourage, under such regulations as they may adopt, the planting and preservation of shade and ornamental trees on the public roads and highways, and on and about the public grounds and buildings of the county, and pay to persons planting and cultivating the same, for every living tree thus planted, at the age of four years, a sum not exceeding one dollar.

Encourage tree planting.

37. To provide by ordinance for the organization and government of districts, to protect and preserve the banks of rivers and streams and lands lying contiguous thereto from injury by overflow or the washing thereof, and to provide for the improvements of said rivers and streams, and prevent the obstruction thereof, and to provide for the assessment, levy, and collection within such districts of a tax thereof. To appropriate a sum not exceeding two cents per one hundred dollars of the assessed valuation of their county in any one year, in addition to any sum which may be chargeable to the county for the repayment of money expended by the state for protection against fire in such county. for the purpose of protecting forest, brush and grass lands therein. against fire or other injury, and of aiding the state and federal authorities in forestry work.

Protect river banks.

Appropriate money to repay state for fire protection.

38. To do and perform all other acts and things required by law not in this title enumerated, or which may be necessary to the full discharge of the duties of the legislative authority of the county government.

Do all other acts necessary.

SEC. 2. This act shall take effect and be in force on and after July 15, 1911.

CHAPTER 747.

An act to authorize suits against the State of California, concerning and to quiet title to certain real property, and regulating the procedure therein.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. All persons and all corporations having or claiming title to the whole or to any part of the following described real property, to wit:

All that certain lot, piece and parcel of land situate, lying and being in the city of Oakland, county of Alameda, State of California, and being a portion of block No. 297 of said city of Oakland bounded and described as follows: Commencing at a point on the west line of San Pablo ave. one hundred and sixty-five and 64-100 (165 64-100) feet northwest from Grove street and running thence northerly along

Authorizing suit against state to quiet title of land in Oakland.

the west line of San Pablo avenue one hundred and thirty-six and one half feet (136½ ft.), thence southwesterly three hundred and ninety-one feet (391 ft.) more or less to the north line of Twentieth street, thence southeast one hundred and twenty-five (125 ft.) feet, and thence northeast two hundred and ninety-five feet (295 ft.) more or less to San Pablo avenue and the point of beginning, are hereby authorized, on the terms and conditions herein contained, to bring suit against the State of California in any court of competent jurisdiction in said state to quiet title to said land or to any portion thereof, and to prosecute the same to final judgment. The rules of practice in civil cases relating to suits to quiet title shall apply to such suit as may be brought under this authorization, except as herein otherwise provided.

SEC. 2. Any such suit to quiet title shall be commenced within sixty days after this act takes effect.

Plaintiff's
sureties.

SEC. 3. At the time of filing the complaint in any such suit, the plaintiff shall file therewith an undertaking in the sum of two hundred dollars with two sufficient sureties to be approved by the judge of the court, and conditioned that in case the plaintiff fails to recover judgment quieting the title of such plaintiff against the state, he will pay all the costs incurred by the state in such suit.

Service of
summons.

SEC. 4. Service of summons in such suit shall be made on the governor and attorney general. It shall be the duty of the attorney general to defend all such suits.

SEC. 5. A certified copy of any decree rendered in any such action quieting title to said real property may be recorded in the office of the county recorder of Alameda county aforesaid.

SEC. 6. This act shall take effect immediately.

CHAPTER 748.

An act to amend section three hundred fifty-two of the Political Code, relating to the state board of equalization.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section three hundred fifty-two of the Political Code is hereby amended to read as follows:

State
board of
equaliza-
tion.

352. Members elected, one from each of the equalization districts of this state, by the qualified electors thereof, with the controller, constitute the state board of equalization. Their term of office shall be four years, commencing the first Monday after the first day of January following their election. They shall choose one of their members chairman, who shall hold such office during the pleasure of the board.

SEC. 2. This act shall take effect July 1, 1911.

CHAPTER 749.

An act to amend an act entitled "An act to provide for the alteration of the boundaries of, and for the annexation of, territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and the amendment thereto approved March 20, 1905, by adding a new section thereto relating to the property and indebtedness of territory annexed to incorporated towns and cities.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to provide for the alteration of boundaries of, and for the annexation of, territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government and municipal control of annexed territory, approved March 19, 1889, and amended March 20, 1905, to be numbered section 4½ to read as follows:

Section 4½. All taxes levied by the board of supervisors of any county, or by the legislative body of any sanitary or other political district other than school districts, for the purpose or purposes of such sanitary or other political district, against property situated in territory which subsequent to such levy is annexed by any town or city under the provisions of this act, but which, at the time of such annexation, has not been collected, shall be and become the property of the town or city to which that territory is annexed, and the same shall, with other county taxes, be collected by the county tax collector, and by him paid into the county treasury of said county, after which the same shall, by the county treasurer, be paid to such town or city, upon proper warrant therefor, and all such taxes which are at the time of such annexation in the county treasury, shall be and become the property of the town or city to which such territory is annexed, and shall be by said county treasurer paid to such town or city, upon the proper warrant therefor, as hereinafter provided. The town or city clerk or other officer performing the duties of clerk of such town or city shall, at any regular meeting of the board of supervisors of said county, present and file a verified claim for any money thus due said town or city, setting forth the fact and the date of such annexation, and the amount in the hands of said county treasurer so due such town or city. Said claim shall be audited by the board of supervisors in the manner in which other claims against the county are audited and if the amount thereof is correct, the same shall be allowed and the

Taxes of annexed territory becomes property of city.

City clerk to file claim.

Claim audited by supervisors.

City to settle claims against annexed territory.

county auditor instructed to draw his warrant for said amount against the several funds of the several districts herein referred to, in which such annexed territory is situated, said funds upon such transfer shall not be used for any purpose other than that for which it was originally intended. The city or town to which such territory is annexed, shall have the power, and it is hereby authorized to adjust, settle and pay any and all lawful claim or claims outstanding against any part of the territory so annexed contracted for before said territory became annexed, of any such sanitary or other political district or districts within the territory so annexed: *provided, however*, if any such taxes shall have been illegally collected within the meaning of section 3804 of the Political Code of the State of California, such illegally collected taxes shall remain in the county treasury until after the time for the repayment of such taxes as provided by section 3804 of the Political Code of the State of California shall have expired, after which time such taxes, if any remaining, shall be and become the property of the town or city to which said territory is annexed, as in this act provided. The city or town clerk of the city or town to which such territory is annexed shall be and he is hereby authorized to act as the redemption officer for the purpose of effecting redemption of property sold for delinquent sanitary taxes prior to such annexation in any such sanitary districts within the territory so annexed, in accordance with the provisions of section twelve, act 3349, approved March 20, 1909.

City clerk to act as redemption officer.

CHAPTER 750.

An act to provide for the release of all claims and liens arising from irrigation district bonds and interest coupons voluntarily surrendered for cancellation, and to provide for the establishment of record of such release.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Petition to surrender irrigation district bonds.

SECTION 1. Whenever a holder of bonds and interest coupons issued by an irrigation district organized under the provisions of an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March seven, eighteen hundred and eighty-seven, and all acts supplementary thereto, or amendatory thereof, including an act entitled, "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for

the distribution of water for irrigation purposes," approved March thirty-one, eighteen hundred and ninety-seven; shall desire to surrender such bonds and interest coupons and have the same canceled and discharged and released as a claim against said district and as a lien or charge thereon and against any of the land or property thereof or therein, and shall desire to have it established of record that said bonds and coupons and the said claims, liens and charges arising therefrom are canceled, discharged and released, he may file a petition for such purpose in the superior court for the county wherein is situated any of the land included in said district.

SEC. 2. By the filing of said petition, an action in the nature of a proceeding *in rem* against all persons interested in said bonds or coupons or any of them, shall be deemed commenced. Notice of said proceeding shall be given by filing a notice of the pendency of the proceeding in the office of the county recorder of each of the counties wherein is situated any of the land included in said district and by publication of a notice of the pendency of the proceeding once a week for at least four weeks in one newspaper published in each of the counties wherein is situated any of the land included in said district. The notice of the pendency of the proceeding shall contain the name of the petitioner, a description of the bonds and coupons with respect of which the proceeding is commenced, a brief description of the relief sought by the proceeding, the time when the proceeding will be heard by the court (which must not be earlier than thirty days after the last publication of said notice), and a notice to all persons interested in the proceeding requiring them to appear at such time at said court to show cause if any they have why the relief sought by the proceeding should not be granted.

Proceeding
in rem
deemed
commenced.

SEC. 3. Upon the completion of the said publication and at the time named in the notice for the hearing, the court shall have full and complete jurisdiction of the petitioner and of the said bonds and coupons and of all parties having or claiming any interest of any kind in said bonds or coupons or any of them, for the purposes of said proceeding and shall have full and complete jurisdiction to render the judgment therein which is provided for by this act.

Jurisdiction.

SEC. 4. Any person interested may at or before the time named in the notice for the hearing, appear and by answer filed to said petition contest the title of the petitioner to said bonds or coupons or any of them and the court shall order the entry of the default of all persons who shall have failed to so appear and answer. Thereupon or at such time to which the hearing may be continued, the court shall proceed and determine the ownership of said bonds and coupons and must in all cases require proof of the facts alleged in the petition. If the court finds that the petitioner is the owner of said bonds and coupons or some of them and that the allegations contained in the petition with respect of said bonds and coupons so owned by him are true, then the court shall by its judgment describe

Hearing
and judgment.

the bonds and coupons so owned by the petitioner and shall decree that they are surrendered, canceled, discharged and released as a claim against said district and as a lien or charge thereon and against any of the land or property thereof or therein and such judgment shall be conclusive and binding upon every person having or claiming any interest of any kind in said bonds or coupons or any of them and the said bonds and coupons shall thereupon be marked canceled by the clerk of said court and delivered by him into the possession of the said irrigation district whenever such district shall demand the same; and after said judgment, said bonds and coupons shall not comprise any claim, lien or charge against said district or any of the land or property thereof or therein.

Judgment
recorded.

SEC. 5. A certified copy of the judgment in said proceeding shall be recorded in the office of the county recorder of each of the counties wherein is situated any of the land included in said district and shall constitute complete notice that said bonds and coupons have been surrendered, canceled, discharged and released and do not comprise any claim, lien or charge against said district or any of the land or property thereof or therein.

SEC. 6. Except as herein otherwise provided, all the provisions and rules of law relating to evidence, pleading, practice, new trials and appeals applicable to other civil actions, shall apply to the proceedings hereby authorized.

SEC. 7. This act shall take effect immediately.

CHAPTER 751.

An act to authorize certain cities and cities and counties to levy and collect taxes for the purpose of providing a fund for the improvement, repair and maintenance of their harbors, and for the construction of wharves and piers, seawall, state or municipal railroad and spurs there along, betterments, appurtenances, dredging and filling necessary in connection therewith, and to authorize such cities and cities and counties to issue and sell their bonds to create a fund for such repair, maintenance, improvement or construction, or any part thereof, or for the redemption, retirement and cancellation of any state bonds now or hereafter issued and sold to create a fund for any such purposes.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Cities may
levy taxes
or sell
bonds to
improve
harbors.

SECTION 1. Any city or city and county whose corporate limits include or front upon any harbor, bay or estuary, or other navigable water, whether the tide lands or water front thereof is owned or controlled by it or by the state, either in

whole or in part, is hereby authorized to incur an indebtedness for the improvement, repair and maintenance of its harbor, and for the erection of wharves, piers, seawall, state or municipal railroad and spurs there along, betterments, appurtenances and dredging and filling necessary in connection therewith, and for each, any or all of said purposes, and such city or city and county for the purpose of providing a fund or funds for the payment of such indebtedness, is hereby authorized to levy and collect taxes therefor or to issue and sell its bonds therefor, or to levy and collect taxes and to issue and sell its bonds therefor, whether the fund so provided is now or hereafter by law or by the charter of such city or city and county, under the management and control of a state board of harbor commissioners or under the management and control of such city or city and county, or any officer, board or department thereof, and such city or city and county is also authorized to issue and sell its bonds for the purpose of providing a fund for the redemption, cancellation and retirement of any state bonds now or hereafter issued and sold for the purpose of providing a fund for any improvement or construction in its harbor as aforesaid.

SEC. 2. All provisions of law or of the charter of such city or city and county relative to the issuance and sale of the other municipal bonds of such city or city and county, and to the mode and manner of calling, holding and canvassing an election authorizing the same, shall with equal force apply to the issue and sale of the bonds hereby authorized and to the mode and manner of calling, holding and canvassing any election with reference thereto.

Law applicable.

SEC. 3. Where by law or by the charter of such city or city and county the management and control and improvement of its harbor or tide lands is vested in whole or in part in a state board of harbor commissioners, such city or city and county is authorized to turn over to such state board of harbor commissioners any fund or funds which it may provide as aforesaid, to be by said state board of harbor commissioners used, managed and controlled for such work of improvement, repair, maintenance and construction aforesaid as said city or city and county may lawfully designate.

City may turn over funds to harbor commissioners.

SEC. 4. Whenever any city or city and county provides any fund under authority of this act for the redemption, cancellation or retirement of any state bonds hereinabove mentioned, such city or city and county through its appropriate officer or officers may transfer the money in such fund to the state treasurer who must upon its receipt place the same in the appropriate sinking fund and apply the same to the redemption, cancellation and retirement of said state bonds.

Fund for redemption of bonds.

SEC. 5. This act shall take effect immediately.

CHAPTER 752.

An act to amend section 2712 of the Political Code, relating to the payment by the board of supervisors out of the general fund and general road fund for road, bridge, and tunnel construction, repair, and purchase.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2712 of the Political Code is hereby amended to read as follows:

Super-
visors
may pay
part of
cost of
construct-
ing road
out of
general
fund.

2712. Whenever it appears to the board of supervisors that any road district is or would be unreasonably burdened by the expense of constructing, or by the maintenance and repairs of any road, bridge or tunnel connecting or forming a part of a road, or the purchase of toll roads, they may, in their discretion, cause a portion of the aggregate cost or expense to be paid out of the general road fund of the county, or by a vote of the majority of the board of supervisors, said board may, in their discretion, order a portion of the cost of construction and repairs of bridges and tunnels connecting or forming a part of a road, or a portion of the cost of the purchase of toll roads, or cost of material for road construction to be paid out of the county general fund, as well as the general road fund; *provided, however,* that said board shall not take any money out of the county general fund for cost of material for road construction, except by unanimous vote of the board of supervisors; *and provided, further,* that the said board may in their discretion, by a four-fifths vote, pay, or cause to be paid, out of the county general fund or the general road fund, or both or either, the whole or a portion of the cost required to construct, build, reconstruct, rebuild, or repair any and all bridges or roads in the county, or both, destroyed or damaged by storms, floods or other calamities.

SEC. 2. This act shall take effect immediately after its passage.

CHAPTER 753.

An act granting relief to counties by extending the time within which county treasurers are required to make semi-annual settlements with the state controller and state treasurer in cases in which school money of such counties have been misappropriated.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Whenever it shall chance that the state school money of any semi-annual settlement retained by any county treasurer, under the provisions of section 3866 of the Political Code, shall have been misappropriated, and as a result thereof, the primary schools of such county are embarrassed for lack of funds, a sum equal to the amount of school money so retained and misappropriated may be deducted from such moneys as the treasurer of such county shall be required to pay over to the state treasurer at the next semi-annual settlement.

Misappropriated school money may be deducted at semi-annual settlement.

SEC. 2. The sum deducted from the moneys due the state at any semi-annual settlement, as provided in section one of this act, together with the sum authorized to be retained by the county treasurer, under the provisions of section 3866 of the Political Code, shall be used for the support of the primary schools of such county.

Used for support of primary schools.

SEC. 3. The board of supervisors of any county availing itself of the provisions of this act, shall on the third Monday in September, immediately following the semi-annual settlement at which the deduction authorized in section one of this act is made, shall provide in the tax rate fixed for county purposes, for an additional tax sufficient to raise a sum equal to the amount deducted, as herein provided for, and said board of supervisors shall thereupon levy such additional tax, as will enable the county to repay to the State of California such sum deducted from the semi-annual settlement, and such payment shall be made at the time of the semi-annual May settlement following the date of such levy.

Supervisors to levy additional tax to pay state.

SEC. 4. This act shall take effect immediately.



CONCURRENT AND JOINT RESOLUTIONS

AND

CONSTITUTIONAL AMENDMENTS.

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.

CHAPTER 1.

Senate Concurrent Resolution No. 1, relative to inaugural ceremonies.

[Filed with Secretary of State January 11, 1911.]

Resolved by the senate, the assembly concurring, That a committee of three members of the senate be appointed to confer with a committee of four from the assembly, to make arrangements for the inaugural ceremonies, said committee to be appointed by the president of the senate and the speaker of the assembly, respectively, and to have full power to act in the premises. Any expense to be paid equally by the senate and assembly out of their several contingent funds, and not to exceed in the aggregate the sum of five hundred dollars.

Committee on inaugural ceremonies.

CHAPTER 2.

Senate Concurrent Resolution No. 2, approving a certain amendment to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, at a general municipal election held therein on the fifteenth day of November, 1910.

[Filed with Secretary of State January 11, 1911.]

WHEREAS, The city and county of San Francisco, State of California, contains a population of over four hundred and sixteen thousand inhabitants, and has been ever since the eighth day of January, in the year one thousand nine hundred, and is now organized and acting under a freeholders' charter, adopted under and by virtue of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of May, one thousand eight hundred and ninety-eight, and approved by the legislature of the State of California on the twenty-sixth day of January, one thousand eight hundred and ninety-nine (statutes of 1899, page 241), and which charter was not amended within an interval of two years immediately prior to the fifteenth day of November, one thousand nine hundred and ten; and

Amendments to San Francisco charter.

WHEREAS, The legislative authority of said city and county,

namely the board of supervisors thereof, duly proposed to the qualified electors of the city and county of San Francisco, thirty-eight certain amendments to the charter of said city and county of San Francisco by the submission of thirty-eight proposals, entitled, as follows, to wit:

Bonds for exposition and using Golden Gate Park for exposition.

Charter Amendment No. 1, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 9 of article XII, section 1 of article XIV, subdivision 6 of section 1 of chapter III of article VII, adding a new section to article XVI to be designated section 29a, and adding a new section to chapter III of article VI, to be designated section 20, of said charter, relating to the issuance of bonds in aid of the Panama-Pacific Exposition, consenting to the use of a portion of Golden Gate Park and certain vacant school lots, and temporarily closing certain streets for exposition purposes."

Public library trustees.

Charter Amendment No. 2, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter VII of article VII thereof, relating to the board of trustees of the public library and reading rooms."

Rate of taxation.

Charter Amendment No. 3, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county, by amending sections 11 and 13 of chapter 1 of article III thereof, relating to the rate of taxation."

Acquisition of public utilities.

Charter Amendment No. 4, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending the preamble, sections 1, 2, 3, 4, 5, 6, 7 and 10, renumbering section 11 as section 8 and adding four new sections, to be numbered sections 11, 17, 18 and 19, to article XII, relating to the acquisition of public utilities and the issuance and sale of bonds therefor."

Official advertising.

Charter Amendment No. 5, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 2 of chapter III of article II and sections 13 and 19 of chapter I of article II thereof, relating to official advertising."

Initiative, referendum and recall.

Charter Amendment No. 6, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding three new chapters to article XI thereof, and repealing sections 20, 21 and 23 of chapter I of article II, relating to the initiative, referendum and recall."

Elections.

Charter Amendment No. 7, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 5 of chapter 1 of

article XI and chapter II of article XI, relating to elections, the direct nomination of candidates and the Australian ballot."

Charter Amendment No. 8, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending paragraph (i) of section 6 of chapter II of article XI thereof, which, if approved, will take the place of said paragraph as set forth in charter amendment No. 7, and provides that no political designation shall be printed in connection with the name of a candidate for office." Political designation.

Charter Amendment No. 9, entitled: "Describing and setting forth an amendment to the charter of the city and county of San Francisco, State of California, by adding a new section to article XVI thereof, to be numbered section 38a, relating to the terms of officers." Terms of officers.

Charter Amendment No. 10, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 3 of article XVI thereof, relating to the absence of officers from the State." Absence of officers.

Charter Amendment No. 11, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new chapter to article VI, to be designated chapter VIII, relating to the construction of tunnels, subways and viaducts under accepted or unaccepted streets." Tunnels.

Charter Amendment No. 12, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new chapter to article VI thereof, to be designated chapter VIII, relating to the construction of tunnels, subways and viaducts." Tunnels.

Charter Amendment No. 13, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 8, 27 and 30 of chapter II of article VI, relating to improvements of streets when of more than local benefit, the change or correction of alignment of streets or substitution of a street, and the construction of sewers in streets." Improvement of streets.

Charter Amendment No. 14, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 5 of article I and section 16 of chapter II of article VI thereof, relating to the method of repairing unaccepted streets and the liability of the city and county and its officers for damages resulting from defects in public streets." Repairing streets.

Charter Amendment No. 15, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new section to" Improvement of streets.

chapter II of article VI to be designated section 33 thereof, relating to the method of improvement of streets, the construction of tunnels, etc., and that assessments may be made payable in installments."

Free employment bureau.

Charter Amendment No. 16, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new paragraph to section 1 of chapter II of article II thereof, relating to the establishment of a free employment bureau."

Museum in Golden Gate Park.

Charter Amendment No. 17, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new section thereto, to be known as section 12 of article XIV, granting permission to the Academy of Sciences to erect and maintain a museum in Golden Gate Park."

Employees of fire department.

Charter Amendment No. 18, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 6 of chapter I of article IX thereof, relating to the age limit of certain employees of the fire department."

Franchises for street railways.

Charter Amendment No. 19, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding three new sections to chapter II of article III thereof to be numbered sections 7a, 7b and 7c, relating to the conditions upon which franchises for street railways may be granted, to wit: The right of the city to purchase same, fixing the hours and wages of employees and providing for the forfeiture of franchise for a violation of conditions."

Granting franchises.

Charter Amendment No. 20, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 6 of chapter II of article II thereof, and adding a new section thereto, to be numbered section 6a, relating to the manner of granting franchises."

Playgrounds.

Charter Amendment No. 21, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 2, repealing section 10 of article XIVa, and adding three new sections thereto, to be numbered sections 10, 11, and 12, relating to the maintenance of playgrounds."

Maintenance of parks.

Charter Amendment No. 22, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 11 of article XIV thereof, relating to the expenditure of taxes levied for the maintenance of parks."

Charter Amendment No. 23, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 14 of chapter I of article VI (relating to public work by contract and day labor)."

Public
work.

Charter Amendment No. 24, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section I of article XIII thereof, relating to the appointment of civil service commissioners."

Civil service
com-
missioners.

Charter Amendment No. 25, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 14 and 33 of article XVI and adding two new sections thereto, to be numbered sections 39 and 40, relating to vacations, holidays and office hours."

Vacations.

Charter Amendment No. 27, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county, by adding a new section to article XVI to be designated section 41, relating to the time of taking effect of other amendments that may be adopted increasing salaries or creating new positions."

Increasing
salaries.

Charter Amendment No. 28, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new section to chapter VII of article IX, to be designated section 10, relating to the pensions of firemen retired prior to January 1, 1900."

Pensions
for fire-
men.

Charter Amendment No. 29, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 2 of chapter I of article II thereof, relating to the salaries of the supervisors."

Salaries of
super-
visors.

Charter Amendment No. 30, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 3 and 4 of chapter I of article XI, relating to the grading of positions in the department of elections and fixing the salaries therein."

Depart-
ment of
elections.

Charter Amendment No. 31, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter V of article IV, relating to the grading of positions in the tax collector's office and fixing the salaries therein."

Tax
collector.

Charter Amendment No. 32, entitled: "Describing and setting forth a proposal to the qualified electors of the city and

Department of
public
works.

county of San Francisco, State of California, to amend the charter of said city and county by amending section 3 of chapter I of article VI thereof, relating to positions in the department of public works, and fixing salaries therein."

Department of
public
health.

Charter Amendment No. 33, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 5 of article X thereof, relating to positions in the department of public health, and fixing salaries therein."

Department of
electricity.

Charter Amendment No. 34, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 3 of chapter IX of article IX thereof, relating to positions in the department of electricity, and fixing salaries therein."

Recorder.

Charter Amendment No. 35, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter VII of article IV thereof, relating to positions in the recorder's office, and fixing salaries therein."

Assessor.

Charter Amendment No. 36, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county, by amending section 1 of chapter IV of article IV, relating to positions and salaries in the assessor's office."

Department of
education.

Charter Amendment No. 37, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county, by amending subdivision 9 of section 1 of chapter III, sections 1 and 2 of chapter V, and adding a new section to chapter V, to be numbered section 4 of article VII, relating to the creation of a teachers' salary fund; the levy of a tax for current expenses of the department of education, and for acquiring lands, school buildings and improvements."

Wages of
laborers.

Charter Amendment No. 38, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county, by amending paragraph 24 of section 1 of chapter II of article II, and section 1 of chapter III of article II, relating to the wages of laborers, and requiring contracts to provide for payment of minimum wages of three dollars a day."

Salaries of
police
patrol
drivers.

Charter Amendment No. 39, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter VI of article VIII thereof, relating to salaries of the police patrol drivers"; and

WHEREAS, Said thirty-eight proposals aforementioned con-

taining said proposed amendments to said charter were, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California, published for twenty days after their passage, in "The Evening Post," a daily newspaper of general circulation in the city and county of San Francisco, and the official newspaper of said city and county; and

WHEREAS, The said legislative authority of said city and county did by ordinance No. 1301 (new series), of the board of supervisors, approved September 20, 1910, instruct the board of election commissioners of said city and county to place upon the ballot at a special municipal election to be held in said city and county of San Francisco on the fifteenth day of November, one thousand nine hundred and ten, the said thirty-eight several proposals to amend the charter of the city and county of San Francisco; and

WHEREAS, Said special municipal election was held in said city and county of San Francisco on the fifteenth day of November, one thousand nine hundred and ten, which day was more than forty days after said proposed amendments had been published for twenty days in "The Evening Post" newspaper; and

WHEREAS, On the twenty-first day of November, one thousand nine hundred and ten and thereafter, at meetings duly convened in accordance with law, and the charter of the city and county of San Francisco, the board of election commissioners of the said city and county duly and regularly canvassed the returns of said special municipal election, and duly declared the results thereof, said board being by law and the charter authorized to conduct, manage and control the holding of elections and all matters pertaining to elections in said city and county; and

WHEREAS, At said special election so held on the fifteenth day of November, one thousand nine hundred and ten, eighteen of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit: Charter amendments numbered one, six, seven, eight, nine, ten, eleven, twelve, fourteen, fifteen, seventeen, eighteen, nineteen, twenty-seven, twenty-eight, twenty-nine, thirty-five, and thirty-eight, and that all other amendments received less than a majority of the votes of the electors voting thereon and were not ratified;

WHEREAS, Thereafter, to wit, on the seventh day of December, one thousand nine hundred and ten, the said board of election commissioners duly filed with the board of supervisors the "Official Statement of Votes polled at the special municipal election held in the city and county of San Francisco, State of California, on Tuesday, the fifteenth day of November, A. D. 1910, for Charter Amendments"; and

WHEREAS, One of said eighteen amendments so ratified by the electors of the city and county of San Francisco at said special municipal election is now submitted to the legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with section eight of article eleven of the constitution of the State of California, and is in words and figures as follows:

CHARTER AMENDMENT NO. 10.

Absence
of officers
from state.

That section 3 of article XVI of said charter be amended to read as follows:

Section 3. No officer of the city and county, except members of the police department acting under orders of the chief thereof, shall absent himself from the state, except by permission of the mayor and the board of supervisors. Violation of this section shall be sufficient cause for the removal of any officer violating the same.

STATE OF CALIFORNIA }
CITY AND COUNTY OF SAN FRANCISCO } SS.

This is to certify that we, P. H. McCarthy, mayor of the city and county of San Francisco, and W. R. Hagerty, clerk of the board of supervisors of said city and county, have compared the foregoing proposed and ratified amendment to the charter of the said city and county of San Francisco with the original proposals submitting the same to the electors of said city and county at a special municipal election held on Tuesday, the fifteenth day of November, one thousand nine hundred and ten, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said city and county of San Francisco, this fourth day of January, one thousand nine hundred and eleven.

[SEAL.]

P. H. MCCARTHY

Mayor of the City and County of San Francisco.

W. R. HAGERTY

Clerk of the Board of Supervisors of the City and County of San Francisco.

Now, therefore be it

Resolved, by the senate of the State of California, the assembly thereof concurring (a majority of all the members elected to each house voting for and concurring therein), That said amendment to the charter of the city and county of San Francisco as proposed to and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and is hereby approved as a whole without amendment or alteration, for and as amendment to, and as part of the charter of the city and county of San Francisco.

CHAPTER 3.

Assembly Concurrent Resolution No. 1.

[Filed with Secretary of State January 28, 1911.]

Resolved by the assembly, the senate concurring, That the senate and assembly meet in joint session in the assembly chamber, at two o'clock in the afternoon of this day, January

Returns of
election for
governor
and lieu-
tenant
governor.

3d, 1911, for the purpose of being present when the speaker of the assembly shall open and publish the returns of the election for governor and lieutenant governor, as provided and required by article V, section 4, of the constitution of the State of California.

CHAPTER 4.

Assembly Concurrent Resolution No. 5.

[Filed with Secretary of State January 28, 1911.]

Resolved by the assembly, the senate concurring. That a committee of seven be appointed, four by the speaker of the assembly and three by the president of the senate, for the purpose of deciding as to the advisability of erecting a new mansion for the governor.

Committee on new mansion for governor.

CHAPTER 5.

Senate Joint Resolution No. 7, relative to Panama-Pacific International Exposition.

[Filed with Secretary of State January 28, 1911.]

WHEREAS, An international exposition is to be held in the city of San Francisco during the year 1915 for the purpose of celebrating the completion of the Panama canal, and

WHEREAS, There has been pledged by the State of California, the city of San Francisco and by citizens of this state and residents of that city, the sum of seventeen and one-half millions dollars to be expended in furthering the success of such exposition and proper celebration of the completion of the greatest governmental work in the history of the world, and a suitable site being available for said exposition; and

WHEREAS, The State of California deems itself possessed of ample funds, now available, together with almost inexhaustible resources to replenish the same or add thereto, if necessary, without the necessity of federal aid of any kind or character; and

WHEREAS, It further appears that California's representatives have assured the congress of the United States that federal aid or assistance would never be sought or requested; be it therefore

Resolved by the senate and assembly of the State of California, That we, the representatives of the people of the State of California, do hereby respectfully request the congress of the United States to cause an invitation to be extended to the people of the world to participate in said exposition, and we do hereby agree that in the event that congress shall cause such invitation to be extended, the government of the United States will never be asked to assume any liability on account of said exposition or to appropriate any sum of money whatsoever in aid of the

Congress requested to invite people of world to participate in exposition.

same and to these ends we do hereby pledge the good faith and credit of the State of California.

It is directed that a copy of the foregoing preamble and resolution be forthwith transmitted by wire to our senators and representatives with the request that the same be immediately brought to the attention of congress.

CHAPTER 6.

Senate Joint Resolution No. 9, relative to Klamath reclamation project.

[Filed with Secretary of State February 3, 1911.]

WHEREAS, It appears that California's contributions to the reclamation funds have been very great and that the state is entitled to a large share of the regular reclamation funds as provided by the reclamation act; and

WHEREAS, The Klamath project is among the most worthy in the United States and its early completion is desirable both to the sections to be developed through its construction and to the United States to secure the earliest possible return of the construction funds for use elsewhere; and

WHEREAS, It appears that the unconstructed portions of the Klamath project are to be equally divided between the states of California and Oregon; therefore, be it

Resolved, That our senators and representatives in congress be and they are hereby memorialized to use their earnest efforts to secure funds sufficient for the continuous construction of all approved units of the Klamath project and that they endeavor to secure the coöperation of the senators and representatives from Oregon in securing the completion of the Klamath project, without unnecessary delay or the elimination of any of its important details, since both states are equally interested in its construction. The secretary of state is hereby instructed to transmit, without delay, a copy of this memorial to each of the senators and representatives of the State of California in congress.

Funds to complete units of Klamath reclamation project.

CHAPTER 7.

Senate Concurrent Resolution No. 3, approving four certain amendments to the charter of the city of Santa Barbara, in the county of Santa Barbara, State of California, voted for and ratified by the qualified electors of the said city of Santa Barbara, at the general municipal election held therein on the 7th day of December, 1909.

[Filed with Secretary of State February 3, 1911.]

WHEREAS, The city of Santa Barbara, in the county of Santa Barbara, State of California, contains a population of over ten thousand inhabitants and has been ever since the year of 1900

and is now organized and acting under a freeholders' charter adopted under and by virtue of section 8, article XI, of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the 20th day of September, 1898, and approved by the legislature of said State of California on the 20th day of February, 1899, (Statutes of 1899, pages 448 to 489 inclusive) : and,

Amend-
ments to
charter of
Santa
Barbara.

WHEREAS, The city council of said city of Santa Barbara, did, by resolution adopted by said city council on the 7th day of October, 1909, and approved by the mayor of said city on the 7th day of October, 1909, and pursuant to said section 8, of article XI, of said constitution of the State of California, duly propose to the qualified electors of said city of Santa Barbara five certain amendments, to the charter of said city to be submitted to said qualified electors at a general municipal election to be held in said city on the 7th day of December, 1909; and,

WHEREAS, Said five proposed amendments were and each of them was published for twenty days in a daily newspaper printed and published in said city, and of general circulation therein, to wit: "The Morning Press," said publication ending on the 30th day of October, 1909; and,

WHEREAS, Thereafter the city council of said city, did by ordinance which was duly adopted on the 5th day of November, 1909, and approved by the mayor on the 5th day of November, 1909, order the holding of a general municipal election in said city of Santa Barbara on the 7th day of December, 1909, which last named date was at least forty days after the publication of said proposed amendments which had been published twenty days as aforesaid, and did provide in said ordinance for the submission of said five proposed amendments to the said charter to the qualified electors of said city for their ratification at said general municipal election, which said ordinance was published for at least ten days prior to the time appointed for the holding of such election in "The Independent" a daily newspaper printed and published in said city; and,

WHEREAS, At said election a majority of the qualified electors voting thereon, voted in favor of the ratification of and did ratify four of said five proposed amendments, to wit: Numbers one, two, three and four, thereof, but did not ratify number five of said proposed amendments; and,

WHEREAS, The city council of said city at a special meeting thereof, held within ten days after said election for such purpose, duly canvassed the returns of said election and duly found, determined and declared that a majority of such qualified electors voting thereon, had voted for and ratified each of said four of said proposed amendments, and rejected said number five; and,

WHEREAS, The mayor and city clerk of said city did, on the 13th day of December, 1909, duly certify to the submission to the qualified electors of said city of said five proposed amendments to said charter and to the ratification of said four of such amendments, and did further certify to a copy of said four pro-

posed amendments, authorized by the seal of said city of Santa Barbara, which said certificate is in words and figures following, to wit:

STATE OF CALIFORNIA,
 COUNTY OF SANTA BARBARA, }
 CITY OF SANTA BARBARA. } SS.

We, the undersigned, Clio L. Lloyd, mayor of the city of Santa Barbara, State of California, and A. Davis, city clerk of said city, do hereby certify and declare as follows:

That the city of Santa Barbara, in the county of Santa Barbara, State of California, contains a population of over ten thousand inhabitants, and has ever since the year 1900, and is now organized and acting under a freeholders' charter, adopted under and by virtue of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city, at an election held for that purpose on the 20th day of September, 1898, and approved by the legislature of the state aforesaid, on the 20th day of February, 1899:

That the city council of the said city of Santa Barbara did by resolution adopted by said city council on the 7th day of October, 1909, and approved by the mayor of said city on the 7th day of October, 1909, pursuant to section eight of article XI of the constitution of said State of California, duly propose to the qualified electors of said city five certain amendments to the charter of such city to be submitted to said qualified electors at a general municipal election to be held in said city on the 7th day of December, 1909, and that the four of said amendments ratified as hereinafter set forth were and are in words and figures following, to wit:

AMENDMENT NUMBER ONE.

That section 8, of article 11, of said charter be amended to read as follows:

Non-elective
 officers.

Section 8. The non-elective officers of said city shall consist of a chief of police, a city engineer, and a superintendent of streets.

AMENDMENT NUMBER TWO.

That section 43, of article IV, of said charter be amended to read as follows:

Powers of
 council.

Section 43. The council shall have power:

1. To establish or alter the widths and grades of, and to open, lay out, alter, extend, close, straighten, and otherwise regulate streets, avenues, alleys, lanes and sidewalks and crosswalks upon the same, and in or over any plaza, park or grounds belonging to or under the control of the city, and to provide for acceptance of the streets when constructed and completed in accordance with such regulations as the council may adopt.

2. To regulate or prohibit traffic and sales in streets, highways and public places, and to regulate the use thereof by persons, associations and corporations, to prevent encroachment upon or obstructions to the same, and require the removal of

such obstructions, and to regulate the construction of entrances to cellars and basements from sidewalks, and to regulate travel and the speed of vehicles upon or over the public streets, highways, alleys, lanes, courts and places in said city, and to prescribe penalties for the violation of such regulations.

Powers of
council.

3. To establish and maintain a pole line system, or system of underground conduits in the city: to compel all telegraph, telephone, electric light and other companies, corporations, firms, associations, or persons using wires to place and maintain their wires thereon, or therein, and to regulate the use and to fix the rental thereof, and to provide for the collection of the same from all corporations, companies, firms, associations or persons using the same.

4. To regulate the naming of streets, avenues, public places, and thoroughfares, and the numbering of houses thereon.

5. To establish a general system of sewers, conduits and storm drains in the city and to regulate the building and repairing thereof, and connections therewith.

6. To provide for and regulate street pavements, crosswalks, curbstones, grades, gutters, sewers and cleaning and watering of streets.

7. To regulate dispensaries, hospitals, markets and other public institutions.

8. To provide for the construction, maintenance, regulation and repair of bridges and public places.

9. To fix and regulate tolls and wharfage.

10. To make regulations for preventing and extinguishing fires, establishing fire districts, and determining the character of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration or repair of such buildings, or in the repair or alteration of existing buildings within or moved within or to come within such limits and for restricting the height of buildings or structures.

11. To abate and remove nuisances.

12. To provide and maintain a morgue.

13. To provide for conducting elections, establishing or changing election precincts, and appointing the necessary officers.

14. To try and for cause remove from office appointees against whom charges have been preferred.

15. To regulate or prohibit the sale, keeping, storage and use of powder, fireworks, dynamite, nitroglycerine, and other explosive materials, and substances, and the places of their manufacture, or storage and their transportation, and to regulate the storage of hay, straw, and other inflammable materials, and the use of steam boilers.

16. To regulate, restrict and supervise, and for the purpose of such regulation, restriction, and supervision, to specially tax the storage, manufacture and sale of explosives, acids, poisons, or inflammable materials; the manufacture of products giving rise to noxious odors or gases: the sale or furnishing of intoxicating liquors; the keeping or slaughtering of animals.

17. To regulate the keeping and use of animals, to prevent or

Powers of
council.

regulate the running at large of any animal; to establish a pound; to authorize the impounding of animals found running at large; and to authorize the sale, disposition or destruction thereof.

18. To provide for the public printing.

19. To provide suitable rooms and buildings for the courts, boards and officers of the city, and such furniture, fuel, light, books, stationery, and other supplies of any kind as are or may be necessary for the convenient transaction of public business.

20. To regulate the construction, repair, and use of sewers, sinks, gutters, wells, cesspools and vaults; to compel the connection, cleaning or emptying of the same, and to designate the time and manner in which the work shall be done; to provide for the removal of all rubbish, garbage, refuse matter, and all material detrimental to the public health, and at such times as it will be best for the public good.

21. To license any and all vehicles used for hire, and to regulate their stands and rates of fare, and to license, regulate or suppress runners for railroads, steamboats, taverns or hotels, and to regulate and license the business of peddlers, and auctioneers, and to regulate and license the sale and furnishing, or sale or furnishing, of intoxicating liquors, and to regulate the conduct, keeping open and arrangement of places where intoxicating liquors are sold or furnished; and to license and regulate all shows and exhibitions of lawful games and to license either for the purpose of revenue or regulation, or for both such purposes, any or all business or occupations in said city; and to fix the rate and provide for and effect the collection, enforcement, suspension, limitation or revocation, of any or all of the licenses authorized by this charter.

22. To regulate the entrance to and exits from theaters, lecture rooms, public halls, churches, and public buildings of every kind, and the manner and construction of such entrances and exits, and to prohibit the placing of chairs, stools, benches and other obstacles in the halls, aisles or open places therein.

23. To establish, maintain and regulate a fire alarm, police telegraph and police telephone.

24. To provide general regulations as to the quality, capacity and location of water and gas pipes, mains, and fire plugs, and to provide for and regulate the construction and repair of hydrants, fire plugs, cisterns, pumps, and such other appliances as may be requisite to utilize the distribution of water and gas in the streets, public places and public buildings.

25. To require every person, firm or corporation owning, operating or maintaining a track or tracks, upon any street or streets, or portion of street of said city, where cars or engines of any kind are drawn or propelled by mechanical or other means, to keep the portion of said street or streets which lies between such tracks, or between the rails thereof, and between any switch or switches, or turnout or turnouts, and for two feet upon each side of the exterior rails of such tracks, switches or turnout or turnouts, in repair with the same material, and in the same manner as the portion of the street so occupied: and to

provide, by ordinance, regulations for the erection and maintenance of gates and guards on any or all grade crossings in said city; *provided, however*, that such regulations may apply to any one, or more, or all classes of transportation companies, cars or engines.

Powers of
Council.

26. To provide for the lighting of streets, alleys, public buildings and public grounds, and to construct, purchase, lease, own, control, maintain and operate a system of lighting by artificial means of illumination.

27. To determine and impose fines, forfeitures, and penalties for the violation of any ordinance or any of the provisions of this charter, and to appropriate the same.

28. To make all needful rules to govern the official conduct and duties of all officers of the city whose duties are not defined by this charter, and to fix and regulate the charges and fees of all such officers, where the charges, fees and duties are not otherwise fixed, and to compel the payment of all such charges into the city treasury.

29. To create, control, regulate, abolish or prohibit cemeteries; to sell or lease lots in those created; to control and regulate interments within the city limits, and to provide for removing human remains from the city.

30. To provide and maintain a city prison, and to provide for the care, custody, feeding and clothing of city prisoners.

31. To provide for the proper employment upon any public work, or for the benefit of the city, of all persons convicted of crimes, vagrancy, or other misdemeanors.

32. To prevent and restrain any riot, or riotous assemblage, or disorderly conduct within the city.

33. To provide for supplying the city and its inhabitants with water, and to construct, develop, purchase, lease, own, control, maintain and operate its own water supply.

34. To regulate the use and sale of gas and electric lights and other illuminants, and fix and determine the price of gas and electric lights, and other illuminants, and the rent of gas and electric light meters within the city, and regulate the inspection thereof; and to regulate telephone service and the use of telephones within the city, and to fix and determine the charges for telephones and telephone service and connections; and the removal and placing underground of any and all wires or telegraph, telephone, or electric light wires, or upon the pole line, or in the underground conduits established by the city.

35. To grant or extend for a period not exceeding twenty-five years, franchises for street railways, to the bidder therefor, of the greatest percentage of the gross receipts, payable monthly: bidders for such franchises may bid percentages to increase progressively with the lapse of time, and such increases may be made contingent on increase in the population of the city; and to fix the rate of fare, not exceeding five cents for each passage on such railways, conditional that the rate of fare so fixed, shall provide, when desired by the person paying such fare, a continuous passage in one general direction through the whole territory of the municipality, by the requisite transfers

Powers of
council.

with connecting lines, where such exist, operated under franchises similarly conditioned; *provided, however*, that should the council, by resolution, determine that the public necessity or convenience so requires, they may grant or let a franchise, or franchises, for any public service, under the provisions of the general law which may exist at the time when such resolution is passed, without reference to, or compliance with the foregoing provisions of this subdivision, excepting the provisions fixing the rate of fare.

36. To provide and maintain all public buildings, parks or squares, necessary or proper, for the use of the city, and to acquire lands therefor, and for other public uses, within or without the city.

37. To provide for the execution of all trusts confided to the city.

38. To levy and collect taxes and assessments on all property within the city, both real and personal, made taxable by law for state and county purposes.

39. To regulate the custody, leasing and sale of all the property of the municipality, and such lost, stolen or unclaimed property as may be in the possession of the police or other officers of the city.

40. To regulate all parades and processions, and public assemblages upon the streets, and to determine what parades, processions and public assemblages thereon shall not be lawful, and to declare the same a nuisance.

41. To maintain and regulate, subject to the provisions of this charter, the fire, health and police departments hereby established.

42. To make or pass all ordinances, by-laws, resolutions, rules and regulations necessary and proper for carrying out or into execution the powers herein given, and all other powers vested by this charter, or by general law, in said city.

43. To make and enforce all such local, police, sanitary and other regulations as are not in conflict with general laws or provisions of this charter.

44. The council shall have power by ordinance, and it shall be its duty to fix and determine annually the rates of compensation to be collected by any person, firm or corporation in the city for the use of the water supplied to the city, or the inhabitants thereof; also to fix and regulate annually the tolls and wharfage to be charged for the use of any wharf within the city limits, and to prescribe penalties for the violation of all ordinances passed in reference to matters contained in this subdivision.

45. The council shall have power to provide music for public entertainment.

46. The council shall have power to provide for said city a public telephone system, and other means for the transmission of sounds, signals, conversations and intelligence, by electricity or otherwise; and to construct, purchase, lease, own, control, maintain, operate and collect tolls, or charges for the use of any such system or systems.

AMENDMENT NUMBER THREE.

That sections 123 and 124 of article XI, of said charter be amended by striking out the whole of said sections, and inserting in lieu thereof the following:

Section 123. The mayor shall by and with the consent of the council, appoint a competent city engineer for said city, who shall hold office during the pleasure of the mayor, and council. He shall take the oath, and execute to said city a bond in the sum of \$5,000.00, as required by section 23, of this charter.

City
engineer,
compensa-
tion and
duties.

He shall receive such compensation as shall be fixed by ordinance.

In addition to the other duties required of him by the charter and ordinances of said city, said engineer shall:

1. Make all surveys, inspections and estimates required by the council.

2. He shall examine all public work done under contract, and report thereon, in writing, to the council.

3. He shall, on application of any person owning or interested in real property in said city for a survey or plat of such property, make and deliver the same upon the payment of his fees therefor.

4. He shall be the custodian of and responsible for all maps, plats, profiles, field notes and other records and memoranda belonging to the city pertaining to his office, and the work thereof; all of which he shall keep in proper order and condition, with a full index thereof, and all of which he shall turn over to his successor.

5. All maps, plats, profiles, field notes, estimates and other memoranda or surveys and other professional work, made or done by him, or under his direction or control, during his term of office, for the city, shall be the property of the city.

6. He shall examine the work done under, and materials used in the construction of all buildings or improvements done by or under the authority of said city, and shall at once report to the council, in writing, all deviation from contracts, and the use of any improper material, or any bad workmanship in such works.

AMENDMENT NUMBER FOUR.

That a new section be added to said charter to be known as section 124.

Section 124. The mayor shall by and with the consent of the council, appoint a competent person as street superintendent, who shall hold office during the pleasure of said mayor and council. He shall take the oath and execute a bond in the sum of \$5,000.00, as required by section 23, of this charter. He shall receive such compensation as may be fixed by ordinance of said city. He shall have the general care of and frequently inspect the streets of said city, and shall see that all traveled streets are kept in good repair. He shall receive and investigate all complaints as to their condition, and shall have charge of the enforcement of all ordinances pertaining

Superintendent of
streets,
compensation
and
duties.

to street obstruction. He shall superintend all public works pertaining to street improvements, while the same are in course of construction, whether done under contract or otherwise; and shall at once report to the council, in writing, all deviation from contracts, and the use of any improper material and bad workmanship in such works, and shall have power, pending investigation, to stop all work thereon. He shall perform such other duties as are herein elsewhere prescribed or imposed by ordinance.

That said four proposed amendments were, and each of them was, published for twenty days in a daily newspaper printed and published in said city and of general circulation therein, to wit "The Morning Press," and that said publication ended on the 30th day of October, 1909:

That thereafter the city council of said city did, by ordinance No. 667, which was duly adopted on the 4th day of November, 1909, and approved by the mayor on the 5th day of November, 1909, order the holding of a general municipal election in said city of Santa Barbara, on the 7th day of December, 1909, which last named date was at least forty days after the publication of said proposed amendments which had been published twenty days as aforesaid, and did provide in said ordinance for the submission of said five proposed amendments, to the city charter to the qualified electors of said city for their ratification at said general municipal election, which said ordinance was passed and approved as aforesaid and was published as required by law and the charter of said city:

That at said election a majority of the qualified electors voting thereon voted in favor of the ratification and did ratify each and all of said five proposed amendments to the charter of said city of Santa Barbara, except such proposed amendment number five; and that said proposed amendment number five did not receive a majority of the votes of the qualified electors voting thereon in favor of the ratification of said proposed amendments at said election:

That the city council of said city of Santa Barbara, at a special meeting, and within ten days after said election, and within the time and in the manner required by law and the charter of said city, duly canvassed the returns of said election, and duly found, determined and declared that a majority of such qualified electors voting thereon had voted for and ratified each and all of the said four proposed amendments to said charter;

We do further hereby certify and declare that the copy of said proposed amendments to the charter of the city of Santa Barbara hereinbefore set forth is a full, true and correct copy of the said four certain proposed amendments to the charter of the city of Santa Barbara, which were, in the manner prescribed by law, submitted to the qualified electors of said city for their ratification and by them ratified at a general municipal election duly called and held in said city on the 7th day of December, 1909.

IN WITNESS WHEREOF, We have hereunto set our hands and affixed the corporate seal of the city of Santa Barbara, this 10th day of August, 1910.

[SEAL.]

CLIO L. LLOYD,
Mayor of the city of Santa Barbara.

ALFRED DAVIS,
City clerk of the city of Santa Barbara.

AND WHEREAS, The said four amendments so ratified as hereinbefore set forth have been duly presented and submitted to the legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with said section 8 of article XI, of the constitution of the State of California; now, therefore, be it

Resolved by the senate of said State of California, the assembly concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring herein), That the said four amendments to the said charter of said city of Santa Barbara, hereinbefore set forth as presented, and as submitted to, and adopted and ratified by the qualified electors of said city be, and the same are hereby approved as a whole for, and as amendments to the said charter of the city of Santa Barbara.

CHAPTER 8.

Senate Joint Resolution No. 2, ratifying and approving the proposed amendment to the constitution of the United States relative to income tax.

[Filed with Secretary of State February 3, 1911.]

WHEREAS, The sixty-first congress of the United States of America, at the first session begun and held in the city of Washington, on Monday, the fifteenth day of March, proposed an amendment to the constitution of the United States, in words and figures as follows:

ARTICLE XVI.

Congress shall have power to lay and collect taxes on incomes from whatever source derived without apportionment among the several states, and without regard to census enumeration; now, therefore, be it

Income
tax.

Resolved, by the senate and assembly jointly. That the legislature of the State of California, hereby approves and ratifies the foregoing proposed amendment to the federal constitution, the same being the sixteenth amendment to the constitution of the United States and said proposed constitutional amendment is hereby approved and ratified.

CHAPTER 9.

Senate Constitutional Amendment No. 17. A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, by amending section fourteen of article I thereof, relating to the rights of private property, and to the law of eminent domain.

[Filed with Secretary of State February 3, 1911.]

Constitutional amendment.

The legislature of the State of California, at its regular session, commencing the second day of January, in the year one thousand nine hundred and eleven, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby propose that section fourteen of article I of the constitution of the State of California, be amended so as to read as follows:

Taking private property for public use.

Section 14. Private property shall not be taken or damaged for public use without just compensation having first been made to, or paid into court for, the owner, and no right of way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefits from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in a court of record, as shall be prescribed by law. The taking of private property for a railroad run by steam or electric power for logging or lumbering purposes shall be deemed a taking for a public use, and any person, firm, company or corporation taking private property under the law of eminent domain for such purposes shall thereupon and thereby become a common carrier.

CHAPTER 10.

Senate Concurrent Resolution No. 8.

[Filed with Secretary of State February 3, 1911.]

Resolved by the senate, the assembly concurring, That the following be and are hereby adopted as the joint rules of the senate and assembly of the legislature of the State of California for the thirty-ninth session of said legislature.

JOINT RULES OF SENATE AND ASSEMBLY.

JOINT ADDRESS TO GOVERNOR.

Joint address to governor.

1. When the senate and assembly shall judge it proper to make a joint address to the governor, it shall be presented to him in his audience chamber by the president of the senate in the presence of the speaker of the house and a select committee of nine (9) members, appointed for that purpose from each house.

BILL OR RESOLUTION IN ONE HOUSE, REJECTED IN THE OTHER, REJECTION REQUIRES NOTICE.

Rejection requires notice.

2. When a bill or resolution which shall have passed one house is rejected by the other, notice thereof shall be given immediately to the house in which the same shall have passed.

EACH HOUSE TO TRANSMIT PAPERS.

3. Each house shall transmit to the other, papers on which any bill or resolution shall be founded.

To transmit papers.

JOINT AND CONCURRENT RESOLUTIONS.

4. Joint resolutions are those which relate to matters connected with the federal government. All other resolutions relating to matters to be treated by both houses of the legislature are concurrent resolutions.

Joint and concurrent resolutions.

JOINT RESOLUTIONS TREATED AS BILLS.

5. All joint resolutions shall be treated in all respects as bills: except that all joint resolutions shall be read but one time in each house.

Joint resolutions treated as bills.

AMENDMENTS TO AMENDED BILLS MUST BE ATTACHED.

6. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other it shall immediately be reprinted as amended by the house making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "adopted," and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be indorsed "concurred in," and such indorsement shall be signed by the secretary or assistant secretary of the senate, or the clerk or assistant clerk of the assembly, as the case may be.

Amendments to amended bills must be attached.

BILLS READ AND REFERRED TO COMMITTEE.

7. When a senate bill has been received by the assembly, or an assembly bill by the senate, with a message announcing that the same has passed the senate or assembly, such bill shall be read the first time by the secretary or clerk and referred to a standing committee.

Bills read and referred to committee.

SPECIAL FILE.

8. After the 25th day of January, 1911, the senate and assembly shall adopt and provide a special file upon which shall be placed: In the senate, only assembly bills that have passed the assembly; and in the assembly, only senate bills that have passed the senate. Such special file shall be taken up at two o'clock P. M. of each day, and be considered at least one hour and a half after being so taken up. This rule shall not be suspended in either house except by a three-fourths vote of such house.

Special file.

AFTER A BILL HAS BEEN PASSED BY THE SENATE OR ASSEMBLY.

9. When a bill (if it be a senate bill) has been received from the senate by the assembly, after its passage, or (if it be an assembly bill) has been received from the assembly by the

After a bill has been passed by the senate or assembly.

senate, after its passage, it shall be taken up by the senate or assembly, as the case may be, under the regular order of business ("senate messages" or "assembly messages") read the first time, and shall then be assigned to the proper committee, who shall act upon the same as soon as practicable, and report the same back to the senate or assembly forthwith, and the chairman of each committee is charged with the observance of this rule; *provided*, that the senate or the assembly may, at any time, order such bill reported back from any committee by a majority vote.

TO CONCUR OR TO REFUSE TO CONCUR IN AMENDMENTS.

To concur or refuse to concur in amendments.

10. In case the senate amend and pass an assembly bill, or the assembly amend and pass a senate bill, the senate (if it be a senate bill) or the assembly (if it be an assembly bill) must either "concur" or "refuse to concur" in the amendments.

WHEN AMENDMENTS ARE CONCURRED IN.

When amendments are concurred in.

11. If the senate concur (if it be a senate bill), or the assembly concur (if it be an assembly bill), the secretary or clerk shall notify the house making the amendments, and the bill shall be ordered to enrollment.

WHEN SENATE OR ASSEMBLY REFUSE TO CONCUR.

When senate or assembly refuse to concur.

12. If the senate refuse to concur (if it be a senate bill), or the assembly refuse to concur (if it be an assembly bill), the secretary or clerk shall notify the house making the amendments of the action taken, and ask that they recede from their amendments. If they refuse to recede, a committee on conference shall be appointed, consisting of six members, three to be appointed by the president of the senate and three by the speaker of the assembly. The committee on conference shall report to both the senate and assembly.

COMMITTEE ON CONFERENCE.

Committee on conference.

13. In every case of an amendment of a bill agreed to in one house and dissented from in the other, if either house shall request a conference and appoint a committee to confer, the other house shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective committees.

COMMITTEE ON FREE CONFERENCE.

Committee on free conference.

14. If the committee on conference fail to agree, or either the senate or assembly refuse to adopt the report of the committee, it shall then be in order to appoint a committee on free conference.

A committee on free conference shall consist of six members, to be appointed in the same manner as a committee on conference.

The committee on free conference are hereby empowered to suggest in their report any new amendments which they may adopt as a committee, and such amendments made by such committee shall be attached to the bill.

The report of the committee on free conference shall not be subject to amendment in either house, and in case of non-agreement no further proceedings shall be had.

WHEN CONFERENCE COMMITTEE REPORT IS IN ORDER.

15. The presentation of report of committee on conference or free conference shall always be in order, except when the journal is being read or a question of order or a motion to adjourn is pending, or while the senate or assembly is dividing, or during roll call; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

When conference committee report is in order.

MESSAGES MUST BE ANNOUNCED BY THE ASSISTANT SERGEANT-AT-ARMS.

16. When a message shall be sent from either house it shall be announced at the door by the sergeant-at-arms, and shall be respectfully communicated to the presiding officer by the person by whom it may be sent.

Messages must be announced by the assistant sergeant-at-arms.

SECRETARY, CLERK, ETC., TO CARRY MESSAGES.

17. Messages shall be sent by the secretary, clerk, or by such person as a sense of propriety of each house may determine to be proper.

Secretary, clerk, etc., to carry messages.

NOTICES TO BE ON PAPER, UNDER PROPER SIGNATURE.

18. Notice of the action of either house to the other shall be on paper, and under the signature of the secretary or clerk of the house from which such notice is to be conveyed.

Notices to be on paper, under proper signature.

ENROLLED BILLS TO RECEIVE SIGNATURE OF PROPER OFFICER.

19. After a bill shall have passed both houses, it shall be duly enrolled and carefully compared by the engrossing and enrolling clerk and engrossing and enrolling committee of the assembly, or of the senate, as the bill may have originated, and shall first receive the signature of the presiding officer and clerk or secretary of the house in which it emanated, before it shall be presented to the governor of the state.

Enrolled bills to receive signature of proper officer.

ENROLLING COMMITTEE TO COMPARE.

20. When bills are enrolled they shall be reëxamined by the engrossing and enrolling committee of the house in which they originated, who shall compare the enrollment with the engrossed bill as passed in the two houses, and, correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the house in which the bill originated, stating by whom such bill was examined.

Enrolling committee to compare.

PRESIDENT AND SPEAKER TO SIGN BILLS.

21. After examination and report, each bill shall be signed in the respective houses, first by the speaker of the assembly, then by the president of the senate.

President and speaker to sign bills.

ENROLLING COMMITTEE TO PRESENT BILLS TO GOVERNOR.

22. After a bill shall have been thus signed in each house, it shall be presented by the engrossing and enrolling committee

Enrolling committee to present bills to governor.

of the house in which it originated to the governor of the state for his approval (it being first endorsed on the back of the bill by the secretary or clerk, as the case may be, certifying in which house the bill originated). The said committee shall report the day of presentation to the governor, which time shall be carefully entered on the journal of the house in which the bill originated.

DAILY HISTORY OF BILLS, ETC.

Daily history of bills, etc.

23. There shall be printed daily, by both the senate and the assembly, a history of all bills, joint and concurrent resolutions, and constitutional amendments, which shall show the action taken by the house up to the day preceding the publication of such history. A regular form shall be prescribed, and no other form shall be used.

SECRETARY AND CLERK TO KEEP REGISTER.

Secretary and clerk to keep register.

24. The secretary of the senate and clerk of the assembly shall keep a register, in which shall be recorded every action taken by the senate and assembly on every bill, concurrent or joint resolution, or constitutional amendment.

SECRETARY AND CLERK SHALL ENDORSE BILLS.

Secretary and clerk shall endorse bills.

25. The secretary of the senate and clerk of the assembly shall endorse on every original bill a statement of any action taken by the senate and assembly.

ADJOURNMENT SINE DIE.

Adjournment sine die.

26. An adjournment *sine die* shall be made only by concurrent resolution.

DISPENSING WITH JOINT RULES.

Dispensing with joint rules.

27. No joint rule shall be dispensed with except by vote of two thirds of each house; and if either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the joint rules have been violated, the bill involving such violation shall be returned to the house in which it originated, without further action. Or, at the option of such house, the president or speaker may direct the secretary or clerk to mark the section or sections in conflict with the rules as non-concurred in or negatived.

CHAPTER 11.

Senate Joint Resolution No. 11, relative to Panama-Pacific exposition.

[Filed with Secretary of State February 3, 1911.]

WHEREAS, The house of representatives of the congress of the United States, has in its wisdom, this day selected the city of San Francisco as the place for holding the Panama-Pacific international exposition in the year 1915; and

WHEREAS, The people of the State of California realize the

great benefit and prestige which will accrue to the people of this state by reason of holding such exposition here: and

WHEREAS, The result of the determination of such house of representatives has caused great rejoicing in the hearts of the people of this state; now, therefore be it

Resolved by the senate and assembly of the legislature of the State of California, jointly, That this legislature does sincerely thank the said house of representatives upon their said action, and the president of the United States for his friendship and we do further congratulate and thank our representatives in congress and the committee of citizens in attendance at Washington in San Francisco's interest upon the brilliant and signal success which has crowned their untiring efforts; and be it further

Thanking house of representatives and president.

Resolved, That a copy of this resolution be immediately transmitted by telegraph to the said house of representatives.

CHAPTER 12.

Assembly Concurrent Resolution No. 7, relative to observing the birthday of Abraham Lincoln.

[Filed with Secretary of State February 3, 1911.]

Resolved by the assembly, the senate concurring, That the senate and assembly meet in joint session at an hour and place to be selected by the committee as hereinafter provided, on February 13th, for the purpose of appropriately observing the birthday of Abraham Lincoln; and be it

Celebrating birthday of Lincoln.

Resolved, That a committee of three members of the assembly be appointed to confer with a like committee from the senate, to arrange a program of exercises, and to provide a place and fix a time of said joint meeting, said committee to be appointed by the speaker of the assembly and the president of the senate, respectively, and any expenses not exceeding two hundred (200) dollars incurred to be paid equally by the assembly and senate out of their contingent funds.

CHAPTER 13.

Assembly Concurrent Resolution No. 3, approving the charter of the city of Modesto, State of California, voted for and ratified by the qualified voters of the said city at a special municipal election held therein for that purpose on the 14th day of September, 1910.

[Filed with Secretary of State February 3, 1911.]

WHEREAS, The city of Modesto, a municipal corporation, of the county of Stanislaus, State of California, now is and was at all times herein referred to a city containing a population of more than three thousand five hundred (3,500) but less than ten thousand (10,000) inhabitants; and

Charter of Modesto.

Charter of
Modesto.

WHEREAS, At a general election duly held in said city on the 11th day of April, 1910, under and in accordance with law and the provisions of section 8 of article XI of the constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city and by the qualified electors thereof to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety (90) days after said election, prepare and propose a charter for the government of said city of Modesto; and

WHEREAS, Said charter was on the 8th day of July, 1910, signed in duplicate by the members of said board of freeholders and was thereupon on said day duly returned and filed, one copy with the president of the board of trustees of said city of Modesto, and the other copy with the county recorder of the said county of Stanislaus and filed in the office of the said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the "Modesto Morning Herald," being a daily newspaper of general circulation, printed and published in said city of Modesto, and the said charter being published as aforesaid for a period of more than twenty (20) days, the first publication thereof being made within twenty (20) days after the completion of said charter; and

WHEREAS, Said proposed charter was within thirty (30) days after the completion of said publication submitted by the board of trustees of the city of Modesto to the qualified electors of said city of Modesto at a special election previously duly called and therein held on the 14th day of September, 1910; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said city of Modesto, voting at such special municipal election, voted for and in favor of the ratification of such proposed charter as proposed as a whole; and

WHEREAS, Said board of city trustees of the city of Modesto, after canvassing said returns, duly found and declared that the majority of said qualified electors voting at such special municipal election had voted for ratifying said proposed charter; and

WHEREAS, The same is now submitted to the legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with section eight of article eleven of the constitution of the State of California; and

WHEREAS, Said proposed charter was ratified in the words and figures following, to wit:

CHARTER PREPARED AND PROPOSED FOR THE CITY OF MODESTO BY
THE BOARD OF FREEHOLDERS, ELECTED ON THE ELEVENTH
DAY OF APRIL, A. D. 1910.

CHARTER OF THE CITY OF MODESTO.

CONTENTS.

ARTICLE	I.	Name and rights of the city.
ARTICLE	II.	Boundaries.
ARTICLE	III.	Powers of the city.
ARTICLE	IV.	Elections.
ARTICLE	V.	Elective officers.
ARTICLE	VI.	The mayor.
ARTICLE	VII.	The council.
ARTICLE	VIII.	Executive and administrative departments.
ARTICLE	IX.	Finance and taxation.
ARTICLE	X.	Public work and supplies.
ARTICLE	XI.	Franchises.
ARTICLE	XII.	The recall.
ARTICLE	XIII.	The initiative.
ARTICLE	XIV.	The referendum.
ARTICLE	XV.	Police court.
ARTICLE	XVI.	Educational department.
ARTICLE	XVII.	Amendments.
ARTICLE	XVIII.	Miscellaneous.

ARTICLE I.

NAME AND RIGHTS OF THE CITY.

Name of the city.

SECTION 1. The municipal corporation now existing and known as the city of Modesto shall remain and continue a body politic and corporate in name and in fact, by the name of the city of Modesto. Name of the city.

Rights and liabilities.

SEC. 2. The city of Modesto shall remain vested with, and continue to have, hold, and enjoy, all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality. All ordinances of said city, not in conflict with this charter, shall be continued in force until amended or repealed; and all proceedings providing for any public improvement pending and uncompleted shall be continued in accordance with the law under which such proceedings were commenced. Rights and liabilities.

ARTICLE II.

BOUNDARIES.

SEC. 3. The boundaries of the city of Modesto shall be the same as now constituted and more particularly described as follows: Boundaries.

Beginning at the corner, common to sections 31, 32, 5 and 6, townships 3 and 4 south, range nine (9) east, Mount Diablo base and meridian in the county of Stanislaus, State of California; thence north along the section line between sections 31 and 32, 29 and 30 to the quarter quarter corner

between the northeast quarter of section 30 and the northwest quarter of section 29, township three (3) south, range nine (9) east, Mount Diablo base and meridian; thence east along the quarter quarter line through the center of the north half of sections 29 and 28 to the mid-quarter quarter corner of the northeast quarter of section 28 in township three (3) south, range nine (9) east, Mount Diablo base and meridian; thence south on the quarter quarter line to the center of the channel of Dry creek; thence meandering down stream along the center line of the channel of Dry creek to a point where the said center line of Dry creek intersects the center line of the channel of the Tuolumne river; thence meandering down stream along the said center line of the Tuolumne river to a point where said center line intersects the township line between townships 3 and 4 south, range nine (9) east, Mount Diablo base and meridian; thence along said township line to the corner common to sections 31, 32, 5 and 6, townships 3 and 4 south, range nine (9) east, Mount Diablo base and meridian, being the point of beginning, all lying and being in the county of Stanislaus, State of California.

The boundaries above described may be altered and the territory embraced therein may be added to or diminished in accordance with the laws of the State of California governing the annexation and exclusion of territory by municipalities.

ARTICLE III.

POWERS OF THE CITY.

General powers of the city.

General powers of the city.

SEC. 4. Without denial or disparagement of other powers held under the constitution and laws of the state, the city of Modesto shall have the right and power:

Perpetual succession.

Perpetual succession.

(1) To have perpetual succession.

Official seal.

Official seal.

(2) To provide a corporate seal, with appropriate device, to be affixed to all instruments or writings needing authentication.

Sue and defend.

Sue and defend.

(3) To sue and defend in all courts and places and in all matters and proceedings.

Property for public purposes.

Property for public purposes.

(4) To purchase, receive, have, take, hold, lease, use, and enjoy property of every kind and description, both within and without the limits of said city, and to control and dispose of the same for the public benefit.

Bequests and donations.

Bequests and donations.

(5) To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable or for other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage,

sell, lease, or otherwise dispose of the same, in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust, be unconditional.

Public works, buildings and institutions.

(6) To acquire by purchase, condemnation, or otherwise, and to establish, maintain, equip, own and operate, **libraries, reading rooms, art galleries, museums, such schools and kindergartens as are not provided for in the public school system of the state, public hitching racks and hitching and automobile enclosures, aviation landings, parks, playgrounds, places of recreation, gymnasiums, theaters, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, charitable institutions, jails, houses of correction and farm schools, workhouses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and rednetion works, street cleaning and street sprinkling plants, wharves, waterways, canals, and all other public buildings, places, works, and institutions.**

Public works, buildings and institutions.

✓

Telephone, telegraph and transportation.

(7) To acquire by purchase, condemnation or otherwise and to establish, maintain and equip, own and operate telephone and telegraph systems, cable and electric or other railways and transportation service of any and every kind.

Telephone, telegraph and transportation

Water, light, heat and power.

(8) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate water works, gas works, electric light, heat and power works, within or without the city, and to supply the city and its inhabitants and also persons, firms, or corporations outside the city, with water, gas, heat and electricity.

Water, light, heat and power.

Sale of products of public utility.

(9) To sell gas, water, electric current and all products of any public utility operated by the city.

Sale of products of public utility.

Land for public utilities.

(10) To acquire by purchase, condemnation, suit, or otherwise within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility, or to provide for and effectuate any other public purpose; and to sell, convey, and dispose of the same for the public benefit.

Land for public utilities.

Leases of property.

(11) To lease to corporations or individuals, for the purpose of maintenance and operation of any public utility owned by the city, and to provide for the lease of any lands now or hereafter owned by the city, except lands donated, purchased, acquired, or used for public parks.

Leases of property.

Joint ownership of water supply.

(12) To join with one or more cities or irrigation districts incorporated or organized under the constitution and laws of

Joint ownership of water supply.

the state, in order to acquire and develop jointly the source or sources of water supply for municipal and domestic purposes, and to construct or join in constructing the works necessary for their joint and several purposes and needs, and to unite with such organization in bond issue therefor; to enter into contracts of any and every nature with persons, firms or corporations to effectuate the acquisition and development of such source or sources of water supply and the distribution, sale or disposal of such water.

Trusts.

Trusts. (13) To provide for the execution of all trusts confided to the city.

Eminent domain.

Eminent domain. (14) To exercise the right of eminent domain, for the purpose of acquiring real and personal property of every kind for any public use.

Municipal ownership.

Municipal ownership. (15) To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

To borrow money.

To borrow money. (16) To borrow money for any of the purposes for which the city is authorized to provide, and for carrying out any of the powers which the city is authorized to enjoy and exercise, and to issue bonds therefor; *provided*, that in the procedure for the creation and issuance of such bonded indebtedness the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed.

Special tax.

Special tax. (17) To raise money by special tax, in addition to the annual tax levy provided in section 51 of this charter. To authorize such special tax, the provisions of section 89 of article XIII relating to the initiative, or of section 90 of article XIV relating to the referendum, shall be followed, and the levy of such tax must be approved by at least two thirds of the qualified electors who vote thereon. At such election, the council may be authorized, in cases where public necessity requires the expenditure of any sum so voted before the next succeeding tax levy, to issue warrants therefor and provide in the next succeeding tax levy for their payment with interest at not exceeding five per cent per annum. Or the council may be authorized to levy a special tax each year for a period of years not exceeding three years in all, for any permanent municipal improvement, and the money so raised may be expended for such permanent municipal improvement each year after the same is collected and available.

Police power.

Police power. (18) To exercise police powers and make all necessary police and sanitary regulations, and to adopt ordinances and prescribe penalties for the violation thereof.

Improvement of streams.

(19) To improve the rivers, streams, inlets and channels flowing through the city or adjoining the same; to widen, straighten and deepen the channels thereof, and to remove obstructions therefrom; to control and improve the water front of the city; to construct and maintain embankments and other works to protect the city from overflow; and to acquire, own, construct, maintain, and operate on any lands bordering on any navigable river, creek, or slough within the limits of the city or contiguous thereto, wharves, chutes, piers, or bath houses.

Improvement of streams.

Grading, opening streets.

(20) To establish and change the grade and lay out, open, extend, widen, change, vacate, pave, repave, or otherwise improve all public streets and highways and public places, construct sewers, drains and culverts, to plant trees, construct parking, and to remove shrubs and weeds; to levy special assessments to defray the whole or any part of the cost of such works or improvements. Also to provide for the repair, cleaning and sprinkling of such streets and public places.

Grading, opening streets.

Fire department.

(21) To equip and maintain a fire department and to make all necessary regulations for the prevention of fires.

Fire department.

Permits to use streets.

(22) To grant permits to use the streets or public property, revocable at any time without notice.

Permits to use streets.

Regulation of rates.

(23) To regulate and establish rates and charges to be imposed and collected by any person or corporation for commodities or services rendered under or in connection with any franchise, permit or license heretofore or hereafter granted by the town or city or other authority.

Regulation of rates.

Violation of charters and ordinances.

(24) To prescribe fines, forfeitures, and penalties for the violation of any provision of this charter or of any ordinance; but no penalty shall exceed a fine of five hundred dollars or six months' imprisonment, or both.

Violation of charters and ordinances.

Nuisances.

(25) To declare what constitutes a nuisance and to provide for the summary abatement of any nuisance at the expense of the persons creating, causing, committing or maintaining such nuisance.

Nuisances.

Rewards.

(26) To offer rewards not exceeding two hundred and fifty dollars in any one instance for the apprehension and conviction of any person who may have committed a felony in the city, and to authorize the payment thereof.

Rewards

*Engines and boilers.*Engines
and
boilers-

(27) To regulate the use of steam engines, gas engines, steam boilers, electric motors, motor cycles, automobiles, and flying devices, and to prohibit their use in such localities as in the judgment of the council would endanger public safety.

Fire limits.

Fire limits.

(28) To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

*Building regulations.*Building
and
regula-
tions.

(29) To regulate the construction and the location of, and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in, and the method of construction of foundations and foundation walls, the materials, manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water or gas, and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

*Fire escapes.*Fire
escapes.

(30) To require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

*Precautions against fires.*Precau-
tions
against
fires.

(31) To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate or prohibit the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible material in unsafe places, and to make provisions to guard against fires.

*Provisions for safety in theatres, halls, etc.*Provi-
sions
for safety
in theatres,
halls, etc.

(32) To regulate the size and construction of the entrances to and exits from all theatres, lecture rooms, halls, schools, churches and other places for public gathering of every kind and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles, or open places therein.

*Provisions for safety in streets.*Provi-
sions
for safety
in streets.

(33) To regulate the speed of railroad trains, engines, and cars passing through the city and the speed of cars of street or interurban railway companies using the public streets of the

city, to require railroad companies to station flagmen, place gates, or viaducts at all such street crossings as the council may deem proper, to require street cars and local trains to be provided with fenders or other appliances for the better protection of the public; to prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the city; to regulate the speed with which persons may ride or drive or propel bicycles, motor cycles, automobiles, or other vehicles along or upon any of the streets or highways of the city.

Improper use of streets.

(34) To regulate or prohibit the exhibition or carrying of banners, placards, or advertisements, and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate and prevent the flying of banners, flags or signs across the streets or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets, and to require their removal.

Improper
use of
streets.

Weeds and rubbish on sidewalks.

(35) To compel the owner or occupant of buildings or grounds to remove dirt, rubbish and weeds therefrom and from the alley and sidewalk thereof and in his default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant, and to make such expense a lien upon such buildings or grounds.

Weeds and
rubbish on
sidewalks.

Billboards and signs.

(36) To regulate, license or prohibit the construction and use of billboards and signs.

Billboards
and signs.

Dogs.

(37) To regulate and prevent the running at large of dogs, to provide for the killing of vicious dogs, and to require the payment of license fees by the owners or persons having possession of dogs, and to impose penalties upon such persons for refusing to pay such license fees.

Dogs.

Public pound.

(38) To prevent or regulate the running at large of any animals, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large.

Public
pound.

Preservation of health.

(39) To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease.

Preserva-
tion of
health.

Dangerous and offensive occupations; disagreeable noises.

Dangerous
and offen-
sive occu-
pations;
disagree-
able
noises.

(40) To regulate or prohibit the operation of all manufactories, occupations or trades which may be of such a nature as to affect the public health or good order of the city or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who may permit the same to be violated in any building or upon any premises owned or controlled by them: to make regulations for the suppression of disagreeable, offensive and injurious noises.

Inspection of food products.

Inspection
of food
products.

(41) To provide for and regulate the inspection by the health officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent the bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

Dairies.

Dairies.

(42) To provide for the regulation and inspection of all dairies, slaughter houses and creameries that offer for sale or sell any of their products in the city.

Lodging, tenement and apartment houses.

Lodging,
tenement
and apart-
ment
houses.

(43) To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition.

Sewer connection.

Sewer
connec-
tion.

(44) To regulate the construction, repair and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done.

Garbage.

Garbage.

(45) To provide for the treatment of and the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, offal, rubbish and waste matter.

Licensing business.

Licensing
business.

(46) To license for purposes of regulation and revenue all and every kind of business not prohibited by law to be transacted or carried on in the city, and all shows, exhibitions and lawful games carried on therein; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise.

Weights and measures.

Weights
and
measures.

(47) To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the keeping and

use by dealers of proper weights and measures duly tested and sealed.

Taxation.

(48) To levy and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this charter provided. Taxation.

Erroneously collected taxes.

(49) To order the repaying by the treasurer of any taxes, percentages or costs erroneously or illegally collected. Erroneously collected taxes.

Fees.

(50) To fix the fees and charges for all official services not otherwise provided for in this charter. Fees.

Purchase of property under execution.

(51) To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs. Purchase of property under execution.

Sale of useless personal property.

(52) To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city. Sale of useless personal property.

Street grades.

(53) To establish or change the grade of any street or public place. Street grades.

Light and water.

(54) To provide for the lighting of the streets, highways, public places, and public buildings and for supplying the city with water for municipal purposes. Light and water.

Boulevards.

(55) To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad and to regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall ever be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by popular vote, as provided in section 89 or section 90 of this charter. Boulevards.

Closed or abandoned streets.

(56) Whenever any street or portion of a street shall be abandoned or closed by ordinance, to convey by deed such street or portion of street so abandoned or closed, to the owners of the land adjacent thereto in such wise as the council shall deem that equity requires. Closed or abandoned streets.

Regulation of public utility rates.

(57) To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any Regulation of public utility rates.

person, firm or corporation in the city for the use of water, heat, light, power or telephonic service, supplied to the city or the inhabitants thereof, and to prescribe the quality of the service.

Regulation of street railroads.

Regulation
of street
railroads.

(58) To regulate street railroads, their tracks and cars, to compel the owners of two or more such street railroads using the same street to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between them.

Railroads to keep streets in repair.

Railroads
to keep
street in
repair.

(59) To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the company, and to sprinkle the same.

Spur tracks.

Spur
tracks.

(60) To permit the laying down of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories, or other business industries and enterprises with any line of railroads which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks not to be used as a main line or a part thereof; and also for the purpose of excavating and filling in a street or portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer.

Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the council.

Regulation of poles and wires.

Regulation
of poles
and wires.

(61) To cause the removal and placing under ground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city.

Size and location of pipes.

Size and
location
of pipes.

(62) To regulate the size and location of all water pipes, gas pipes, and all other pipes and conduits laid or constructed in the streets and public places, and to require the filing of charts and maps of such pipes and conduits.

Elections.

Elections.

(63) To make all rules and regulations governing elections not inconsistent with this charter.

Civil service commission.

Civil serv-
ice com-
mission.

(64) To establish a bureau of civil service and to appoint a commission, to serve without compensation, to administer the same under rules and regulations to be made by the council.

Such commission shall, among other things, provide for the classification of all employments in the administrative service of the city not excepted by the provisions of this charter, by the council or by the people, for open, competitive and free examinations as to fitness, for an eligible list from which vacancies shall be filled, for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record.

Park commission.

(65) To establish a park commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council. Park commission.

National independence.

(66) To allow not to exceed five hundred dollars in any one year for the celebration of the anniversary of our national independence. National independence.

Music and promotion.

(67) To expend such sum as the council shall deem proper, not to exceed five per centum of the property tax levy in one fiscal year for music and promotion. Music and promotion.

General grant of power.

(68) To exercise such other powers as are now or may be hereafter granted by the legislature to the municipalities within the state, unless the exercise of such powers is contrary to the provisions of this charter; to exercise all other needful powers for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not; and to enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city or of any of the provisions of this charter. General grant of power.

Liberal construction.

(69) Lastly, this grant of power is to be liberally construed for the purpose of securing the well-being of the municipality and its inhabitants. Liberal construction.

General laws followed.

(70) In the absence of any procedure for carrying out or effectuating any granted or implied power or authority, the general law of this state where applicable and where not inconsistent with any express provision of this charter shall prevail and shall be followed. General laws followed.

Direct legislation by people.

(71) The qualified voters of the city shall have power through the initiative and otherwise, as provided by this charter and the general laws of the state, to enact appropriate legislation to carry out and enforce any of the general or implied powers of the city. Direct legislation by people.

ARTICLE IV.

ELECTIONS.

Elections. SEC. 5. A municipal election shall be held in the city on the first Tuesday in June in the year 1911, and on the second Tuesday in April in 1913, and on the second Tuesday in April in every second year thereafter, and shall be known as the general municipal election. A second election shall be held, when necessary, as provided in subdivision 20 of section 6 on the second Tuesday after said general municipal election, and shall be known as the second general municipal election. All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections.

Nomination and election of city officers.

**Nomina-
tion and
election
of city
officers.** SEC. 6. The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as follows and not otherwise:

Condition of candidacy.

**Condition
of can-
didacy.** (1) The name of a candidate shall be printed upon the ballot when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

Form of nomination petition.

**Form of
nomina-
tion
petition.** (2) The petition of nomination shall read substantially as follows, and shall contain the name of one candidate and no more; and shall be signed by at least twenty-five qualified and registered electors of the city:

PETITION OF NOMINATION.

STATE OF CALIFORNIA,
COUNTY OF STANISLAUS,
CITY OF MODESTO.

Prec.

**Petition
of nom-
ination.** I, the undersigned, certify that I do hereby join in a petition for the nomination of, whose residence is at No. street, Modesto, or (if candidate for office of member of board of education) Modesto city school district, for the office of, to be voted for at the municipal election to be held in the city of Modesto on the day of, 19., and I further certify that I am a qualified elector and am not at this time a signer of any other petition nominating any other candidate for the above named office, or, in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office; that my residence and occupation is as placed opposite by name:

NAME	ADDRESS	OCCUPATION
------	---------	------------

Forms to be supplied by the city clerk.

(3) It shall be the duty of the city clerk to furnish upon application a reasonable number of forms of the above character of uniform size.

Forms to be supplied by the city clerk.

Requirements of certificate.

(4) The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter or taxpayer of the city shall be competent to solicit said signatures. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed, and no other affidavit thereto shall be required. Each signature, the genuineness of which is not called in question by the sworn affidavit of the alleged owner thereof, shall be presumed to be genuine. Unless and until it be proven otherwise by official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified voters and conforms to all other legal requirements. Each signer of said petition shall add to his signature his place of residence, giving the street and number, if any, or a description which will enable his place of residence to be determined, and his occupation. In case an elector has signed two or more conflicting petitions, such signatures shall be disregarded.

Requirements of certificate.

Date of presenting petition.

(5) Such petition may be presented to the city clerk not earlier than forty-five days nor later than thirty days before the election. The clerk shall endorse thereon the date upon which the petition was presented to him.

Date of presenting petition.

Examination of petitions by city clerk.

(6) When a petition of nomination is presented for filing to the city clerk, he shall forthwith examine the same and ascertain whether it conforms to the provisions of this section and is signed by the requisite number of electors. If found not to conform thereto or not to be signed by the requisite number of electors, he shall there and then in writing designate on said petition the defect or omission or reason why such petition can not be filed and shall return such petition to the person presenting the same. The petition may then be amended and again presented to the clerk, within five days, as in the first instance. If the clerk's certificate shall show the petition to be again insufficient, it shall be returned to the person presenting the same without prejudice, however, to the presenting of a new petition to the same effect; *provided*, said petition be presented not later than thirty days before the election. The clerk shall forthwith proceed to examine the same as hereinbefore provided, and if found to be insufficient, it shall be by the clerk

Examination of petitions by city clerk.

rejected. If necessary, the council shall provide extra help to enable the clerk to perform satisfactorily and promptly the duties imposed by this section.

Withdrawal of signature.

With-
drawal of
signature.

(7) Any signer to a petition of nomination may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Withdrawal of candidate.

With-
drawal of
candidate.

(8) Any person whose name has been presented under this section as a candidate may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor, in writing and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election.

Filing of petitions.

Filing of
petitions.

(9) If either the original or the amended petition of nomination be found sufficiently signed as hereinbefore provided, the clerk shall file the same in his office twenty-five days before the date of the election. When a petition of nomination shall have been filed by the clerk it shall not be withdrawn nor added to, and no signature shall be revoked thereafter.

Preservation of petitions.

Preserva-
tion of
petitions.

(10) The city clerk shall preserve in his office for a period of two years all petitions of nominations and all certificates belonging thereto filed under this section.

Election proclamation.

Election
proclama-
tion.

(11) Immediately after such petitions are filed, the clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty days before the election certify such list as being the list of candidates nominated as required by the charter of Modesto, and the council shall cause said certified list of names and the offices to be filled, designating whether for a full term or unexpired term, to be published in the proclamation calling the election at least ten successive days before the election in not more than two daily newspapers of general circulation published in the city of Modesto. Said proclamation shall conform in all respects to the general state law governing the conduct of municipal elections, now or hereafter in force, except as above required, and shall be signed by the mayor and city clerk.

Form of ballots.

Form of
ballots.

(12) The city clerk shall cause the ballots to be printed and bound and numbered as provided for by state law, except as otherwise required in this charter. The ballots shall contain

the list of names and the respective offices, as published in the proclamation, and shall be in substantially the following form:

GENERAL (OR SPECIAL) MUNICIPAL ELECTION, CITY OF MODESTO.

(Inserting date thereof.)

Instructions to Voters: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election and obtain another.

Requirements of ballot.

(13) All ballots printed shall be precisely of the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right hand side for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this charter. The names of the candidates for each office shall be arranged in alphabetical order, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

Requirements of ballot.

Every nominee to be on ballot.

(14) The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

Every nominee to be on ballot.

Arrangement of offices on ballot.

(15) The offices to be filled shall be arranged in separate columns in the following order:

Arrangement of offices on ballot.

“For mayor (if any) vote for one.”

“For councilman (if any) vote for (giving number).”

“For member of board of education (if any) vote for (giving number).”

Space for voting cross.

(16) Half inch squares shall be provided at the right of the name of each candidate wherein to mark the cross.

Space for voting cross.

Blank spaces for additional candidates.

(17) Half inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Blank spaces for additional candidates.

Sample ballots.

(18) The clerk shall cause to be printed sample ballots in form identical with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter

Sample ballots.

entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election.

Vote necessary for election.

Vote
necessary
for elec-
tion.

(19) In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast for all the candidates for that office shall be declared elected; in case there are two or more persons to be elected to an office, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected; *provided, however*, that no person shall be declared elected to any office at such first election unless the number of votes received by him shall be greater than one half the number of ballots cast at such election.

Second election.

Second
election.

(20) If at any election held as above provided there be any office to which the required number of persons was not elected, then as to such office the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill said office. The candidates not elected at such first election, equal in number to twice the number to be elected to any given office, or less if so there be, who receive the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election; *provided*, that if there be any person who, under the provisions of this subdivision, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such second election shall be declared elected to such office.

Date of election.

Date of
election.

(21) The said second election, if necessary to be held, shall be held on the second Tuesday after the first election.

Rules governing second election.

Rules gov-
erning
second
election.

(22) All the provisions and conditions above set forth as to the conduct of an election, so far as they may be applicable, shall govern the second election, except that proclamation of election need be published twice only; *and provided, also*, that the same precincts and polling places shall, if possible, be used.

Failure of person elected to qualify.

Failure of
person
elected to
qualify.

(23) If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as hereinafter provided.

Informalities in election.

Informal-
ities in
election.

(24) No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly

and in substantial conformity to the requirements of this charter.

General election regulations.

(25) The provisions of the state law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections; *provided*, that the council shall meet as a canvassing board and duly canvass the election returns within four days after any municipal election, except as otherwise in this charter provided.

General election regulations.

Qualifications of voters.

(26) No person shall be entitled to vote at any election held under the provisions of this charter, unless he shall be a qualified elector of the county, enrolled upon the great register thereof and in the precinct in which he votes at least twenty-five days next preceding said election and shall have resided in the city of Modesto for at least thirty days preceding such election. At any election held under the provisions of this charter, the last printed great register of the county shall be used and any elector whose name is not upon such printed register shall be entitled to vote upon producing and filing with the board of election a certificate under the hand and official seal of the county clerk showing that his name is registered and uncanceled upon the great register of the county; *provided*, that he is otherwise entitled to vote.

Qualifications of voters.

Voting machines.

SEC. 7. In case voting machines shall be used at municipal elections, the council shall have power, by ordinance, to modify the provisions of section 6 so far as may be necessary to adapt them to the use of voting machines.

Voting machines.

ARTICLE V.

ELECTIVE OFFICERS.

SEC. 8. The elective officers of the city of Modesto shall be a mayor, four councilmen, and five members of the board of education.

Elective officers.

The council shall consist of the mayor and four councilmen, each of whom, including the mayor, shall have the right to vote on all questions coming before the council.

Elected at large.

SEC. 9. The mayor and councilmen shall be elected at the general municipal election on a general ticket from the city at large.

Elected at large.

Eligibility of mayor and councilmen.

SEC. 10. To be eligible for the office of mayor, or councilman, a person must be a citizen of the United States and a qualified elector of the State of California and of the city of Modesto for at least three years next preceding his election.

Eligibility of mayor and councilmen.

Vacancy in council.

Vacancy in council.

SEC. 11. If a vacancy shall occur in the office of mayor or councilman, the council shall forthwith appoint a person to fill such vacancy. Said appointee shall possess such qualifications for eligibility as are set forth in section 10 of this article and shall hold office until his successor is duly elected and qualified. Such successor shall be chosen at the next general municipal election, or at the first succeeding special municipal election called for any other purpose, or as otherwise provided in recall proceedings for the recall of an officer, which election shall not take place less than forty (40) days after such vacancy occurs. The person so elected shall hold office for the unexpired term. All the provisions of section 6, article IV shall apply to all elections held under this section.

Mayor's term of office.

Mayor's term of office.

SEC. 12. The mayor shall hold office for a term of four years from and after the first Monday in May after his election, and until his successor is elected and qualified; *provided*, that a mayor shall be elected at the first municipal election held under this charter, and said mayor shall take office on the first day of July succeeding his election, and his term of office shall cease and determine upon the election and qualification of the mayor elected at the general municipal election in 1915.

Councilmen's term of office.

Councilmen's term of office.

SEC. 13. The councilmen shall hold office for a term of four years from and after the first Monday in May after their election and until their successors are elected and qualified; *provided*, that four councilmen shall be elected at the first general municipal election held under this charter and shall take office on the first day of July succeeding their election; *and provided, further*, that the councilmen first elected under this charter shall so classify themselves by lot that the terms of two of said councilmen shall cease and determine upon the election and qualification of the two councilmen elected at the general municipal election in 1913, and that the terms of office of the other two of said councilmen elected at the first general municipal election held under this charter shall cease and determine upon the election and qualification of the two councilmen elected at the general municipal election in 1915.

At each general municipal election after the first, held under this charter, there shall be elected two councilmen, and at every alternate general municipal election after the first held under this charter, a mayor shall be elected.

Official bonds.

Official bonds.

SEC. 14. The council shall fix the amount of the bonds and the methods of their approval to be required of appointive officers. The approval of the official bonds must be endorsed thereon and signed by the officer or officers approving the same. All bonds, except the clerk's bond, which shall be filed with the mayor, when approved, shall be filed with the city clerk.

All the provisions of any law of this state, relating to officials' bonds, not inconsistent with this charter, shall be complied with.

Oath of office.

SEC. 15. Every officer of the city, before entering upon the duties of his office, shall take the oath of office as provided for in the constitution of this state, and shall file the same with the city clerk.

Oath of office.

Compensation of mayor and councilmen.

SEC. 16. The mayor and councilmen shall receive no compensation unless the electors by ordinance proposed and adopted in accordance with section 89 or section 90 of this charter shall otherwise provide.

Compensation of mayor and councilmen.

Administering oaths. Subpoenas.

SEC. 17. Every elective officer, every chief official and every member of any board or commission provided for in this charter, or by ordinance, adopted according to the provisions of this charter, shall have the power to administer oaths and affirmations, and every such board or commission shall have power to issue subpoenas, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such board or commission. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpoena, or shall refuse to testify before any such board or commission, or to answer any question which a majority of such board or commission shall decide to be proper or pertinent, he shall be deemed in contempt, and any such board or commission shall have the power to take the proceedings in that behalf provided by the general laws of this state. The chief of police must, on request of any member of such board or commission, detail a police officer or police officers to serve such subpoena.

Administering oaths; subpoenas.

ARTICLE VI.

THE MAYOR.

The chief executive.

SEC. 18. The mayor shall be the chief executive officer of the city and shall see that all the ordinances thereof are duly enforced. He shall be charged with the general oversight of the several departments of the municipal government. He shall see that all contracts made with the city are faithfully performed.

The chief executive.

Mayor pro tempore.

SEC. 19. During the temporary absence or disability of the mayor, the vice-president of the council shall act as mayor *pro tempore*. In case of the temporary absence or disability of both the mayor and vice-president, the council shall elect one of its members to be mayor *pro tempore*. In case of vacancy in the office of the mayor, the vice-president of the council shall act as mayor until such vacancy can be filled as provided in this charter.

Mayor pro tempore.

Mayor's reports.

Mayor's reports.

SEC. 20. The mayor shall annually and from time to time give the council information relative to the affairs of the city and recommend to its consideration such matters as he may deem expedient.

Mayor to have city's books examined.

Mayor to have city's books examined.

SEC. 21. The mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a certified public accountant, who shall examine, at least once each year the books, records and reports of the auditor and of all officers and employees who receive or disburse city moneys, and the books, records and reports of such other officers and departments as the mayor may direct, and make triplicate reports thereof, and present one each to the mayor and auditor, and file one with the city clerk. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employees of the city, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The council shall provide for the payment of the services of such accountant, and fix the time at which such report shall be made and filed.

Supervision of public utility companies.

Supervision of public utility companies.

SEC. 22. The mayor shall be charged with the general supervision of all public utility companies in so far as they are subject to municipal control; he shall keep himself fully informed as to their compliance in all respects with the law, and he shall see that all franchises granted by the city are faithfully observed. The mayor shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and to revoke, cancel or annul all franchises that may have been granted by the city to any person, firm or corporation, which have become forfeitable in whole or in part, or which for any reason are illegal and void and not binding upon the city. The city attorney, on demand of the mayor, must institute and prosecute in the name of the city the necessary actions to enforce the provisions of this section.

Powers and duties prescribed by ordinance.

Powers and duties prescribed by ordinance.

SEC. 23. The mayor shall exercise such other powers and perform such other duties as may be prescribed by law or by ordinance, or by resolution of the council.

ARTICLE VII.

THE COUNCIL.

The council, the governing body.

The council, the governing body.

SEC. 24. All powers herein granted to and vested in the city of Modesto shall, except as herein otherwise provided, be exercised by a council to be designated the council of the city of

Modesto. Said council shall be the governing body of the city and, subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the constitution of the state.

President and vice-president.

SEC. 25. The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its number to be vice-president.

President and vice-president.

Meetings of council.

SEC. 26. The council shall, by ordinance, provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

Meetings of council.

Meetings to be public.

SEC. 27. All legislative sessions of the council, whether regular or special, shall be open to the public.

Meetings to be public.

Quorum.

SEC. 28. A majority of the council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and postpone the consideration of pending business in like manner.

Quorum.

Rules of proceeding.

SEC. 29. The council shall determine its own rules of procedure, may punish its members for disorderly conduct and compel their attendance at the council meetings.

Rules of proceeding.

Ordinances and resolutions.

SEC. 30. (1) The council shall act only by ordinance or resolution.

Ordinances and resolutions.

Ayes and noes.

(2) The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council. Upon the request of any member, the ayes and noes shall be taken and recorded on any vote. Every member, when present must vote.

Ayes and noes.

Majority vote of council.

(3) No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the council.

Majority vote of council.

Title.

(4) Every ordinance shall be preceded by a brief title which shall indicate the subject and purport thereof.

Title.

Enacting clause of ordinances.

(5) The ordaining clause of all ordinances adopted by the council shall be, "The council of the city of Modesto do ordain as follows," and the ordaining clause of all ordinances adopted in accordance with the provisions of article XIII shall be, "The people of the city of Modesto do ordain as follows:"

Enacting clause of ordinances.

Requirements of ordinances.

Requirements of ordinances.

(6) No ordinance shall be passed by the council on the day of its introduction nor within five days thereafter nor at any other time than at a regular meeting, nor until its publication at least once in full in the official newspaper of the city of Modesto at least three days before its adoption; and in case of amendment being made thereto before the final adoption of the ordinance, it must in like manner be republished in full as amended at least one day before its adoption as amended.

Ordinance required in certain cases.

Ordinance required in certain cases.

(7) No action providing for any specific improvement or the appropriation or expenditure of any public money, except a sum less than two hundred dollars; for the appropriation, acquisition, sale or lease of public property; for the levying of any tax or assessment; for the granting of any franchise; for establishing or changing fire limits; or for the imposing of any penalty, shall be taken except by ordinance; *provided*, that such exceptions be observed as may be called for in cases where the council takes action in pursuance of a general law of the state.

Reconsideration.

Reconsideration.

(8) When any ordinance is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the council, held not less than one week after the meeting at which such motion was made.

Signing and attesting.

Signing and attesting.

(9) All ordinances shall be signed by the mayor, and attested by the city clerk.

Revision and amendment.

Revision and amendment.

(10) No ordinance shall be revised, reenacted or amended by reference to its title only; but the ordinance to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

Repeal.

Repeal.

(11) No ordinance nor section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

Record of city ordinances.

Record of city ordinances.

(12) A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein con-

tained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

Protection of absent commissioner.

SEC. 31. No final action shall be taken in any matter concerning the special department of any absent councilman unless such business has been made a special order of the day by action at a previous meeting of the council, or such action is taken at a regular meeting of the council.

Protection of absent commissioner.

When offices become vacant.

SEC. 32. An elective office becomes vacant when the incumbent thereof dies, resigns, is removed from office under recall proceedings as provided in section 88 of article XIII, is adjudged insane, convicted of a felony, or of an offense involving a violation of his official duties, or ceases to be a resident of the city, or neglects to qualify within the time prescribed by the provisions of this charter, or shall have been absent from the state without leave for more than sixty consecutive days, or fails to attend the meetings of the body of which he is a member for a like period without being excused therefrom by said body.

When offices become vacant.

ARTICLE VIII.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

The four municipal departments.

SEC. 33. The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be distributed among and assigned to four departments, as follows:

The four municipal departments.

1. Department of finance and revenue.
2. Department of public health and safety.
3. Department of public works.
4. Department of public supplies.

Council to assign duties to the departments.

SEC. 34. The council shall determine and assign the duties of the several departments, subject to the provisions of the preceding section; shall prescribe the powers and duties of officers and employees; may assign particular officers and employees to one or more of the departments; may require an officer or employee to perform duties in two or more departments, and may make such other rules and regulations, not inconsistent with this charter, as may be necessary or proper for the efficient and economical conduct of the business of the city.

Council to assign duties to the departments.

The four commissioners.

SEC. 35. The council at its first regular meeting after the election of its members, shall designate by majority vote one councilman to be commissioner of finance and revenue, one to be commissioner of public health and safety, one to be commissioner of public works and one to be commissioner of public supplies. If the council is unable to agree, the mayor shall have authority to make such designation. The council may

The four commissioners.

change such designation, whenever it determines that the public service will be benefited thereby.

The chief officials.

The chief officials.

SEC. 36. The chief officials of the city shall be city clerk, auditor, assessor, treasurer, collector, attorney, engineer, chief of police, fire chief, street superintendent, building inspector, sewer inspector, health officer and five library trustees. They shall be appointed and may be removed by a majority vote of the council. The council, at any time when in its judgment the interests of the city so demand, may consolidate and place in the charge of one such officer the functions and duties of two or more such officers. The council shall by ordinance or by resolution prescribe the duties of all the chief officials. The council shall at the first regular meeting after the election of its members, or as soon thereafter as practicable, proceed to the appointment of the chief officials of the city and the determination of their duties, as provided in this section.

Subordinate officers and employees.

Subordinate officers and employees.

SEC. 37. The council shall have power by ordinance, or by resolution, to create and discontinue offices, deputyships, assistantships, boards and commissions, and employments other than those prescribed in this charter, to provide the modes of filling them, to prescribe the duties pertaining thereto, according to its judgment of the needs of the city, and to determine the mode of removing any such officer, deputy, assistant or employee, except as otherwise provided in this charter.

Compensation of officers and employees.

Compensation of officers and employees.

SEC. 38. The compensation of all city officers provided for by section 36 of this charter, except library trustees, who shall receive no remuneration, shall be by salary to be fixed by ordinance. The council shall also fix the compensation of all other officers and employees of the city, except as in this charter otherwise provided. No officer or employee shall be allowed any fees, perquisites, emoluments, rewards or compensation, aside from the salary or compensation as fixed by the council, but all fees received by him in connection with his official duties shall be paid by him into the city treasury.

Reports of departments.

Reports of departments.

SEC. 39. Each department and commission shall annually, on such date as may be fixed by the council, render to the mayor a full report of all operations of such department or commission for the year.

Reports to be published.

Reports to be published.

SEC. 40. The council shall provide for the publication of the annual reports of the mayor and the several departments and commissions.

Councilman to hold no other office.

Councilman to hold no other office.

SEC. 41. No member of the council shall hold any other municipal office or hold any office or employment the com-

compensation of which is paid out of the municipal moneys; or be elected or appointed to any office created or the compensation of which is increased by the council, while he was a member thereof, until one year after the expiration of the term for which he was elected. No member of the council during the term for which he shall have been elected shall be eligible to fill a vacancy in the office of mayor.

Officers not to be interested in contracts or franchises.

SEC. 42. No officer or employee of the city shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the city. No officer or employee of the city shall be in the employ of any public service corporation in the city or of any person having any contract with the city or of any grantee of a franchise granted by the city. Any contract or agreement made in contravention of this section shall be void. Any violation of the provisions of this section by such officer or employee of the city shall be deemed a misdemeanor. The council shall enforce the provisions of this section by appropriate legislation.

Officers not to be interested in contracts or franchises.

Political and religious tests.

SEC. 43. No appointment to position under the city government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services, and no appointment to or selection for or removal from any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or service.

Political and religious tests.

ARTICLE IX.

FINANCE AND TAXATION.

The fiscal year.

SEC. 44. The fiscal year of the city shall commence upon the first day of July of each year, or at such other time as may be fixed by ordinance.

The fiscal year.

Tax system.

SEC. 45. The council shall by ordinance provide a system for the assessment, levy and collection of all city taxes not inconsistent with the provisions of this charter. The council shall have power to avail itself by ordinance of any law of the State of California now or hereafter in force and comply with the requirements thereof whereby assessments may be made by the assessor of the county in which the city of Modesto is situated and taxes collected by the tax collector of said county for and on behalf of the city of Modesto. Other provisions of this charter concerning the assessment, levy and collection of

Tax system.

taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

Department estimates of annual requirements.

Department estimates of annual requirements.

SEC. 46. On such date in each year as shall be fixed by the council, the heads of departments, offices, boards and commissions shall send to the commissioner of finance and revenue a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year.

Annual estimate of city's requirements and revenue.

Annual estimate of city's requirements and revenue.

SEC. 47. On such date in each year as shall be fixed by the council, the commissioner of finance and revenue shall submit to the council an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding funded indebtedness of the city, and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be provided, for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

Annual budget.

Annual budget.

SEC. 48. The council shall meet annually prior to fixing the tax levy, and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government for the next ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and items thereof allowed to each department, office, board or commission as the council may deem advisable.

Board of equalization.

Board of equalization.

SEC. 49. The council shall meet at their usual place of holding meetings on the first Monday in August of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day for at least five days. They shall have power to hear complaints, and to correct, modify, strike out or to raise any assessment; *provided*, that notice shall be given to the party whose assessment is to be raised.

Annual tax levy.

Annual tax levy.

SEC. 50. The council must finally adopt, not later than its first regular meeting in September, an ordinance levying upon the assessed valuation of the property in the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. They shall then deliver the assessment roll to the auditor, who shall compute and carry out the amount of the

tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax.

Limit of tax levy.

SEC. 51. The tax levy authorized by the council to meet the municipal expenses for each fiscal year shall not exceed, except as herein provided, the rate of one dollar on each one hundred dollars of the assessed value of all real and personal property within the city. Such levy shall be placed in the general fund, which may be apportioned by the council, except as otherwise provided in this charter. Limit of tax levy.

Bond tax. Library tax.

SEC. 52. The council shall have power to levy and collect taxes, in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city; and to levy not exceeding twenty cents on each one hundred dollars of the assessed value of all real and personal property within the city for the support and maintenance of free public libraries and reading rooms. Bond tax; library tax.

Tax liens.

SEC. 53. All taxes and assessments levied together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinances; *provided*, that when real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the state when offered for sale for state and county taxes; and the council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter. Tax liens.

Duties of the auditor.

SEC. 54. Money shall be drawn from the treasury only upon warrants as herein authorized. Every demand against the city, from whatever source, including the free public library, when allowed by the council or proper board, shall be signed by the president and secretary or clerk of such body, and a warrant, numbered and dated the same as the demand issued and signed by the same officers, and both must, before it can be paid, be presented to the auditor, who shall satisfy himself whether the money is legally due and its payment authorized by law. If he Duties of the auditor.

allow it, he shall endorse upon the warrant the word "allowed," and the date of such allowance, and sign his name thereto. No demand shall be approved, allowed, audited or paid unless it specify each special item, and the date thereof. It shall be the duty of the auditor to be constantly acquainted with the exact condition of the treasury. He shall, on application of any person indebted to the city, holding money payable into the city treasury or desiring to pay money therein, certify to the treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall charge the treasurer with the amount received. It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and appropriated, and forthwith notify the treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officers, all licenses and other receipts, charging them therewith, and taking their receipt therefor. He shall at the first regular meeting of each month, or oftener if required, report in writing to the council the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which he shall set forth in a plain and businesslike manner, every money transaction of the city, so that he can at any time tell the exact condition of the city's finances, and draw all warrants on the treasury. He shall perform such other duties as may be required of him by this charter or by ordinance.

Disposition of money collected.

Disposition
of money
collected.

SEC. 55. Every officer collecting or receiving any moneys belonging to or for the use of the city shall on the day of the receipt thereof settle for the same with the auditor and immediately pay all the same into the treasury, on the order of the auditor, for the benefit of the funds to which such moneys severally belong. The council may provide, in its discretion, for the deposit of the city moneys in banks in accordance with the state law.

Uniform accounts and reports.

Uniform
accounts
and re-
ports.

SEC. 56. The council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the city which receive or disburse moneys. Whenever an act shall be passed by the state legislature calling for uniform municipal reports, the city authorities shall be governed thereby.

ARTICLE X.

PUBLIC WORK AND SUPPLIES.

Form of contracts.

Form of
contracts.

SEC. 57. All contracts shall be drawn under the supervision of the city attorney. All contracts must be in writing, executed in the name of the city of Modesto by an officer or officers authorized to sign the same, and must be countersigned by the auditor, who shall number and register the same in a book kept for that purpose.

Progressive payments on contracts.

SEC. 58. Any contract may provide for progressive payments if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

Progressive payments on contracts.

Public work to be done by contract.

SEC. 59. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, or water front, or in or about embankments or other works for protection against overflow and erosion, and in furnishing any supplies and materials for the same, or for any other use by the city, when the expenditure required for the same exceeds the sum of two hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for the work contemplated, in five successive issues of the official newspaper of the city of Modesto. Such notice shall distinctly and specifically state the work contemplated to be done; *provided, however*, the council may reject any and all bids and readvertise for bids, or provide for the work to be done by the department of public works. In case no bid is received, the council may likewise provide for the work to be done by the department of public works.

Public work to be done by contract.

Contracts for official advertising.

SEC. 60. The council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the council shall advertise for one day, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The council shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the city, which is a newspaper of general circulation and has been in existence at the time of the awarding of the contract at least one year; *provided*, that the council may reject any or all bids and advertise for new bids. The newspaper to which the award of such advertising is made shall be known and designated as the "official newspaper of the city of Modesto."

Contracts for official advertising.

Contracts for lighting.

SEC. 61. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for electric light or any illumina-

Contracts for lighting.

tion material at a higher rate than the minimum price charged to any other consumer be valid.

Hours of labor.

Hours of labor.

SEC. 62. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the city and its officers, or by a contractor or sub-contractor, shall be eight hours during any one calendar day.

Collusion with bidder.

Collusion with bidder.

SEC. 63. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, materials or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall wilfully mislead any bidder in regard to the character of the materials or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of materials or supplies than has been actually received shall be deemed guilty of malfeasance and shall be removed from office.

Collusion by bidder.

Collusion by bidder.

SEC. 64. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the council shall advertise for a new contract for said work, or provide for such public work to be done by the department of public works.

ARTICLE XI.

FRANCHISES.

Property rights of the city inalienable.

Property rights of the city inalienable.

SEC. 65. The rights of the city in and to its water front, wharf property, land under water, public landings, wharves, docks, streets, highways, parks and all other public places, except as otherwise provided in this charter, are hereby declared inalienable.

No use of streets without a franchise.

No use of streets without a franchise.

SEC. 66. No person, firm, or corporation shall ever exercise any franchise or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the constitution of California or of the constitution or laws of the United States, in, upon, over, under or along any street, highway or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article.

Franchise to use streets.

SEC. 67. Every franchise or privilege to construct or operate street, suburban or interurban railroads along, upon, over, or under any street, highway, or other public place, or to lay pipes or conduits or to erect poles or wires or other structures in, upon, over, under or along any street, highway or other public place in the city for the transmission of gas or electricity, or for any purpose whatever, shall be granted upon the conditions in this article provided, and not otherwise.

Franchise
to use
streets.*Applications for franchise.*

SEC. 68. An applicant for a franchise or privilege shall file with the council an application therefor, and thereupon the council, if it propose to grant the same, shall, on petition signed by qualified and registered electors equal in number to twenty per centum of the entire vote cast at the last preceding general municipal election, requesting it to grant the same, must advertise the fact of said application, together with a statement that it is proposed to grant the same, in the official newspaper of the city. Said advertisement shall contain a copy of the proposed ordinance making such grant. The publication of such advertisement must be run in the said paper in ten successive issues and must be completed not less than twenty and not more than thirty days before any further action can be taken on such application. The form of such petition, signatures, and verification and duties of the clerk in respect thereto, provided in section 89 (for petitions for recall) shall apply to petitions for grant of franchise referred to in this section.

Applica-
tions for
franchise.*Conditions of grant.*

SEC. 69. The advertisement must state the character of the franchise or privilege proposed to be granted, and if it be a street, suburban or interurban railroad, the route to be traversed; that sealed bids therefor will be opened at a stated time and place, and that the franchise will be awarded to the bidder offering to pay to the city during the life of the franchise the highest percentage of the gross annual receipts received from the use, operation or possession of the franchise; *provided*, that such percentage be not less than two per cent of said gross annual receipts during the first five years, not less than three per cent during the next five years, not less than four per cent during the third five years, and not less than five per cent for the rest of the life of the franchise.

Conditions
of grant.*Bidding for the franchise.*

SEC. 70. At the time of opening the sealed bids, any responsible person, firm, or corporation, present in person, or represented, may bid for such franchise or privilege not less than one fourth of one per cent of the gross annual receipts above the highest sealed bid therefor, and such bid so made may be raised not less than one fourth of one per cent of the gross annual receipts, by any other responsible bidder, and such bidding may continue until finally such franchise shall be struck off,

Bidding
for the
franchise.

sold and awarded by the council to the person, firm or corporation offering the highest percentage of the gross annual receipts arising from the use, operation or possession of such franchise; *provided*, that if, in the judgment of the council, no adequate or responsible bid has been made, the council may withdraw such franchise from sale or advertise for new bids.

Deposit as guarantee of good faith.

Deposit as
guarantee
of good
faith.

SEC. 71. Every application and bid for franchise under this article shall be accompanied by a cash deposit of five hundred dollars (\$500), or a certified check therefor, as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the granting of such franchise. Upon the franchise being awarded, all deposits made by unsuccessful bidders shall be returned. The deposit of the successful bidder shall be retained until the filing and approval of the surety bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, shall be returned.

Open competition.

Open com-
petition.

SEC. 72. No clause or condition of any kind shall be inserted in any franchise or grant offered or sold under the terms of this article, which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale, which shall in any wise favor one person, firm or corporation, as against another in bidding for the purchase thereof.

Bond.

Bond.

SEC. 73. The successful bidder for any franchise or privilege awarded under this article shall file a bond running to the city to be approved by the council, in the penal sum to be prescribed by the council and set forth in the advertisement for bids conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise, and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond. Such bond shall be filed with the council within five days after such franchise is awarded, and within thirty days after the filing and approval of such bond such franchise shall by the council be granted by ordinance (subject to the provisions of section 87 of this article) to the person, firm or corporation to whom it shall have been struck off, sold or awarded, and, in case such bond shall not be filed, the award of such franchise shall be set aside, and any money deposited in connection with the awarding of the franchise shall be forfeited, and the franchise shall, in the discretion of the council, be readvertised and again offered for sale in the same manner and under the same restrictions as hereinbefore provided.

Life of franchises.

SEC. 74. The maximum length of time for which a franchise or privilege to use the streets, highways, waters, or other places of the city may be granted to any person, firm or corporation, shall be twenty-five (25) years.

Life of franchises.

Beginning and completion of work.

SEC. 75. Work under any franchise granted in accordance with the terms of this article shall be commenced in good faith within no more than four months from the date of the final adoption of the ordinance granting such franchise, and, if not so commenced within said time, said franchise shall be forfeited. Work under any franchise so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, which time shall be not more than three years from the date of the final adoption of the ordinance granting said franchise, and if not so completed within said time, said franchise shall be forfeited; *provided*, that if good cause be shown, the council may by resolution extend the time for completion thereof not exceeding three months.

Beginning and completion of work.

Regulation of grants, franchises and privileges.

SEC. 76. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

Regulation of grants, franchises and privileges.

Rates and charges.

SEC. 77. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise. The grant of every franchise for a street, suburban or interurban, railroad shall provide that all United States mail carriers and all officials, policemen and firemen of the city shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the city, without paying therefor and with all the rights of other passengers.

Rates and charges.

Right of the city to assume ownership.

SEC. 78. Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted, or at any time before as stated in the ordinance, the city, at its election and upon the payment of a fair valuation therefor to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no

Right of the city to assume ownership.

case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which the franchise was granted, become the property of the city without any compensation to the grantee.

No conveyance necessary for city ownership.

No conveyance necessary for city ownership.

SEC. 79. Every ordinance granting any franchise shall further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and property of the grantee shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance, and in case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which it was granted, become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance.

Lease or assignment of franchise.

Lease or assignment of franchise.

SEC. 80. Any franchise granted by the city shall not be leased, assigned or otherwise alienated without the express consent of the city, and no dealings with a lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent; *provided*, that nothing herein shall be construed to prevent the grantees of such franchise from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate objects.

Street sprinkling, cleaning and paving.

Street sprinkling, cleaning and paving.

SEC. 81. Every grant of any franchise or privilege in, over, under or along any of the streets, highways or public places in the city for railway purposes, shall be subject to the conditions that the persons, firm or corporation exercising or enjoying the same shall sprinkle, clean, keep in repair, and pave and repave so much of said street, highway or other public place as may be occupied by said railway, as lies between the rails of each railway track, and between the lines of double track, and for a space of two feet outside of said tracks.

Examination of company's books. Audit.

Examination of company's books: audit.

SEC. 82. The city of Modesto by its auditor, deputy auditor, or accountants authorized by the auditor, or by the council, shall have the right at all reasonable times to examine all the books, vouchers and records of any person, firm or corporation exercising or enjoying any franchise or privilege granted by the city, for the purpose of verifying any of the statements of gross receipts provided for, and for any other purpose whatsoever connected with the duties or privileges of the city, or of such persons, firm or corporation arising from this charter, or

from the ordinance granting the franchise, and may audit the same at the end of each year.

Annual reports of company.

SEC. 83. Every person, firm or corporation operating any business under a franchise granted under this article shall file annually with the city auditor on such date as shall be fixed by the council a report for the preceding year. Such report shall be in writing, verified by the affidavit of such person or persons, or officer of the corporation, as the council shall direct, and shall contain a statement, in such form and detail as shall from time to time be prescribed by the council, of all the gross receipts arising from all the business done by said person, firm or corporation, within the city of Modesto for the year immediately preceding such report. Such report shall contain such further statements as may be required by the council concerning the character and amount of business done, and the amount of receipts and expenses connected therewith, and also the amount expended for new construction, repairs and betterments during such year.

Annual reports of company.

Payment of gross receipts.

SEC. 84. The stipulated percentage of gross receipts shall be paid annually at the time of filing the annual report. Failure to pay such percentage shall work a forfeiture of the franchise. The provisions as to the payment of gross receipts shall apply to every person, firm or corporation using or operating the works constructed under such franchise.

Payment of gross receipts.

Forfeiture for non-compliance.

SEC. 85. Every ordinance granting any franchise or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the council shall have power to declare the termination and forfeiture of any such franchise or privilege, the same as though in each instance such power was expressly reserved.

Forfeiture for non-compliance.

Franchise not in use forfeited.

SEC. 86. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, shall be declared forfeited and invalid, unless such grantees or their assigns shall, within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

Franchise not in use forfeited

Manner of granting and renewing franchises.

SEC. 87. No exclusive franchise shall ever be granted, and no franchise shall be renewed prior to one year before its expiration. No franchise shall be granted, renewed or extended except by ordinance, and no such grant or franchise, or renewal or extension thereof shall be of any validity until the same shall have been approved by a majority of the electors voting

Manner of granting and renewing franchises.

thereon at a general or special election. Said election shall be held not less than fifteen and no more than thirty days from and after the final passage of such ordinance by the council, granting such franchise, or a renewal or an extension thereof. It shall be the duty of the council to provide for said election. Said election shall be held in all respects as are other elections under this charter, relating to the submission of ordinances to a vote of the electors. The ballots used at such election shall read as follows:

For the Franchise, Yes.

For the Franchise, No.

Stating the nature of the franchise ordinance in terms sufficient to identify it. If a majority of the qualified electors voting on said proposed franchise ordinance shall vote in favor thereof, such ordinance shall become a valid and binding ordinance of the city, and said franchise shall thereupon become valid and effective.

ARTICLE XII.

THE RECALL.

The recall. SEC. 88. The holder of any elective office may be removed by the qualified electors.

Method of Procedure.

Method of procedure.

(1) The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors qualified to vote at a municipal election in said city, if held at the date of the filing of said petition, equal in number to at least fifteen per centum of the entire vote cast at the last preceding general municipal election, demanding an election to determine whether or not said officer shall be removed from office, shall be addressed to and filed with the city clerk, and said petition shall contain a general statement of the grounds for which the removal is sought, in not more than two hundred (200) words, which statement shall not be open to review.

Signatures to petition.

Signatures to petition.

(2) The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter or taxpayer of the city shall be competent to solicit said signatures. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all the signatures to the attached section were made in his presence, and that each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed, and no other affidavit thereto shall be required. Each signature, the genuineness of which is not called in question by the sworn affidavit of the purported owner thereof, shall be presumed to be genuine. Until it be proven otherwise by official investigation, it shall be presumed that the petition presented, contains the signatures of the requisite number of quali-

fied signers and conforms to all other legal requirements. Each signer of said petition shall add to his signature his place of residence, giving the street and number, if any, or a description which will enable his place of residence to be determined and his occupation.

(3) Said petition shall be presented to the city clerk for filing, and, within ten days from the date of the presentation of such petition, the clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the requisite number of electors qualified to sign said petition, and if necessary the clerk may employ extra help for that purpose, and the clerk shall attach to said petition his certificate showing the result of said examination. If, by the said certificate, the petition is shown to be insufficient as to the number and genuineness of signatures, it may be amended by additional signatures, within five days from the date of said certificate. The clerk shall, within five days after such amendments, make like examination of the amended petition, and, if his certificate shall show the same to be insufficient in the same particulars, it shall be returned to the person presenting the same without prejudice, however, to the presentation of a new petition to the same effect.

Recall election.

(4) If the petition shall be found to be sufficient as to the number and genuineness of signatures, the clerk shall forthwith file the same in his office and a special election shall be held within twenty days from said filing to determine whether the electors will recall said officer. All arrangements for said election shall be made, and the same shall be conducted, returned, and the results thereof declared, in all respects as are all other municipal elections provided for in this charter, except as in this section otherwise provided, and except also that the clerk shall give and sign the notice or proclamation of election, appoint the election officers, and designate the polling place in each election precinct.

Recall election.

Officer's justification.

(5) In the published call for the election there shall be printed in not more than two hundred (200) words the reasons for demanding the recall of the officer as set forth in the recall petition and in not more than two hundred (200) words the officer may justify his course in office.

Officer's justification.

Voting. Canvass of returns.

- (6) At such recall election, the ballots shall read:
 "Shall (naming the officer) be recalled? Yes."
 "Shall (naming the officer) be recalled? No."

Voting: canvass of returns.

If a majority of the electors voting on the recall of the officer sought to be removed, shall vote in favor of such recall, said officer shall thereupon be deemed removed from office and his incumbency thereof shall terminate upon the declaration of this result of said election by the canvassing board thereof. In the published call for said election the clerk shall name three

disinterested electors who shall act as a canvassing board thereof. It shall be the duty of said canvassing board to canvass the returns of said election and to declare the result thereof in the same manner and with the same force and effect as otherwise herein provided for the canvassing boards of general municipal elections.

Election of successor.

Election of
successor.

(7) Within three days after the canvass of the vote of said election, the clerk shall issue the call for the election for the purpose of electing a successor to the officer so removed. Said election shall be called and held in all respects as hereinbefore provided for the election for the recall. The power and duties of the clerk shall be the same as in said recall election. Said election shall be held upon notice of not less than twenty and not more than twenty-five days, and said election shall be held within thirty days from the date of the canvass of the vote of the recall election. Nominations shall be made in the manner provided in section 6 relating to the nomination of councilmen, except that petitions for nominations shall be filed in the office of the city clerk at least ten days prior to the date of the holding of said election, and shall contain the requisite number of signatures when filed, without power of amendment. The clerk shall forthwith determine the sufficiency as to the number and genuineness of signatures of the petition. If the same be insufficient in these particulars, it shall be rejected, and if sufficient, the name of the person nominated therein shall be placed upon the official ballot as a candidate for the office for which he was nominated.

All the provisions of subdivisions 19, 20, 21 and 22 of section 6, of article IV of this charter shall be applicable to all elections held under this section to fill vacancies caused by a recall of an officer, except that the second election, if necessary, shall be held one week after the first election and except also in case such second election is held that notice of the same shall be given, and the same shall be held in all respects as hereinbefore provided in this section for the election for the recall. In the event that, by reason of the recall, there shall not remain in office a majority of the city council, it shall be the duty of the city clerk to appoint qualified persons to fill such vacancies until the election and qualification as herein provided, of the successors to the officers recalled. In the event that by reason of the recall, there shall not remain in office a majority of the board of education, it shall be the duty of the superintendent of schools of Stanislaus county to appoint qualified persons to fill such vacancies until the election and qualification as herein provided, of the successors to the officers recalled.

Disqualification of recalled officer.

Disqualifi-
cation of
recalled
officer.

(8) No person recalled under the provisions of this section shall be eligible for election or appointment to any office in the city of Modesto for a period of one year from and after the date of his recall.

New officer. When to qualify.

(9) Every person elected to fill a vacancy caused by the recall of an elective officer, as in this section provided, shall within four days from the declaration of the result of the election at which he was elected, qualify and assume the powers and duties of the office to which he was elected.

New officer: when to qualify.

ARTICLE XIII.

THE INITIATIVE.

SEC. 89. Any proposed ordinance may be submitted to the council by a petition signed by qualified electors of the city equal in number to the percentage hereinafter required. The petition shall set forth a copy of the proposed ordinance.

The Initiative.

Signatures to petition.

(1) The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter or taxpayer of the city shall be competent to solicit said signatures. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all the signatures to the attached section were made in his presence, and that each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed, and no other affidavit thereto shall be required. Each signature, the genuineness of which is not called in question by the sworn affidavit of the purported owner thereof, shall be presumed to be genuine. Until it be proven otherwise by official investigation, it shall be presumed that the petition presented, contains the signatures of the requisite number of qualified signers and conforms to all other legal requirements. Each signer of said petition shall add to his signature his place of residence, giving the street and number, if any, or a description which will enable his place of residence to be determined, and his occupation.

Signatures to petition.

Filing and examination of petition.

(2) Said petition shall be presented to the city clerk, and, within ten days from the date of the presentation of such petition, the clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the requisite number of electors qualified to sign said petition, and, if necessary, the clerk may employ extra help for that purpose, and the clerk shall attach to said petition his certificate showing the result of said examination. If, by the said certificate, the petition is shown to be insufficient, as to the number and genuineness of the signatures, it may be amended by additional signatures within five days from the date of said certificate. The clerk shall, within five days after such amendment, make like examination of the amended petition, and, if his certificate shall show the same to be insufficient in the same particulars, it

Filing and examination of petition.

shall be returned to the person presenting the same without prejudice, however, to the presentation of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall forthwith file the same with the council.

Initiative election.

Initiative
election.

(3) If the petition accompanying the proposed ordinance be signed by qualified electors equal in number to fifteen per centum of the entire vote cast at the last preceding general municipal election, the council must, without alteration, submit the proposed ordinance to the electorate at the next general municipal election that shall occur at any time after twenty days from the date of the clerk's certificate of sufficiency. But if such petition is signed by qualified electors equal in number to twenty-five per centum of said vote and contains a request that such proposed ordinance be submitted to a vote of the people at a special municipal election, then the council must, without alteration, submit the same to the electorate at a special municipal election to be called and held within sixty days from the filing of such petition.

Initiative ballots.

Initiative
ballots.

(4) The ballots used when voting upon such proposed ordinance shall contain the word or words similar thereto: "For the Ordinance." and "Against the Ordinance" (stating the nature of the proposed ordinance in terms sufficient to identify it). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such proposed ordinance shall become a valid and binding ordinance of the city.

Several ordinances at one election.

Several
ordinances
at one
election.

(5) The council may also propose and submit at said election any ordinance to the electors, and such ordinance upon receiving a majority of the votes of the electors, voting thereon, shall be deemed to have been adopted and shall be the valid and binding ordinance of the city. Any ordinance adopted by the electors under the provisions of this section can not be repealed or amended, except by a vote of the electors obtained in the manner hereinbefore stated, unless such ordinance shall otherwise provide.

Limit to special elections.

Limit to
special
elections.

(6) Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section; *provided*, that there shall not be held under this section of the charter more than one special election at any period of twelve months.

Publication of popular ordinance.

Publi-
cation
of
popular
ordinance.

(7) Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election, the council shall cause the ordinance or proposition to be printed and it shall be the duty of the clerk to enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter, at least three days prior to the

election, and the council may also order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published.

ARTICLE XIV.

THE REFERENDUM.

Mode of protesting against ordinances.

SEC. 90. No ordinance passed by the council shall go into effect before fifteen days from the time of its final passage except when otherwise required by the general laws of the state or by the provisions of this charter, and except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a four-fifths vote of the council; *provided*, that no grant of any franchise shall be construed to be an urgency measure. If, during said fifteen days, a petition signed by qualified electors of the city equal in number to at least fifteen per centum of the entire vote cast at the last preceding general municipal election, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance, and, if the same be not entirely repealed, the council shall submit the ordinance to the vote of the electors of the city, at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The form of such petition, signatures, verification and duties of the clerk in respect thereto provided in section 89 shall apply to petitions for the referendum. All the proceedings relative to the submission of ordinances by initiative shall apply to ordinances submitted by a referendum petition, and the vote thereon shall be of the same force and effect as provided in section 89.

Mode of protesting against ordinances.

Reference of measures to popular vote.

SEC. 91. Any ordinance or measure that the council or the qualified electors of the city shall have authority to enact, the council may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in this charter for ordinances or measures submitted on petition. At any special election called under the provisions of this charter, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for, if said other questions are such as may legally be submitted at such election. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

Reference of measures to popular vote.

Penal election laws applicable.

Penal elec-
tion laws
applicable.

SEC. 92. All the penal laws of the State of California, relating to elections, shall apply to all elections held under this charter.

ARTICLE XV.

POLICE COURT.

Police
court.

SEC. 93. There is hereby created in and for the city of Modesto a court which shall be known as the police court of the city of Modesto. Said court shall consist of one judge, who shall be appointed by the council and who shall serve during its pleasure and who shall receive such compensation as the council shall determine.

SEC. 94. Said court shall have exclusive jurisdiction:

- (1) In all prosecutions for violations of the city ordinances.
- (2) In all actions for the recovery of any fine, penalty or forfeiture, and the enforcement of any obligation or liability prescribed or created by the city ordinances and in which the sum sued for does not amount to three hundred dollars.

SEC. 95. Within the city limits said court shall have concurrent and coördinate jurisdiction with township justice courts in all matters and things in which said justice courts now or may hereafter have jurisdiction; and the judge of said police court shall have as aforesaid like authority, power and jurisdiction as the justices of said justice courts.

SEC. 96. Appeals may be taken to the superior court of the State of California, in and for the county of Stanislaus, from the judgments and orders of said police court, in all cases in which appeals now are or may hereafter be provided by law to be taken to said superior court from said justice courts and police courts.

SEC. 97. In all proceedings in and appeals from said police court, the pleadings, practice, procedure and laws now applicable or that may hereafter be made applicable to said justice or police courts, are hereby adopted and made applicable to said police court.

SEC. 98. All fines and other moneys received or collected by the judge of said police court for or on account of the city of Modesto shall immediately be paid into the city treasury.

SEC. 99. All actions and proceedings pending and undetermined in the existing recorder's court of the city of Modesto shall be proceeded with, heard, tried and determined in said police court hereby provided for, before said judge, the same as if said action or proceedings had been originally commenced in said police court.

SEC. 100. Nothing in this charter shall be so construed as to prevent a justice of the peace from holding the office of police judge.

SEC. 101. The judge of the police court shall keep a record of the proceedings of the police court in all matters and cases before said court. Separate dockets shall be kept for civil and criminal cases.

SEC. 102. The city shall furnish for said court a suitable court room and office and the necessary dockets and all blanks and other books and stationery necessary in the transaction of its business, and the said court shall always be open for the transaction of business, except on Sundays and other non-judicial days. Police court.

SEC. 103. The chief of police of the city of Modesto shall execute and return all processes issuing from the police court and all orders of the police judge. The chief of police shall enforce the execution of all the laws and ordinances within the jurisdiction of the city; and for the suppression of any riot, public tumult, disturbance of the peace or resistance against the law or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may be hereafter conferred upon sheriffs by the laws of this state, and shall in all respects be entitled to the same protection, and his lawful orders shall be executed by deputies, police officers and watchmen in the city of Modesto, and every citizen shall also lend aid when required for the arrest of offenders in the maintenance of public order. It shall be the duty of the chief of police to prosecute before the police judge all breaches or violations of or non-compliance with any city ordinance or law within the jurisdiction of the police judge, which has come to his knowledge. The chief of police shall have charge of the city prison and prisoners and of any chain gang which may be established by the council. He shall devote his entire time to the discharge of the duties of his office, and subject to such rules and regulations as the council may prescribe, shall have control of the police force. He shall have power to suspend or remove any member of the police force for disobedience of any lawful order, for violation of rules and regulations of the police department, and for neglect of duty, or for conduct unbecoming a member of the police force. He shall immediately file with the mayor written charges, specifying the grounds upon which such suspension or removal is made. In addition to the duties in this charter specified, the chief of police shall discharge all the duties required of him by ordinance of the city or resolution of the council, or by law, or by the provisions of this charter.

ARTICLE XVI.

EDUCATIONAL DEPARTMENT.

SEC. 104. The school department of the city of Modesto shall comprise all the schools within the city of Modesto, the Modesto school district, and all territory that is now or may hereafter be annexed thereto for school purposes, and shall be known as "Modesto City School District," which shall succeed to all the obligations, property, rights, and privileges of the Modesto school district. It shall consist of primary, grammar, and high schools as now established or that may hereafter be established, and may, at the discretion of the board of education, include technical, industrial, kindergarten and night Educational department.

Educa-
tional de-
partment.

schools; *provided*, that no school money shall be used for technical, industrial, or night schools, or kindergarten when such use would prevent the board of education from maintaining primary, grammar and high schools for ten months in each school year.

SEC. 105. All territory included within the limits of the Modesto city school district or that may hereafter be included within such limits, but not within the city limits, shall be deemed a part of said city for the purpose of holding the general municipal elections and shall constitute one or more separate election precincts, and the qualified electors therein shall vote only for members of the board of education and on questions submitted to a vote of the people at special or general elections pertaining to school matters; and said outside territory shall be deemed a part of said city for all matters connected with the school department and with the levying and collecting of all taxes for school purposes.

SEC. 106. The government of the school department of the city shall be vested in a board of education which shall consist of five members, to be elected from the school district at large, as herein provided, to be called members of the board of education, who shall serve without compensation; *provided*, that the present Modesto school district as above named in section 104 shall continue as such until the election and qualification of the first members of the board of education elected at large. The members of this board shall be elected at the first general municipal election held under this charter. At their first meeting the members so elected shall so classify themselves by lot that two of the members shall go out of office on the first Monday in May nineteen hundred thirteen, and three on the first Monday in May nineteen hundred fifteen, and thereafter said members shall hold office for a period of four years, and until their successors are elected and have qualified. At the second general municipal election held under this charter two members shall be elected, and at the third general municipal election three members, to fill the places of those members whose terms expire, and thereafter, alternating, two and three shall be elected at the succeeding general municipal elections.

SEC. 107. No person shall be eligible to become a member of the board of education who is not at least twenty-five years of age and who has not been a resident of the Modesto city school district for the two years next preceding the day of his election.

SEC. 108. The officers for all elections called by the board of education shall receive not more than three dollars each as compensation for their services.

SEC. 109. Members of the board of education shall enter upon the discharge of the duties of office upon the first Monday in May after their election, and shall meet upon that day and organize by choosing one of their members as president who shall serve as president for one year; *provided*, that the members of the board of education first elected under this charter shall take office on the first day of July succeeding their election. Vacancies in the board of education shall be filled for the

unexpired term by the remaining members of the board, and, if there be less than a majority of such board remaining in office, then such appointment shall be made by the superintendent of schools of Stanislaus county. The board of education shall hold a regular meeting at least once each month. Special meetings may be called by the president, or by the written request of three members, but no business shall be transacted at such meetings that has not been distinctly stated in the call. A majority of the members of the board of education shall constitute a quorum, but a vote of three members shall be required for passing all orders for the expenditure of moneys, for the election of appointive officers, and for the election of teachers. The sessions of the board shall be public and its minutes open to inspection. The board may determine its rules of procedure, but the ayes and noes shall be taken and recorded when demanded by any member, and they shall be taken and recorded on all questions involving elections and appointments or the expenditure of money. All warrants shall be signed by the president, or the president *pro tem.* when acting for him, and by the secretary of the board.

Educa-
tional de-
partment.

SEC. 110. The powers and duties of the board of education are as follows:

(1) To establish and maintain public schools as herein provided, to change, consolidate and discontinue the same and to establish boundaries for each or any school building or any grade or grades in each or any school building, within which boundaries pupils must attend their respective buildings or grades.

(2) To manage and control the school property, including the power to grade, fence and improve all school lots and the sidewalks and the streets bordering the same; to select plans for schoolhouses and erect, contract for and to supervise and control the construction of the same; to alter, repair, rent and provide schoolhouses and to furnish the same with proper school furniture, apparatus and appliances and to provide the same with fire escapes, fuel, lights, water and all necessary supplies; to insure the same, including the contents, against fire, and to incur such other incidental expenses as may be deemed necessary.

(3) To take and hold in fee or otherwise, in trust for the Modesto city school district, any real estate and personal property that may have been acquired or may hereafter be acquired by purchase, bequest or donation, for the use and benefit of the public schools of said Modesto city school district or for any educational purpose; to dispose of, at public or private sale, such personal property as shall be no longer required by the department and to sell, exchange or lease any of such property; and to make in the name of said Modesto city school district, conveyances of real property sold under the provisions hereof; *provided*, that the proceeds of any such sale or exchange of real property shall be exclusively applied to the purchase of other lots for school purposes, or to the erection of schoolhouses; and

Educa-
tional de-
partment.

provided, further, that such sale or exchange of real property be ratified by a majority vote of the qualified electors of said Modesto city school district voting thereon at a general election or at a special election.

(4) To receive and manage property or money acquired by bequest or donation in trust for the benefit of any school, educational purpose, or school property, including gymnasiums, museums, and athletic parks, or grounds.

(5) To sue for any and all property belonging to, or claimed by the board of education for the Modesto city school district, and to prosecute and defend all actions at law or equity necessary to recover and maintain the full enjoyment and possession of said property, and to require the services of the city attorney therefor without compensation, and, when desirable, to employ other or additional counsel. The city attorney shall be the legal adviser of the board without compensation.

(6) To discharge all legal incumbrances now existing, or which may hereafter exist, upon any school property within the Modesto city school district.

(7) The board of education shall, at the same meeting at which it elects its president in each year, appoint a secretary, who shall not be one of their number, and shall prescribe the duties and fix the salary of such secretary, who shall hold office during the pleasure of the board.

(8) The board of education shall determine annually the amount of school tax necessary for the maintenance of public schools and for carrying into effect all provisions of law regarding the same, and the amount so determined by said board of education shall be reported in writing to the board of supervisors of Stanislaus county on or before the first day of August in each year. This report shall specify the proper items and the amount of money required for each, in addition to state and county school money, to maintain primary and grammar schools, the amount required for high school purposes, and the amount required for other public schools of the Modesto city school district, as are then established, and the amount that will be required to pay all fixed and incidental expenses, including the repairing of school buildings and the improving of school grounds.

(9) The board of supervisors of Stanislaus county is hereby authorized and required to levy, and the tax collector of said county to collect as school tax the amount required by the board of education.

(10) The board of education may, when in their judgment it is advisable, call an election and submit to the electors of the Modesto city school district the question whether a tax shall be levied to furnish additional school facilities for said district, or for building one or more schoolhouses, or for any or all of these purposes. Such elections shall be called and the moneys employed in accordance with the general laws of the state governing elections for district school tax.

(11) The board of education may, when in their judgment it

is advisable, and must, when petitioned by a majority of the heads of families residing in the district, as shown by the last school census, call an election and submit to the electors of the district whether the bonds of such district shall be issued and sold for the purpose of raising money to purchase school property, and for the building of one or more schoolhouses, for insuring the same and supplying the same with furniture and necessary apparatus, and for improving the grounds, and for liquidating any indebtedness already incurred for such purposes, and for refunding any outstanding valid indebtedness evidenced by bonds or warrants thereof.

Educa-
tional de-
partment.

(12) All moneys raised for school purposes shall be paid into the county treasury of Stanislaus county to the proper school fund of said Modesto city school district and shall be drawn out in the same manner as state and county moneys apportioned to the Modesto city school district are drawn.

(13) To employ and dismiss the superintendent of schools and such teachers, janitors, school census marshals, truant officers, and such other persons as may be necessary to carry into effect the powers and duties of the board; to prescribe the duties to be performed by all such employees, and to fix, alter, allow and order paid their salaries or compensation, and to withhold for good and sufficient cause, the whole or any part of the salary or compensation of any person or persons employed as aforesaid; *provided*, that no teacher shall be dismissed during the school year without good and sufficient cause; *and provided, further*, that the board shall notify in writing on or before the first day of June of each year all teachers whose services will not be required for the ensuing year.

(14) To prescribe the course of study for the several schools; to make suitable rules and regulations for the promotion of pupils from primary and grammar schools and high schools, and in the name of the Modesto city school district to grant diplomas to pupils who have completed the respective courses of study of the schools therein.

(15) To prohibit any child under six years of age from attending the public schools, except where kindergartens are established, and to fix the age at which children may attend the kindergarten at not less than five years.

(16) To admit non-resident children to any department of the schools at their discretion, on the payment within the school year at such time as the board may direct, of tuition fees not less in amount than the per capita cost per pupil per year, based on the average attendance for the previous year.

(17) To furnish books to children of parents unable to furnish them, but the books so furnished shall belong to the Modesto city school district and shall be returned to the superintendent at the end of each term of school.

(18) The board of education shall elect a superintendent of schools, who shall be a practical educator of not less than five years successful experience in teaching; such superintendent shall serve for a term of two years from and after the day of

Educa-
tional de-
partment.

his election. He shall not engage in any occupation or undertaking that will interfere directly or indirectly with the performance of the duties of his office, and, while he holds said office, he shall not be a candidate for any elective office in Stanislaus county or the State of California.

(19) The superintendent shall be the executive officer of the board of education, and shall enforce all rules and regulations adopted by the board, and perform such other duties as the board shall designate. He shall have general supervision of the schools and direct the methods of instruction therein; and his decision in all school matters within his jurisdiction shall be final, unless formally overruled by the board of education.

The superintendent shall assign duly elected teachers to such grades and schools as he shall deem best for the schools and he shall designate the duties of the various teachers, but no such assignment or designated duty shall conflict with a general rule of the board, and, further, the board may, by a vote of four members, change any assignment. He shall have full direction of the classification and promotion of pupils and, under the rules of the board, of the discipline of the schools. He shall call such general and special meetings of the teachers as he shall deem advisable for carrying into effect the directions of the board and superintendent, and for the instruction of the teachers in the science and art of teaching, and he shall enforce attendance on such meetings according to rules approved by the board. He shall, at the regular meeting in the month of June of each year, submit to the board a detailed statement of the amount, as nearly as may be ascertained, of fuel, blanks, school stationery, books for indigent children, library books, apparatus, and such other school supplies as may be necessary for the city schools and the board for the following year. He shall annually, and oftener when desired, make a full report of the condition of the schools under his jurisdiction, and shall make such recommendations as he shall deem best.

SEC. 111. The secretary of the board of education shall keep a true record of the proceedings of the board and a correct account of the expenditures allowed by it, and for what purpose, so that he can at any time make an exhibit, in the aggregate and in detail, of the outlays for the schools. He shall be the general custodian of all books, papers, and documents belonging to the board. He shall, in June of each year, make to the board of education a full and detailed report of the receipts and expenditures of the department and the amounts paid respectively, for teachers, janitors, rents, repairs, lands, buildings, furniture, apparatus, stationery, fuel and other expenses. He shall perform such other duties as the board may require of him.

SEC. 112. All other matters pertaining to the school department of said Modesto city school district not specifically provided in this charter, shall be governed by the general school law of the State of California.

ARTICLE XVII.

AMENDMENTS.

SEC. 113. This charter may be amended at intervals of not less than two years by proposals therefor, submitted by the council to the qualified electors of the city at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in said city and ratified by a majority of the electors voting thereon, and approved by the legislature as provided in the constitution of the State of California. Whenever fifteen per centum of the qualified voters of the city shall petition the council to submit any proposed amendment or amendments to this charter to the qualified voters thereof for approval the council must submit the same. In submitting any such amendment or amendments to the charter any alternative article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to the others.

Amend-
ments.

SEC. 114. The petition herein provided for must be made, presented, examined, and certified to in the manner and form required for petitions in section 89, article XIII of this charter.

SEC. 115. The council must make all necessary provisions for submitting proposed amendments to the electors, and shall canvass the votes in the same manner as in other elections.

SEC. 116. The ballots used at such elections shall contain the words, "For the amendment" and "Against the amendment" (stating the nature of the proposed amendment).

ARTICLE XVIII.

MISCELLANEOUS.

When this charter takes effect.

SEC. 117. For the purpose of the qualification and of the nominating of candidates and electing mayor, councilmen, and members of the board of education in accordance with this charter, this charter shall take effect from the time of the approval of the same by the legislature; for all other purposes it shall take effect on the first day of July, 1911.

When this
charter
takes
effect.

First election under this charter.

SEC. 118. The board of trustees of the city of Modesto in office at the time this charter is approved by the legislature shall provide for the holding of the first election of officers under this charter, shall canvass the votes, and declare the result.

First elec-
tion under
this
charter.

Terms of incumbents in office.

SEC. 119. The members of the board of trustees and all other elective officers of the city of Modesto in office at the time of the approval of this charter by the legislature shall continue to hold office and discharge their duties until the election and qualification of the mayor, councilmen and members of the board of education, respectively, first elected under this charter. The term of each of all the other officers in office at the time

Terms of
incumbents
in office.

this charter takes effect shall cease and terminate when the council first elected hereunder shall by resolution so declare.

Existing ordinances continued in force.

Existing
ordinances
continued
in force.

SEC. 120. All lawful city ordinances, resolutions and regulations in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

Conduct of legal proceedings.

Conduct of
legal pro-
ceedings.

SEC. 121. The city attorney shall be the prosecuting attorney in behalf of the people of all criminal cases arising from violations of the provisions of this charter and the ordinances of the city, and shall attend to all suits and proceedings in which the city may be legally interested; *provided*, the council shall have control of all litigation of the city, and may employ other attorneys to take charge of any litigation or to assist the city attorney therein.

Violation of charter and ordinances.

Violation
of charter
and ordi-
nances.

SEC. 122. The violation of any provision of this charter or of any ordinance of the city shall be deemed a misdemeanor, and may be prosecuted by the authorities of the city in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of a provision of this charter or of any ordinance may be imprisoned in the city jail, or, if the council by ordinance shall so prescribe, in the county jail of the county in which the city of Modesto is situated, in which case the expense of such imprisonment shall be a charge in favor of such county against the city of Modesto.

SEC. 123. The word "City" wherever it occurs in this charter, means the city of Modesto, and every commissioner, commission, department, board, officer, employee, wherever mentioned in this charter, means the commissioner, commission, department, board, officer or employee, as the case may be, of the city of Modesto. The word "Council" when used in this charter means the council of the city of Modesto.

SEC. 124. After the result of an election is declared, or when an appointment is made, the city clerk under his hand and official seal shall issue a certificate therefor and serve the same by registered mail through the United States post office in the city of Modesto, addressed to the person or persons elected or appointed.

SEC. 125. If for any reason, the first general municipal election is not held on the day herein provided for, the validity of this charter and of such election is not affected thereby, and the board of trustees of the city of Modesto then in office must provide for the holding of such election as soon as possible thereafter.

CERTIFICATE.

WHEREAS, the city of Modesto, a city containing a population of more than three thousand five hundred and less than ten thousand inhabitants on the eleventh day of April, 1910, at a

general election held under and in accordance with the provisions of section eight of article XI of the constitution of the State of California, did elect J. W. Bell, J. R. Broughton, L. L. Dennett, L. E. De Yoe, Thomas Downey, Z. E. Drake, John Dunn, Sr., S. P. Elias, C. W. Evans, E. I. Fisher, N. C. Hanscom, George Perley, Al Schmidt, B. J. Smith and G. A. Williamson a board of freeholders to prepare and propose a charter for said city; Certificate.

BE IT KNOWN, that pursuant to the provisions of the constitution and within a period of ninety days after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Modesto.

IN WITNESS WHEREOF, We have hereunto set our hands this 8th day of July, 1910.

S. P. ELIAS,
President of the Board of Freeholders.
J. W. BELL.
J. R. BROUGHTON.
L. L. DENNETT.
THOS. DOWNEY.
Z. E. DRAKE.
L. E. DE YOE.
C. W. EVANS.
JOHN DUNN, Sr.
E. I. FISHER.
N. C. HANSCOM.
GEO. PERLEY.
AL. SCHMIDT.
B. J. SMITH.
G. A. WILLIAMSON.

Attest: L. E. DE YOE,

Secretary of the Board of Freeholders.

Filed this 8th day of July, 1910, at eleven A. M.

C. A. POST,
President of the Board of Trustees of the
City of Modesto, California.

STATE OF CALIFORNIA, }
COUNTY OF STANISLAUS, } SS.
CITY OF MODESTO. }

I, C. A. POST, president of the board of trustees of the city of Modesto, State of California, do hereby certify that the board of freeholders, whose names appear signed to the foregoing proposed charter, were on the 11th day of April, 1910, at a general municipal election held in said city of Modesto, on said day, duly elected by the qualified electors of said city to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector and freeholder in said city for more than five (5) years previous to said election; that said charter was on the 8th day of July, 1910, completed by said board of freeholders, and signed in duplicate by all of said freeholders and on said day one copy thereof returned to me as president

of the board of trustees of said city of Modesto and the other copy thereof returned to the recorder of the county of Stanislaus and filed in the office of said county recorder; that the foregoing is a true copy of said charter prepared and returned to me as president of said board of trustees within ninety (90) days after said election, to wit: on said 8th day of July, 1910, as required by section 8 of article XI of the constitution of this state; that said proposed charter was thereafter published in the "Modesto Morning Herald" which then was a daily newspaper of general circulation printed and published in said city, and that publication was made for more than twenty (20) days, and that the first publication of said proposed charter was made within twenty (20) days after the completion of said charter; that within thirty (30) days after the publication of said charter as aforesaid, as required in said section 8, to wit, on the 14th day of September, 1910, said charter was submitted to the qualified electors of said city at a special election duly called and held therein for the purpose of ratifying or rejecting said proposed charter; that by a majority of the votes of the qualified electors voting at said election said proposed charter was ratified as a whole; that the returns of said election were duly canvassed by the board of trustees of said city of Modesto on the 15th day of September, 1910, and the result thereof found and declared as above set forth; that at all the times herein mentioned the said city of Modesto was and now is a city containing a population of more than three thousand five hundred (3500) but less than ten thousand (10,000) inhabitants; and that in all matters and things pertaining to said proposed charter, all provisions of said section of the constitution and the laws of the State of California pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of said city of Modesto to be affixed this 17th day of December, 1910.

[SEAL.]

C. A. POST,
President of the Board of Trustees
of the City of Modesto.

Attest: W. O. THOMPSON,
City Clerk.

AND, WHEREAS, said proposed charter so ratified has been duly presented and submitted in the legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California; now, therefore, be it

Resolved by the assembly of the State of California, the senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), That said charter of the city of Modesto as presented to, adopted and ratified by the qualified electors of said city be, and the same is hereby approved as a whole as and for the charter of the said city of Modesto.

CHAPTER 14.

Senate Joint Resolution No. 3, relative to the cession by the United States to the State of California of certain public lands in the Big Basin in Santa Cruz and San Mateo counties, California, as additions to the California Redwood Park.

[Filed with Secretary of State February 9, 1911.]

WHEREAS, The State of California, at the cost of two hundred and fifty thousand (\$250,000) dollars, purchased what is now known as the California Redwood Park, containing 3,800 acres of land in what is known as the Big Basin, situate in the counties of Santa Cruz and San Mateo, State of California, upon which are growing trees of a species known as *Sequoia sempervirens*, for the purpose of preserving a body of such trees from destruction and perpetuating them in their primal state;

WHEREAS, The State of California has amply provided for the care and protection of such park and has placed the same under the control of the California Redwood Park commission;

WHEREAS, In the vicinity of such park and within the area known as Big Basin there are public lands of the United States which if annexed thereto, would greatly add to the value of said park and enhance the benefits to accrue therefrom to the people and also materially decrease the danger from fire within the territory contained within the said Big Basin;

WHEREAS, Said public lands have been withdrawn from entry and sale by the department of the interior, pending action by the State of California and the congress of the United States; therefore, be it

Resolved, by the senate and assembly jointly, That the legislature of the State of California memorializes the congress of the United States to cede such public lands so situated as aforesaid, in said Big Basin, to the State of California, for use as part of the existing California Redwood Park; be it further

Asking congress to cede lands in Big Basin to state.

Resolved, That the secretary of the interior be requested to continue to withhold from public entry or sale, such public lands until the consideration by the congress of the United States of this memorial; be it further

Resolved, That our senators and representatives in congress be requested to use all honorable means to secure the withholding from public entry or sale of said lands and the passage of a measure providing for the cession thereof to the State of California for the purpose aforesaid; be it further

Resolved, That the State of California will accept transfer from the government of the United States of all of the lands owned by the United States in township nine south, range three west, and in township nine south, range four west, Mount Diablo base and meridian, in the State of California, and will hold the same as a part of the California Redwood Park; and be it it further

Resolved, That a copy of these resolutions be forwarded to

the president of the United States; the secretary of the interior, the secretary of agriculture, the respective houses of congress, and to each of our senators in congress now in office and to those who will assume office on March 4, 1911.

CHAPTER 15.

Senate Joint Resolution No. 4, relating to certain recommended appropriations by congress for the improvement of navigation.

[Filed with Secretary of State February 9, 1911.]

WHEREAS, There has been recommended by a board of army engineers that an appropriation of five hundred and ten thousand dollars be made by the congress of the United States for the opening of Pinole shoals in San Pablo bay; and,

WHEREAS, There has been recommended by the corps of engineers, United States army, having jurisdiction over the navigable rivers of California, an appropriation of one hundred and nine thousand dollars for securing and maintaining a nine foot low water channel depth on the Sacramento river between Sacramento and Suisun bay; twelve thousand dollars for securing and maintaining a four foot low water channel depth on the Sacramento river between Sacramento and Chico landing; six thousand dollars for securing and maintaining a three foot low water channel depth on the Sacramento river between Chico landing and Red Bluff.

Improvements of Sacramento river requested.

Resolved by the senate and assembly of the State of California, jointly. That we consider the recommended improvements of the greatest importance to the State of California, and hereby petition the congress of the United States to act favorably upon the proposed appropriations; and be it further

Resolved, That upon the passage of this resolution; the secretary of the senate be directed to forward a copy thereof to our senators and representatives in congress asking them to present this resolution to the senate and house of representatives.

CHAPTER 16.

Senate Constitutional Amendment No. 8, a resolution to propose to the people of the State of California an amendment to section one of article two of the constitution in relation to the rights of suffrage.

[Filed with Secretary of State January 9, 1911.]

Constitutional amendment.

The legislature of the State of California, at its regular session commencing on the second day of January, nineteen hundred and eleven, two thirds of the members elected to each of the two houses of the said legislature voting in favor thereof, hereby proposes that section one of article two of the constitu-

tion of the State of California be amended so as to read as follows:

Section 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been resident of the state one year next preceding the election, and of the county in which he or she claims his or her vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided*, no native of China, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this state; *provided*, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age and upwards at the time this amendment shall take effect.

Rights of
suffrage.

CHAPTER 17.

Assembly Joint Resolution No. 9, relative to the Panama-International Exposition.

[Filed with Secretary of State February 9, 1911.]

WHEREAS, The house of representatives officially has recognized San Francisco as the fitting place for the holding of an international exposition to commemorate the opening of the Panama canal in 1915; and

WHEREAS, This result has been effected in large measure by the patriotic endeavors of many of the citizens of the state, who have unselfishly devoted themselves to the task; now, therefore, be it

Resolved by the senate and assembly jointly, That the thanks of the citizens of California expressed by their representatives in the state legislature be, and they are hereby, tendered to the members of the congress of the United States, in both houses, and to all who have so generously aided California in securing the official recognition for the Panama-Pacific International Exposition; and be it further

Thanking
congress
for locat-
ing expo-
sition.

Resolved, That this resolution be telegraphed to the speaker of the house of representatives and to the president of the senate of the congress of the United States.

CHAPTER 18.

Assembly Joint Resolution No. 8, relative to diverting the waters of the Truckee river from their natural course.

[Filed with Secretary of State February 15, 1911.]

WHEREAS, The government of the United States has in contemplation the execution of a contract with the Truckee General Electrical Company by which it is agreed to allow the said company to construct an artificial outlet to Lake Tahoe by driving a tunnel from the Nevada side of said lake to tap the said lake beneath the water level and divert its waters through the State of Nevada; and

WHEREAS, The said lake and the watershed of the same lies most largely in the State of California, and the present natural outlet of said lake is in the State of California, and the Truckee river, through which the overflow and flood waters of said lake flow for a distance of over thirty-five miles through the State of California, is the source of millions of dollars in wealth to this state; and

WHEREAS, The diversion of the waters of said lake from their present course would result in great damage to this state even under the present condition, with the discouraging prospect of much greater loss in the future by surrendering one of its greatest and most valuable water supplies, which carries with it by far the greatest possibilities and probabilities for beneficial use in domestic, irrigation and power purposes in this state; and

WHEREAS, The State of California claims to own the major portion of the waters of said lake and protest against the diversion of said waters, and will resist the diversion contemplated, as an invasion of the rights of the people of this state; therefore be it

Resolved by the assembly and senate jointly, That his excellency William H. Taft, president of the United States, be and he is hereby most earnestly and respectfully urged not to enter into the contract hereinbefore mentioned, nor to permit such a contract to be executed, nor to allow any change to be made in the outlet of said lake that would result in the diversion of the flood or overflow waters of said lake from their present course.

Urging
president
not to per-
mit new
outlet to
be made
to Lake
Tahoe.

CHAPTER 19.

Senate Joint Resolution No. 17, relative to request to our senators in congress to favor a joint resolution for the amendment of the constitution.

[Filed with Secretary of State February 15, 1911.]

WHEREAS, There is pending before the senate of the United States a joint resolution providing for the amendment of the constitution of the United States permitting the popular election of United States senators; and

WHEREAS, The people of the State of California have already

indicated a desire to elect United States senators directly, now therefore, be it

Resolved, by the senate and assembly of the State of California, jointly, That our senators in congress be requested to use all honorable means to secure the passage of said pending joint resolution and the senate of the United States to pass the same; and be it further

Favoring
amend-
ment
covering
election of
United
States
senators.

Resolved, That the secretary of the senate be, and he is hereby directed to transmit this resolution by telegraph to each of the said United States senators and to the president of the United States senate.

CHAPTER 20.

Senate Concurrent Resolution No. 5, approving charter of the city of Oakland, county of Alameda, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 8th day of December, 1910.

[Filed with Secretary of State February 15, 1911.]

WHEREAS, The city of Oakland, a municipal corporation of the county of Alameda, State of California, now is and was at all times herein mentioned a city containing a population of more than ten thousand (10,000) inhabitants; and

Charter of
Oakland.

WHEREAS, At a special election duly held in said city on the 6th day of July, 1910, under and in accordance with law and provision of section 8 of article XI of the constitution of the State of California, a board of fifteen freeholders duly qualified was elected by the qualified electors of said city at the special election duly called for that purpose, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety days after their said election, prepare and propose a charter for the government of said city of Oakland, which charter was signed in duplicate by a majority of the members of said board of freeholders on the fourth day of November, 1910, and thereupon duly returned and filed, one copy thereof with the mayor of the city of Oakland, and another copy thereof with the county recorder of said Alameda county in the office of said county recorder; and

WHEREAS, Said proposed charter was thereafter duly published in the Oakland Enquirer and the Oakland Tribune, each being a daily newspaper of general circulation printed and published in said city of Oakland, and said publication as aforesaid continued for a period of twenty days, the first publication thereof being made at within twenty days after the completion of said charter; and

WHEREAS, Said proposed charter was within thirty days after the completion of said publication submitted to the qualified electors of said city of Oakland at a special election previously

duly called and held therein on the 8th day of December, 1910; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said city of Oakland voting at said special election voted in favor of the ratification of said charter as proposed as a whole, ratifying the same; and a majority of such qualified electors voting at said special election voted against the ratification of the alternative proposition which was likewise submitted at said special election; and

WHEREAS, The council of the city of Oakland duly canvassed the returns of said special election and found and declared that the majority of the said qualified electors voting at said special election had voted in favor of ratifying said charter, and ratified the same, and that the majority of the said qualified electors had voted against the ratification of said proposed alternative proposition; and

WHEREAS, Said charter is now submitted to the legislature of the State of California for its approval and ratification as a whole without power to alter or amend, in accordance with section 8 of article XI of the constitution of the State of California; and

WHEREAS, Said charter as so ratified was and is in words and figures as follows, to wit:

CHARTER OF THE CITY OF OAKLAND PREPARED AND PROPOSED BY
THE BOARD OF FREEHOLDERS ELECTED JULY 6TH, 1910.

CHARTER OF THE CITY OF OAKLAND.

ARTICLE I.

NAME AND RIGHTS IN SUCCESSION OF THE CITY.

Name of
the city.

Name of the city.

SECTION 1. The municipal corporation now existing and known as the city of Oakland shall remain and continue a body politic and corporate in name and in fact by the name of the city of Oakland, and by such name shall have perpetual succession.

Rights and
liabilities
in succes-
sion.

Rights and liabilities in succession.

SEC. 2. The city of Oakland shall have, exercise and enjoy all the rights, immunities, powers, benefits, privileges and franchises now possessed, enjoyed, owned or held by it; and shall be subject to all the duties and obligations now pertaining to or incumbent on said city as a corporation, not inconsistent with the provisions of this charter.

ARTICLE II.

BOUNDARIES.

Bound-
aries.

SEC. 3. The boundaries of the city of Oakland shall be as now fixed and established. The area contained within said boundaries is as follows, to wit:

1st. All of Oakland township in the county of Alameda,

State of California, exclusive of the following portions thereof: Such portions of said township as lie within the corporate limits of the city of Alameda, the city of Berkeley, the town of Emeryville, the city of Piedmont, and the city of Albany; also exclusive of such portion of said township as lies northerly of the northern boundary line of the aforesaid city of Berkeley.

2d. All of Brooklyn township in the county of Alameda, State of California, exclusive of the following portions thereof: Such portions of said township as lie within the corporate limits of the city of Alameda, the city of San Leandro, and the city of Piedmont; also exclusive of such portion of said township as lies northeasterly of the northeastern boundary line of that portion of the Rancho of San Antonio as has been heretofore granted by the United States of America to Antonio Maria Peralta, by patent bearing date of June 25th, 1874, and recorded September 15th, 1874, in liber A of patents, page 648, records of Alameda county; also exclusive of such portion of said township as lies easterly and northeasterly of the eastern and northeastern boundary lines of that portion of said Rancho of San Antonio as has been heretofore granted by the United States of America to Ygnacio Peralta by patent bearing date of February 3d, 1858, and recorded April 5th, 1858, in liber A of patents, page 52, records of said Alameda county.

ARTICLE III.

ELECTIONS.

General, special and nominating elections.

SEC. 4. A municipal election shall be held on the third Tuesday in April, in the year 1911, and on the third Tuesday in April, in the year 1913, and on the third Tuesday in April in every second year thereafter, and shall be known as the nominating municipal election. A second election to fill the offices for which candidates have been chosen at the nominating municipal election shall be held on the third Tuesday after said nominating municipal election and shall be known as the general municipal election. All other municipal elections that may be held by authority of this charter or otherwise shall be known as special municipal elections.

General, special and nominating elections.

Nomination and election of city officers.

SEC. 5. (1) The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as follows and not otherwise.

Nomination and election of city officers.

Condition of candidacy.

(2) The candidate, not later than the first presentation to the city clerk of his petition of nomination, as in this article set forth, and not earlier than thirty (30) days before such presentation, shall file with the city clerk a declaration of his candidacy, in the following form:

Condition of candidacy.

DECLARATION OF CANDIDACY.

I,, residing at No. street, Oakland, Cal., being duly sworn, hereby declare myself a candidate for the office of, to be voted for at the municipal election to be held in the city of Oakland, on the day of, 19.....
(Signed)

STATE OF CALIFORNIA
COUNTY OF ALAMEDA }
CITY OF OAKLAND. } SS.

Subscribed and sworn to before me this day of, 19.....

.....
City clerk (or notary public.)

The name of a candidate shall be printed upon the ballot when a declaration of candidacy and a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions in this article set forth, such candidate not having withdrawn under the provisions of this article.

Form of nominating petition.

Form of nominating petition.

(3) The petition of nomination shall consist of not less than fifty (50) nor more than two hundred and fifty (250) individual certificates, which shall read substantially as follows:

PETITION OF NOMINATION.
(Individual Certificate.)

No.

I, the undersigned, certify that I do hereby join in a petition for the nomination of..... whose residence is at No. street, Oakland, for the office of....., to be voted for at the nominating municipal election to be held in the city of Oakland on the day of, 19....; that I believe said is fully qualified for said office and should be elected thereto; and I further certify that I am a qualified elector and am not at this time a signer of any other petition nominating any other candidate for the above named office; that my residence is at No. street, between street and street, Oakland, and that my occupation is.....

(Signed)

STATE OF CALIFORNIA,
COUNTY OF ALAMEDA, }
CITY OF OAKLAND } SS.

.....being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed)

Subscribed and sworn to before me this.....day of, 19.....

.....
Notary Public (or verification deputy.)

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to at No. street, Oakland, Cal.

Forms to be supplied by the city clerk.

(4) It shall be the duty of the city clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

Forms to be supplied by the city clerk.

Requirements of certificate.

(5) Each certificate must be a separate paper. All certificates must be of a uniform size as determined by the city clerk. Each certificate must contain the name of one signer thereto and no more. Each certificate must contain the name of one candidate and no more. Each signer must be a qualified elector, and must not at the time of signing a certificate have signed his name to any other certificate for any other candidate for the same office. In case an elector has signed two or more conflicting certificates, all except the one first presented shall be rejected. Each signer must verify his certificate and make oath that the same is true, before a notary public or a verification deputy, as provided for in this section. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient.

Requirements of certificate.

Eligibility of verification deputies.

(6) All verification deputies under this charter shall be qualified electors of the city of Oakland. They shall be appointed by the city clerk upon written application of not less than five (5) nor more than ten (10) qualified electors of the city of Oakland. The said application shall set forth that the signers desire the appointment of the person whose name and address is given therein to be a verification deputy for the purpose of taking the oaths of signers of certificates in the matter of Such verification deputies need not use a seal, and shall not have power to administer oaths for any purpose other than that for which they are appointed. Their appointment shall continue only for ninety (90) days from the date of said appointment. No verification deputy shall be paid, in whole or in part, directly or indirectly, out of the city treasury. All verification deputies must, before their appointment, make and file with the city clerk an oath as to their ages, places of residence, occupation and whether or not they are qualified electors of the city of Oakland, California.

Eligibility of verification deputies.

Date of presenting petition and form thereof.

(7) A petition of nomination, consisting of not less than fifty (50) nor more than two hundred and fifty (250) individual certificates for any one candidate, may be presented to the city clerk not earlier than fifty days nor later than forty days before the election. The clerk shall endorse thereon the day, hour and minute upon which the petition was presented to him.

Date of presenting petition and form thereof.

The certificates constituting such petition before being presented to the city clerk shall be fastened together in book form by placing the sheets in a pile arranged in alphabetical order according to surnames and fastening them together at one edge in a secure and suitable manner and the certificates shall then be numbered consecutively.

Examination of petitions by city clerk.

Examina-
tion of
petitions
by city
clerk.

(8) When a petition of nomination is presented for filing to the city clerk he shall forthwith examine the same and ascertain whether it conforms to the provisions of this charter. Within seven days after its presentation he must finally determine whether or not it so conforms and shall forthwith attach to said petition his certificate showing the result of said examination and forthwith send by registered mail a copy of said certificate to the person named as the person to whom the petition shall be returned in accordance with this section. If the petition be found not to conform to the provisions of this charter such certificate of the city clerk shall designate as to the petition and as to each individual nomination certificate found to be defective, the defect therein. If by the said certificate of the city clerk the petition is shown to be insufficient it may be amended by the presentation of an additional nominating petition containing additional nominating certificates not later than twenty-five days before the date of the nominating municipal election. The city clerk shall within five days after the presentation of such additional nominating petition make like examination and determination of the amended petition, and attach to it a like certificate and mail a copy as aforesaid, and if his certificate shall show the amended petition to be insufficient, or if no additional nominating petition shall have been presented, the petition shall be returned to the person named as the person to whom the petition is to be returned. If necessary, the council shall provide extra help to enable the city clerk to perform his duties under any election provision of this charter.

Withdrawal of signature.

With-
drawal of
signature.

(9) Any signer to a certificate forming part of a petition of nomination may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the presentation of the petition to the city clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Withdrawal of candidate for nomination.

With-
drawal of
candidate
for nomi-
nation.

(10) Any person who has filed his declaration of candidacy as in this article provided may, not later than thirty (30) days before the day of the nominating municipal election, cause his name to be withdrawn from nomination by filing with the city clerk an affidavit stating that he so withdraws, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nomina-

tions may be made by presenting petitions therefor not later than twenty-five (25) days prior to such election.

Filing of petitions.

(11) If either the original or the amended petition of nomination be found to conform to the provisions of this article, the city clerk shall file the same not later than twenty days before the date of the election. When a petition of nomination shall have been filed by the city clerk it shall not be withdrawn nor added to and no signature shall be revoked thereafter.

Filing of petitions.

Preservation of petitions.

(12) The city clerk shall preserve in his office for a period of one year all petitions of nomination and all certificates belonging thereto filed under this section.

Preservation of petitions.

Election proclamation.

(13) Immediately after such petitions are filed, the city clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall, not later than twenty days before the nominating municipal election, certify such list as being the list of candidates nominated as required by the charter of the city of Oakland, and the council shall cause said certified list of names and the offices to be filled, designated whether for a full term or unexpired term, to be published in the proclamation calling the election for three successive days commencing seven days immediately preceding the election, in the official newspaper. Said proclamation shall conform in all respects to the general state law governing the conduct of municipal elections, now or hereafter in force, except as above required.

Election proclamation.

Form of ballots.

(14) The city clerk shall cause the ballots to be printed and bound and numbered as provided for by the state law except as otherwise required in this charter. The ballots shall contain the list of names and the respective offices, as published in the proclamation and shall be in substantially the following form:

Form of ballots.

GENERAL (OR NOMINATING) (OR SPECIAL) MUNICIPAL ELECTION,
CITY OF OAKLAND.

(Inserting date thereof.)

Instructions to Voters: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election, and obtain another.

Requirements of ballot.

(15) All ballots shall be printed on precisely the same size, quality and tint of paper, with precisely the same kind of type and color of ink, so that without the number it would

Requirements of ballot.

be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the ballot for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this charter. The names of the candidates for each office shall be arranged in alphabetical order by surnames, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate. All ballots used at any election under this charter shall, as to indistinguishability, conform to the provisions of this subdivision.

Every nominee to be on ballot.

Every nominee to be on ballot.

(16) The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

Arrangement of offices on ballot.

Arrangement of offices on ballot.

(17) The offices to be filled shall be arranged in separate columns in the following order:

For mayor (if any) vote for one.

For auditor, who shall be ex officio assessor (if any) vote for one.

For commissioner No. 1 (if any) vote for one.

For commissioner No. 2 (if any) vote for one.

For commissioner No. 3 (if any) vote for one.

For commissioner No. 4 (if any) vote for one.

For school director No. 1 (if any) vote for one.

For school director No. 2 (if any) vote for one.

For school director No. 3 (if any) vote for one.

For school director No. 4 (if any) vote for one.

For school director No. 5 (if any) vote for one.

For school director No. 6 (if any) vote for one.

Space for voting cross.

Space for voting cross.

(18) A half-inch square shall be provided at the right of the name of each candidate wherein to mark the cross.

Blank spaces for additional candidates.

Blank spaces for additional candidates.

(19) A half-inch space shall be left below the printed names of candidates for each office to be voted for, wherein the voter may write the name of any person for whom he may wish to vote.

Sample ballots.

Sample ballots.

(20) The clerk shall cause to be printed sample ballots identical, except as to character of paper, with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least five whole days before said election.

General municipal election.

(21) The two candidates receiving the highest number of votes for any given office at the nominating municipal election shall be the candidates, and the only candidates for such office whose names shall be printed upon the ballots to be used at the general municipal election or special municipal election; *provided*, that if there be any person who, under the provisions of this subdivision, would have been entitled to become a candidate for any office except for the fact that some other person received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise be candidates for such office and their names shall be printed upon the ballots.

General
municipal
election.

At such general municipal or special municipal election the candidate for any office who receives the highest number of votes at such election shall be declared elected to such office. If at any general municipal or special municipal election the mayor, auditor, any commissioner or any school director be not elected by reason of a tie vote, then the council then in office shall by lot choose from the candidates receiving such tie vote the necessary number to fill such office or offices. All the provisions and conditions above set forth as to the conduct of nominating municipal elections, so far as they may be applicable, shall govern general and special municipal elections; and the same precincts and polling places shall, if possible, be used.

Informalities in election.

(22) No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter.

Informal-
ities in
election.*General election regulations.*

SEC. 6. (1) The provisions of the state law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections; *provided*, that the council shall meet as a canvassing board and duly canvass the election returns within four days after any municipal election.

General
election
regula-
tions.*Voting machines.*

(2) In case voting machines shall be used at any municipal election, the council shall have power, by ordinance, to modify the provisions of the charter so far as may be necessary to adapt them to the use of voting machines.

Voting
machines.

ARTICLE IV.

RECALL OF ELECTIVE OFFICERS.

Applies to all elective officers.

SEC. 7. (1) Every incumbent of an elective office, whether elected by popular vote or appointed thereto to fill a vacancy, shall be subject to removal from office by recall by the voters

Applies to
all elective
officers.

of the city. The procedure to effect such removal from office shall be as follows:

Petition for recall.

Petition for recall.

(2) A petition signed by qualified electors equal to fifteen (15) per centum of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election at which a mayor was elected (provided, that the number of signers to any petition for the recall shall not be less than three thousand), which said petition shall request the calling of an election to determine whether or not the said incumbent of an elective office sought to be removed from office shall be removed from office by recall, shall be addressed to the council and presented to the city clerk. The petition may request that such election shall be held at a special municipal election or at the next general municipal election.

Form of petition.

Form of petition.

(3) The petition for recall and removal from office shall be substantially as follows:

(Individual Certificate.)

PETITION TO THE COUNCIL.

REQUIRING A SPECIAL MUNICIPAL ELECTION

(If such be the case.)

(The above heading must be printed in type of a 24-point roman face, caps and lower case.)

For the Recall of (name of officer).
From the Office of (name of office).

REASONS FOR THE RE- REASONS AGAINST THE
CALL OF (name of officer) RECALL OF (name of offi-
FROM OFFICE. (Here, in- cer) FROM OFFICE. (Here
sert such reasons.) insert such reasons.)

I, the undersigned, certify that I hereby join in a petition to the council requiring that it forthwith submit, as provided in the charter of Oakland, to the vote of the electors of the city of Oakland, at a special (or the next general) municipal election, the question whether (name of officer) shall be recalled from the office of (name of office).

I further certify: that I have read the above reasons for and against the recall of said officer and believe that should be recalled; that I am a qualified elector of the city of Oakland, State of California; that I am not at this time a signer of any other like certificate; that I reside at No. street, between street and street, in said city, and that my occupation is.....

(Signed)

STATE OF CALIFORNIA, }
COUNTY OF ALAMEDA, } SS.
CITY OF OAKLAND. }

....., being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed)

Subscribed and sworn to before me this day of, 19....

(Signed)

Verification Deputy (or notary public).

The petition of which this certificate forms a part, shall, if found insufficient, be returned to at No. street, Oakland, California.

Filing and examination of petition.

(4) Each certificate must be on a separate sheet of paper and must contain the name of but one signer, who must make oath before a notary public or a verification deputy as to the truth and correctness of the statements made in such certificate.

Filing and examination of petition.

These certificates shall be fastened together, as provided herein for petitions of nomination, except that they shall be bound as near as may be in lots of two hundred and fifty (250) certificates. Immediately upon the receipt of such petition, the city clerk shall indorse thereon the time at which said petition was received by him. The city clerk shall thereupon immediately begin to examine said petition to ascertain whether or not it conforms to all the requirements of this charter. Within ten days after such presentation he must finally determine whether or not it so conforms and shall forthwith attach to said petition his certificate showing the result of his examination, and forthwith send by registered mail a copy of said certificate to the person named as the person to whom said petition shall be returned in accordance with this section. If the petition be found not to conform to the requirements of this charter such certificate of the city clerk shall designate as to the petition and as to each individual certificate included therein and found to be defective, the defect therein. If by said certificate of the city clerk the petition is shown to be insufficient, it may be amended by the presentation within fifteen days after the date of mailing of said certificate of the city clerk, of an additional recall petition containing additional recall certificates. The city clerk shall within seven days after the presentation of such additional recall petition make like examination and determination of the amended petition and attach to it a like certificate and mail a copy as aforesaid and, if his certificate shall show the amended petition to be insufficient, or if no additional recall petition shall have been presented, the petition shall be returned to the person named as the person to whom the petition is to be returned, without prejudice to the filing of a new petition to effect the same purpose. If and when the city clerk shall find the said petition or amended petition to conform to the require-

ments of this charter he shall indorse his finding upon the said petition or amended petition and immediately file and present the same to the council.

Withdrawal of signature.

With-
drawal of
signature.

(5) Any signer of a petition for the recall, the initiative, or the referendum, may file with the city clerk a verified revocation of his signature to such petition. And in case said revocation is filed with the city clerk before the said petition is filed by the city clerk, the city clerk shall cancel the said signer's signature on said petition.

Statement of intention to circulate petition.

Statement
of inten-
tion to
circulate
petition.

(6) Before any petition for the recall of an officer is circulated for signatures thereto, an affidavit in triplicate by or on behalf of the person or persons proposing such recall shall be filed with the city clerk, who shall at once deliver one of said affidavits to the office of said officer sought to be recalled, and send one by registered mail to the residence of such officer. Said affidavit shall contain: a statement of the intention to circulate a petition for the recall of said officer; a statement in not more than two hundred (200) words giving the grounds for such recall; and the address of the party making the affidavit. Said officer sought to be recalled shall have five (5) days after the filing of such affidavit in which to formulate and send by registered mail to the address of the party making such affidavit a statement in not more than two hundred (200) words justifying said officer's course in office. These reasons for and against the recall of said officer shall be printed as a part of each individual certificate forming a part of the petition.

No original petition for the recall of any officer upon the grounds set forth in such affidavit shall be presented to the city clerk later than forty (40) days after the filing of such affidavit.

Election under recall petition.

Election
under
recall
petition.

(7) If the officer sought to be removed by recall shall not resign from office within five days after the petition is filed by the city clerk, and if the petition requests a special election, the council shall cause a special election to be held within not less than fifty (50) nor more than sixty (60) days after the filing of said petition to determine whether the electors will recall said officer, or, if a general or special municipal election is to occur within sixty (60) days after the filing of said petition, the council may in its discretion postpone the holding of such election to such general municipal election.

Penalty for non-performance—Life of petition.

Penalty
for non-
perform-
ance, life
of petition.

(8) If the city clerk or any member of the council shall wilfully fail or neglect to do or perform any act or duty, in this article prescribed or directed to be by them or any of them done or performed, then and in that event the said city clerk or such member of the council shall not draw or receive any

salary during his further continuance in office and the auditor shall not audit or allow any claim therefor.

If any question of recall, for which a petition has been filed, in accordance with the provisions of this charter, be not submitted to the voters at or within the time elsewhere specified in this charter, such petition shall remain in force until such question has been submitted to the voters.

Grounds of recall. Officer's justification.

(9) Upon both the sample and official ballots there shall be printed in not more than two hundred (200) words a statement of the reasons for demanding the recall of the officer as set forth in the recall petition, and the statement, if any, in not more than two hundred (200) words, made by the officer justifying his course in office as set forth in the recall petition.

Grounds of recall; officer's justification.

Recall ballots.

(10) The ballots at every election at which a question of recall is to be determined shall contain, as to every officer whose recall is to be voted on thereat, the following question: Shall be removed from the office of by recall?

Recall ballots.

Following which question shall be the words "Yes" and "No" on separate lines with a blank space at the right of each in which the voter may indicate, by stamping or writing a cross (X), his vote for or against such recall.

On such ballots under each such question there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by vote of the people. The nomination of candidates for places on such ballots shall be made in the same manner as provided in this charter for nominating elections; excepting that the person whose recall and removal from office is petitioned for shall be deemed a candidate, and, unless within five days after the petition requiring the calling of the election is filed by the city clerk, he resigns his office or declines in a writing duly signed and verified by him and filed with the city clerk to permit his name to be printed upon the ballot, his name shall be printed upon the ballot as if he had been regularly nominated in accordance with the provisions of this charter. All requirements of this charter relating to ballots at nominating municipal elections shall, so far as applicable, and except as herein otherwise provided, apply to all ballots at every election at which a question of recall is to be determined, and the calling of elections under this article shall be done in accordance with the provisions of this charter providing for the calling of nominating municipal elections.

Recall—What constitutes.

(11) The person for whose recall and removal from office petition is made shall, if he do not resign, continue to perform the duties of his office until such time as the council.

Recall; what constitutes.

having canvassed the vote, shall declare that a majority of those voting on the question as to whether said person shall be recalled and removed from office have voted for his recall and removal from office. The council shall canvass the vote cast at and declare the result of the election within four (4) days from the day on which the election is held.

If a majority of those voting on the question as to whether a person shall be recalled and removed from office shall vote in favor of such person being recalled and removed from office, the person for whose recall and removal from office said majority has voted shall be deemed to be recalled and removed from office, upon the canvass of the returns of and the declaration of the result of said election by the council.

Election.

Election.

(12) If at the election for recall and removal from office a vacancy is created, any candidate receiving at said election a majority of the votes cast for that office shall be thereby elected.

If at the election for recall and removal, a vacancy is so created and not so filled by a candidate receiving a majority of votes, then the council shall order the holding of a second election to take place not more than two weeks, nor less than one week after the first election. At such second election the names of not more than two candidates for each unfilled vacancy (said names being the names of those candidates who received the most votes, less than a majority) shall be printed upon the ballot; except that, in case of a tie between the second and third highest, the provisions of subdivision twenty-one (21) of section five (5) shall apply.

In all other respects the calling of said second election, the requirements of the ballots and the conduct of the second election shall be the same as provided in this charter for general municipal elections, except as otherwise provided in this article.

The council shall canvass the returns and declare the result of said second election within four (4) days after the day on which the said election was held. The person receiving the highest number of votes for each office at the second election shall be declared elected to the said office, and shall assume the duties thereof immediately upon taking the oath of office and filing a bond in the sum required of his predecessor in said office.

In case of a tie vote at the second election for any office the council shall by lot choose from the candidates receiving such tie vote the one to fill such office.

Percentage for subsequent recall.

Percentage
for sub-
sequent
recall.

(13) If, at a recall election, a majority shall vote against recalling the officer sought to be removed, or if such officer shall be reelected to said office at any election held under such recall proceedings, it shall require thirty (30) per centum of the entire vote cast for all candidates for the office

of mayor at the last preceding general municipal election at which a mayor was elected to initiate a subsequent recall election against such officer during the term for which he was elected.

No recall petition for first six months.

(14) No recall petition shall be filed against any officer until he has actually held his office for at least six months.

No recall petition for first six months.

Incapacity of recalled official.

(15) No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such recall or resignation.

Incapacity of recalled official.

Further regulations.

(16) The council shall by ordinance make such further regulations as may be necessary to carry out the provisions of this section, and to adapt the provisions of section five (5) thereto.

Further regulations.

ARTICLE V.

ELECTIVE OFFICERS.

The elective officers.

SEC. 8. The elective officers of the city shall be a mayor, an auditor who shall be ex officio assessor, four commissioners and six school directors.

The elective officers.

The council shall consist of the mayor and the four commissioners above specified, each of whom, including the mayor, shall have the right to vote on all questions coming before the council.

The board of education shall consist of the six school directors and the commissioner designated to the department of revenue and finance, each of whom, including said commissioner, shall have the right to vote on all questions coming before the board of education.

Candidates for commissioner shall be designated on all official election ballots, as candidates for commissioner No. 1, or No. 2, or No. 3, or No. 4 (said numbers to be printed after the designating title "commissioner," there being as many numbers from 1 up as there are commissioners to be elected) in accordance with the declarations of candidacy which said candidates shall have filed with the city clerk. Such numerical designation on the ballot shall have no significance whatever after election and qualification of such commissioner; but shall fix the status of each such numerically designated office as a separate office for the purpose of nomination and election thereto.

Candidates for school director shall be designated on all official election ballots as candidates for school director No. 1, or No. 2, or No. 3, or No. 4, or No. 5, or No. 6 (said numbers to be printed after the designating title "school director," there being as many numbers from 1 up as there are school directors to be elected) in accordance with the declarations of candidacy

which said candidates shall have filed with the city clerk. Such numerical designation on the ballot shall have no significance whatever after election and qualification of such school director, but shall fix the status of each such numerically designated office as a separate office for the purpose of nomination and election thereto.

Elected at large.

Elected at large.

SEC. 9. The mayor, auditor, commissioners and school directors shall be elected at the general municipal election on a general ticket from the city at large.

Eligibility of mayor, auditor, and commissioners.

Eligibility of mayor, auditor and commissioners.

SEC. 10. To be eligible to the office of mayor, auditor or commissioner, the person must be a citizen of the United States and a qualified elector of the State of California, and shall have been a resident of the city of Oakland for four years next preceding his nomination.

Eligibility of school directors.

Eligibility of school directors.

SEC. 11. To be eligible to the office of school director a person must be a citizen of the United States, of the age of twenty-one years, and shall have been a resident of the city of Oakland for two years next preceding nomination.

Vacancy in office.

Vacancy in office.

SEC. 12. (1) If a vacancy shall occur in the office of mayor, auditor or commissioner, the council shall appoint a person to fill such vacancy. In each case the person so appointed shall hold office, subject to the provisions of the recall, until the next general municipal election, and his successor at such election shall be elected for the full or unexpired term, as the case may be; *provided*, that if a vacancy arises by recall without a successor being elected at the same election, any appointee filling such vacancy shall be succeeded by the person elected or chosen under the provisions of article IV of this charter, relating to the recall.

(2) If a vacancy shall occur in the office of school director, the board of education shall appoint a person to fill such vacancy. In each case a person so appointed shall hold office, subject to the provisions of the recall, until the next general municipal election, and the successor of such appointee elected at such election shall be elected for the full or unexpired term, as the case may be; *provided*, that if a vacancy arises by recall without a successor being elected at the same election, any appointee filling such vacancy shall be succeeded by the person elected or chosen under the provisions of article IV of this charter relating to the recall.

Vacancy—What constitutes.

Vacancy; what constitutes.

SEC. 13. A vacancy shall be deemed and considered to exist in any elective office when the person elected thereto fails to qualify within ten days after notice of election has been handed to him or sent by registered mail to his last known address, dies, resigns, is recalled and removed from office, ceases

to be a resident of the city. absents himself continuously therefrom for a period of more than thirty days without permission from the council. is convicted of a felony, judicially determined to be incompetent. forfeits his office under the provisions of this charter, or is removed from office by judicial proceeding.

Mayor's and auditor's term of office.

SEC. 14. The mayor and auditor shall each hold office for a term of four years from and after the first day of July after his election, and until his successor is elected or appointed and qualified, unless sooner removed from office by recall, or otherwise; *provided, however,* that the term of office of the auditor first elected under this charter shall be for two years only.

Mayor's
and
auditor's
term of
office.

Commissioner's term of office.

SEC. 15. The commissioners shall hold office for a term of four years from and after the first day of July after their election, and until their successors are elected or appointed and qualified, unless sooner removed from office by recall or otherwise; *provided,* that the commissioners first elected under this charter shall, at their first meeting, so classify themselves by lot that two shall serve for two years and two for four years. At each general municipal election after the first held under this charter, there shall be elected two commissioners.

Commis-
sioner's
term of
office.

School director's term of office.

SEC. 16. The school directors shall hold office for a term of four years from and after the first day of July after their election and until their successors are elected or appointed and qualified, unless sooner removed by recall or otherwise; *provided,* that the school directors first elected under this charter shall, at their first meeting, so classify themselves by lot that three shall serve for two years and three for four years. At each general municipal election after the first held under this charter there shall be elected three school directors.

School
director's
term of
office.

SEC. 16½. The term of each elective officer shall commence at eleven o'clock A. M. on the day fixed herein.

Official bonds.

SEC. 17. The mayor, auditor, treasurer, each commissioner and each school director shall, before entering upon the duties of his office, each give and execute to the city a bond as hereinafter provided. No surety on any official bond other than lawfully authorized surety companies shall be taken unless he shall be a payer of taxes on property not exempt from execution or subject to homestead claim, the assessed value of which over and above all incumbrances is equal in amount to his liabilities on all bonds on which he may be surety to the city, and each surety shall certify and make an affidavit (for which a form shall be printed upon said bond), signed by him, that he is assessed upon the last assessment roll of the city, in his own name, for property in an amount greater than his liabilities on all bonds on which he is surety to the city, and that the taxes on such property so assessed are not delinquent.

Official
bonds.

The bond of the mayor and of each commissioner shall each be in the penal sum of ten thousand (10,000) dollars, of the auditor in the penal sum of twenty-five thousand (25,000) dollars, of the treasurer in the penal sum of one hundred thousand (100,000) dollars, and of each school director in the penal sum of twenty-five hundred (2,500) dollars.

Every bond shall contain the condition that the principal will well, truly, honestly and faithfully perform the duties of his office. All bonds except those of the mayor and auditor must be approved by the mayor and auditor; the bond of the mayor must be approved by the auditor and a majority of the council, the bond of the auditor must be approved by the mayor and a majority of the council.

The council may, by ordinance, increase the amount of bond herein required from any officer; and may require a bond to be given by any officer not herein required to give bond, and may fix its amount.

When under any of the provisions of this charter, or of any ordinance, an official bond shall be required from any officer, the council, or board as the case may be, may by resolution require an additional bond, whenever, in the opinion of such council, or board, such bond or any surety thereto becomes insufficient.

The approval of the official bonds must be indorsed thereon and signed by the officer or officers approving the same. All bonds, when approved, shall be filed with the city clerk, except the bond of the city clerk, which must be filed with the auditor. Upon the approval of a bond it must be recorded in a book entitled "Record of Official Bonds." kept for that purpose by the city clerk in his office. All the provisions of the law of the state relating to official bonds of city officers, not inconsistent with this charter, shall be complied with.

Oath of office.

Oath of office.

SEC. 18. Every officer of the city before entering upon the duties of his office, shall take the following oath of office and file the same with the city clerk.

I solemnly swear or affirm that I will support the constitution of the United States, the constitution of the State of California, and the charter of the city of Oakland, and will truly and to the best of my ability perform the duties of the office of

(Signed)

Subscribed and sworn to before me this day of, 19....

.....
City Clerk (or notary public).

Salaries.

Salaries.

SEC. 19. The mayor shall receive an annual salary of forty-two hundred (4200) dollars, payable in equal monthly installments.

The auditor shall receive an annual salary of thirty-six hundred (3600) dollars, payable in equal monthly installments.

Each commissioner shall receive an annual salary of thirty-six hundred (3600) dollars, payable in equal monthly installments.

Each school director other than the commissioner of revenue and finance shall receive ten dollars for each regular meeting of the board of education which he shall attend; *provided*, that he shall not receive more than forty (40) dollars in any one month.

Administering oaths. Subpoenas.

SEC. 20. Every elective officer, every chief official and every member of any board provided for in this charter shall, in all matters of or pertaining to the city or its business, have the power to administer oaths and affirmations, and every such officer and board shall have the power to issue subpoenas, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before the council or before any such officer or board. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpoena, or shall refuse to testify before the council or before any such officer or board or to answer any question which any officer, or a majority of such board shall decide to be proper and pertinent, he shall be deemed in contempt, and the council or any such officer, or any such board shall have power to take the proceedings in that behalf provided by the general laws of the state. The chief of police must, on request of the council or of any such officer, or of any member of such board, detail a police officer or police officers to serve such subpoena.

Adminis-
tering
oaths; sub-
poenas.

ARTICLE VI.

THE MAYOR.

The chief executive.

SEC. 21. The mayor shall be the chief executive officer of the city and shall see that all the ordinances, resolutions and laws thereof are duly enforced. He shall be charged with the general oversight of the several departments of the municipal government. He shall see that all contracts made with the city are faithfully performed. The mayor shall, with the aid of the commissioner of public health and safety, take all proper measures for the preservation of public order and the suppression of riots, insurrections or tumults, for which latter purpose he is authorized and empowered to use and command the police force of the city.

The chief
executive.

Mayor pro tempore.

SEC. 22. During the temporary absence or disability of the mayor, the vice-president of the council shall act as mayor *pro tempore*. In case of the temporary absence or disability of both mayor and vice-president, the council shall elect one of its members to be mayor *pro tempore*. In case of vacancy

Mayor pro
tempore.

in the office of mayor, the vice-president of the council shall act as mayor until such vacancy can be filled as provided in this charter.

Mayor's reports.

Mayor's reports.

SEC. 23. The mayor shall annually and from time to time give the council information relative to the affairs of the city and recommend to its consideration such matters as he may deem expedient.

Mayor to have city's books examined.

Mayor to have city's books examined.

SEC. 24. The mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a certified public accountant, who shall examine at least twice each year, the books, records and reports of the auditor, and of all officers and employees who receive or disburse city moneys, and the books, records and reports of such other officers and departments as the mayor may direct, and make triplicate reports thereof, and present one each to the mayor and auditor, and file one with the city clerk. Such accountant may recommend ways and means to improve the methods of keeping the books, records and accounts of the city. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employees of the city, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested; and failure to do so shall be deemed and held to be a forfeiture of his office. The council shall provide for the payment of the services of such accountant.

Supervision of public utility companies.

Supervision of public utility companies.

SEC. 25. The mayor shall be charged with the general supervision of all persons, firms, companies and corporations owning, controlling or operating public utilities in so far as they, or any of them, are subject to municipal control; he shall keep himself fully informed as to their compliance in all respects with the law and he shall see that the provisions of all franchises, permits and privileges granted by the city are faithfully observed.

The mayor shall, and the council may, cause to be instituted such actions or proceedings as may be necessary to prosecute persons, firms, companies and corporations owning or controlling or operating public utilities, for violations of law, and, as may be necessary, to revoke, cancel or annul all franchises, permits and privileges that may have been granted by the city to any person, firm, company or corporation, which may have become forfeitable in whole or in part or which for any reason are illegal or void or voidable. The city attorney, on the demand of the mayor or of the council, must institute and prosecute the necessary actions to enforce the provisions of this section.

Powers and duties prescribed by ordinance.

SEC. 26. The mayor shall exercise such other powers and perform such other duties as may be prescribed by law or ordinance.

Powers and duties prescribed by ordinance.

ARTICLE VII.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

The five municipal departments.

SEC. 27. The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be divided into five general departments, as follows:

The five municipal departments.

(1) Department of public affairs, which shall be under the supervision of the mayor.

(2) Department of revenue and finance, which shall be under the supervision of the commissioner of revenue and finance.

(3) Department of public health and safety, which shall be under the supervision of the commissioner of public health and safety.

(4) Department of public works, which shall be under the supervision of the commissioner of public works.

(5) Department of streets, which shall be under the supervision of the commissioner of streets.

Council to assign powers and duties.

SEC. 28. (1) The council at its first regular meeting after every general municipal election, or within ten days thereafter shall, by majority vote, designate and assign one of its members, not the mayor, to be commissioner of revenue and finance; one to be commissioner of public health and safety; one to be commissioner of public works; and one to be commissioner of streets; *provided, however*, if the council be unable to agree within said ten (10) days upon such designation, the mayor shall have the authority to make such designation. It is expressly provided that the number by which a commissioner was designated upon the official ballot shall bear no relation to and shall in no manner be considered in the determination of the particular commissionership or department to which such commissioner is designated and assigned.

Council to assign powers and duties.

(2) The council may change such designations and assignments, except that of the department of public affairs, by ordinance, whenever it shall determine that the public service requires such change.

(3) The council shall prescribe by ordinance the powers and duties of all officers and employees when the same are not prescribed by this charter, and may prescribe for departments, officers, boards and employees powers and duties in addition to those prescribed by this charter, not inconsistent therewith (except that as to the civil service board such may be done only at the request of said board); may assign or reassign particular officers and employees to duty in more than one department of the city government; may require an officer

or employee to perform duties in two or more departments of the city government; and may make rules and regulations, not in conflict with law or this charter, for the efficient and economical conduct of the business of the city.

Except as in this charter otherwise provided, these several departments shall be composed, officered and organized and the persons employed therein shall be chosen as the council may by ordinance provide, and the council must, at all times, keep in full force and effect ordinances making provisions for all such matters.

Department of public affairs.

Depart-
ment of
public
affairs.

SEC. 29. (1) The department of public affairs shall have supervision of the relations of the city with the government of the United States, the states of the union, the county and other municipalities, and shall have supervision over all boards appointed by the mayor.

Department of revenue and finance.

Depart-
ment of
revenue
and
finance.

(2) The department of revenue and finance shall have supervision of all financial matters of the city, except as otherwise provided in this charter; and shall include the office of the treasurer.

Department of public health and safety.

Depart-
ment of
public
health and
safety.

(3) The department of public health and safety shall have supervision over and shall include the police department, the fire department, the health department, the electrical department, the municipal employment office, the office of license inspector and the office of building inspector.

Department of public works.

Depart-
ment of
public
works.

(4) The department of public works shall have supervision of all buildings belonging to or used by the city, except as otherwise provided in this charter, of all wharves, docks, slips, quays, and water front property, belonging to or under the control of the city, and of all public utilities of every kind and nature owned or operated by the city, and not in this charter assigned to another department. Such supervision shall include supervision of construction, maintenance, repair and operation.

Department of streets.

Depart-
ment of
streets.

(5) The department of streets shall have supervision over all the streets of the city, except where the same may constitute a part of any wharf, dock, slip or quay belonging to or under the control of the city; shall have the supervision of all work done on, in or under the streets, except as aforesaid, whether in the nature of construction, maintenance or repair, and of all pipes, conduits, tunnels and other installation placed under the streets, and of all tracks, poles and other installation placed on or above the streets. Any quarry or quarries, and any plant or plants for the production, making or assembling of asphalt, or of any substance or material for use

in the building, maintenance or repair of streets, operated by the city, shall be under the supervision of and be conducted by said department.

The chief officials—general.

SEC. 30. (1) The chief officials of the city shall be a city attorney; a treasurer, who shall be ex officio tax collector; a city clerk; a city engineer; a chief of police; a chief of the fire department; a street superintendent; a health officer and a superintendent of the electrical department. The council shall by ordinance prescribe the duties of all the chief officials; and no enumeration in this charter of the duties of any chief official shall be construed as limiting the power of the council to impose on him other duties not inconsistent with this charter. The council, at any time, by an affirmative vote of four members, may consolidate and place in charge of one such chief official the functions and duties of two or more such chief officials. The council shall have the power by the affirmative vote of three (3) members to remove from office any of the chief officials of the city. The appointment of every chief official, not appointed by the council, shall be subject to confirmation by the council.

The chief officials: general.

The city attorney.

(2) The city attorney shall be appointed by the council. He must be at the time of his appointment a citizen of the United States and qualified to practice in all the courts of this state, and he must have been so qualified, and have been a resident of the city of Oakland, for five years next preceding his appointment.

The city attorney.

He shall prosecute and defend for the city all actions at law or in equity and all special proceedings for or against the city, and shall represent the city in all other actions or proceedings in which the rights and interests of the city are concerned; and whenever any cause of action in law or in equity or by special proceeding exists in favor of the city he shall commence the same when directed to do so by the mayor or by the council. He shall give legal advice in writing to all officers and boards named in this charter when requested in writing so to do by them, or any of them, upon questions arising in their separate departments involving the rights or liabilities of the city. The form and legality of all contracts made by the city or by any officer or board thereof shall be submitted to and passed on by the city attorney before execution. He shall not settle or dismiss any litigation for or against the city under his control unless upon his written recommendation he is ordered so to do by the council.

He shall keep on file in his office all written opinions given by him to any officer, board or department, the briefs and transcripts used in causes where he appears, and bound books of record and registry of all actions or proceedings under his charge in which the city is interested.

He shall deliver all books and records, reports, documents,

papers, statutes, law books and property of every description in his possession belonging to his office, or to the city, to his successor in office, who shall give him duplicate receipts therefor, one of which he shall file with the auditor.

The treasurer and ex officio tax collector.

The treasurer and ex officio tax collector.

(3) The treasurer shall be assigned to the department of revenue and finance, and shall be appointed by the commissioner of revenue and finance.

The treasurer shall be ex officio tax collector. As tax collector he shall perform the duties in this charter and by the general laws of the state provided. As treasurer he shall receive and pay out all moneys belonging to the city, and all other moneys provided to be paid into the treasury by this charter, and shall keep an account of all receipts and expenditures under such rules and regulations as may be provided by ordinance or the provisions of this charter.

The treasurer shall not receive any moneys unless the payment of the same is accompanied by the certificate of the auditor, stating the amount of the same, to what fund applicable and by whom to be paid.

For all moneys received the treasurer shall give a duplicate receipt, one of which shall be countersigned by the auditor before delivery to the party making payment, and the other shall be delivered to and retained by the auditor.

The treasurer shall not pay out any money belonging to the city except upon claims presented, allowed and audited in the manner provided by this charter.

The treasurer shall make monthly statements to the council of the receipts and expenditures of the preceding month.

At no time shall the weekly balance in the vaults of the treasury exceed the sum of twenty thousand (20,000) dollars; *provided*, that applications are on file with the treasurer from a bank or banks in the city of Oakland for the deposit of city money in accordance with the laws of the state.

The treasurer shall perform such other duties as may be designated by ordinance or the provisions of this charter.

The city clerk.

The city clerk.

(4) The city clerk shall be appointed by the council. He shall be clerk of the council. He shall be custodian of all deeds and of all other evidences of the title to property of the city. He shall deliver all such deeds and other evidences of title to his successor in office who shall give him duplicate receipts therefor, one of which he shall file with the auditor.

The city engineer.

The city engineer.

(5) The city engineer shall be assigned to the department of public works and shall be appointed by the commissioner of public works; he shall be a civil engineer of not less than five years' practical experience as such; he shall possess the same power in the city in making surveys, plats and certificates as is given by law to city engineers or to county surveyors, and his official acts and all plats, surveys and certifi-

cates made by him shall have the same validity and be of the same force and effect as are given by law to those of city engineers or county surveyors. He shall be the custodian of and responsible for all maps, plans, profiles, field notes and other records and memoranda belonging to the city, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition with full indexes thereof and shall turn over the same to his successor, who shall give him duplicate receipts therefor, one of which he shall file with the auditor.

All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control during his term of office shall be the property of the city.

Police and fire chiefs and health officer.

(6) The chief of police, the chief of the fire department and the health officer shall be assigned to the department of public health and safety, and shall be appointed by the commissioner of public health and safety.

Police and fire chiefs and health officer.

Superintendent of streets.

(7) The superintendent of streets and the assistant superintendent of streets shall be assigned to the department of streets and shall be appointed by the commissioner of streets.

Superintendent of streets.

During the absence or disability of the superintendent of streets the assistant superintendent of streets shall act as superintendent of streets *pro tempore* and shall have his powers and duties.

The superintendent of streets shall be a civil engineer of at least five years' practical experience as such.

Superintendent of electrical department.

(8) The superintendent of the electrical department shall be assigned to the department of public health and safety and shall be appointed by the commissioner of public health and safety.

Superintendent of electrical department.

Subordinate officers and employees.

SEC. 31. The council shall have the power by ordinance to create, consolidate and discontinue offices, deputyships, assistantships and employments other than those prescribed in this charter. The council shall also have the power, except as otherwise provided in this charter, to prescribe the methods by which such offices, deputyships, assistantships and employments shall be filled, and the duties pertaining thereto, and also the method by which any such office, deputyship, assistantship or employment shall be declared vacant and the holder thereof removed therefrom.

Subordinate officers and employees.

Compensation of officers and employees.

SEC. 32. The compensation of all city officers, officials or employees not fixed in this charter shall be fixed by the council, except where this charter provides that such officials or em-

Compensation of officers and employees.

ployees shall receive no compensation or that their compensation shall be fixed by a person, board or body other than the council. No officer, official or employee of the city shall receive from any source any fee, perquisite, emolument, reward or compensation other than the compensation provided for in this charter or by the council. All fees collected by any officer, official or employee of the city shall be paid by him into the city treasury.

Pension for superannuated employees.

Pension for superannuated employees.

SEC. 33. Whenever any employee of the city of Oakland, except a member of the police or fire department, shall have been continuously employed in the service of the city for a period of twenty-five years and shall have attained the age of sixty-five years the council shall have the power upon the unanimous recommendation of the civil service board to retire said person and shall have the power to order to be paid to said person so retired a pension during the remainder of his life. Said pension shall not exceed a sum equal to one half of the salary paid to said employee at the time of his retirement.

Reports of departments.

Reports of departments.

SEC. 34. The mayor and commissioners comprising the council, the auditor, the treasurer, the chief of police, the chief of the fire department, the board of library directors, the board of park directors, the board of play ground directors, the health officer and all other officers, officials and boards shall each of them render annually, or oftener if required by the council, a full and complete written report of the business transacted by each of them and their subordinates subsequent to the rendering of their last previous report, together with comments on and recommendations for the betterment of the work of their offices. Such reports shall be filed with the city clerk. The council shall have the power to order such of said reports printed in pamphlet form as it may deem advisable to be so printed.

Commissioners to hold no other office.

Commissioners to hold no other office.

SEC. 35. No commissioner shall hold any other municipal office or any other office or employment, the compensation for which is paid out of any city moneys; or be appointed or elected to any office created by the council or the compensation of which is increased by the council while he is a member thereof, until at least one year shall have expired after the expiration of the term for which he was elected.

Officers not to be interested in contracts or franchises.

Officers not to be interested in contracts or franchises.

SEC. 36. No officer or employee shall as agent, attorney or otherwise, be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by assessment levied by municipal authority; nor in the purchase or lease of any real estate or other property belonging to the city or which shall be sold for taxes or assess-

ments or by virtue of legal process at the suit of the city. No officer or employee, except call men or extra men employed in the fire department of the city shall be in the employ of any public service corporation in the city.

Any violation of the provisions of this section shall be cause for removal from office.

The council shall enforce the provisions of this section by appropriate legislation.

Payment of debts.

SEC. 36½. Failure of any employee to promptly pay any legal indebtedness for the necessaries of life contracted by him while in the service of the city shall be ground for his removal from such employment.

Payment of debts.

No officer to direct subordinate to do other than official service.

SEC. 37. No officer or employee of the city of Oakland shall detail or cause any officer, employee or subordinate officer of the city of Oakland, or any part thereof, to do or perform any service or work outside of his public service, work or employment, and any violation of this section shall constitute a misdemeanor, punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than six months.

No officer to direct subordinate to do other than official service.

City officers and employees not to hold other public offices of profit.

SEC. 38. No person holding any office, position or employment under the city government shall be eligible to or hold any other elective or appointive office under the government of the city of Oakland. And no person holding any office, position or employment under the city government carrying with it a salary or emoluments of more than fifty (50) dollars per month, paid out of any money of the city shall hold any such position under the city government while holding any office or position of profit under the government of this state, of any other state, of the United States or of any other nation, government or country. The council shall pass such ordinances or resolutions as may be necessary to carry out the provisions hereof.

City officers and employees not to hold other public offices of profit.

ARTICLE VIII.

THE COUNCIL.

The council, the governing body.

SEC. 39. The council shall be the governing body of the municipality. It shall exercise the corporate powers of the city, and, subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the constitution of the state.

The council, the governing body.

President and vice-president.

SEC. 40. The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its number to be vice-president.

President and vice-president.

*Meetings of the council.*Meetings
of the
council.

SEC. 41. At eleven o'clock A. M. on the first day of July following the canvass of the general municipal election, the council shall meet, at which time the newly elected commissioners shall assume the duties of their office. The council shall meet in regular session every day (Saturdays, Sundays and legal holidays excepted), at eleven o'clock A. M.

Special meetings of the council may be held at any time on the written request of any two commissioners filed with the city clerk; *provided*, that the said written request for said special meeting shall set forth the object of the special meeting. The said clerk shall give reasonable notice to each commissioner of the time of said special meeting and the object thereof, and at said special meeting no other business shall be transacted than that specified in the said written request.

Executive sessions of the council may be held at any time; *provided*, that no executive session shall be held with any other person present than an elected or appointed officer of the city.

*Office hours.*Office
hours.

SEC. 42. Each commissioner shall have an office at the city hall set apart and furnished by the city, and he shall be in his said office, where he can be interviewed by citizens or persons having business to transact with the city, between the hours of ten o'clock A. M. and eleven o'clock A. M., except when prevented by sickness or other good cause or except when absent by permission of the council, daily (Saturdays, Sundays and legal holidays excepted).

*Meetings to be public.*Meetings
to be
public.

SEC. 43. All sessions of the council, whether regular or special, at which any official action is taken shall be open to the public.

Quorum.

Quorum.

SEC. 44. A majority of the members of the council shall constitute a quorum for the transaction of business.

*Rules of proceedings.*Rules of
proceed-
ings.

SEC. 45. The council shall establish rules for its proceedings.

*Ordinances and resolutions.*Ordinances
and reso-
lutions.

SEC. 46. (1) The council shall act only by ordinance or resolution.

*Ayes and noes.*Ayes and
noes.

(2) The council shall pass ordinances and resolutions only by taking the ayes and noes, which shall be entered in its minute book. Upon the demand of any member the ayes and noes shall be taken and recorded on any motion. All votes of the council on appointments or declaring positions vacant shall be by ayes and noes, and recorded.

Majority vote of council.

(3) No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the council. Majority vote of council.

Subject of title.

(4) Every ordinance or resolution, except an ordinance making appropriations, shall be confined to one subject, which shall be clearly expressed in the title. and every ordinance making appropriations shall be confined to the subject of appropriations, and shall contain only one such appropriation. If any subject shall be embraced in an ordinance which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in its title. Subject of title.

Enacting clause of ordinances.

(5) The enacting clause of all ordinances passed by the council shall be substantially in these words: "Be it ordained by the council of the city of Oakland as follows: ". Enacting clause of ordinances.

Requirements of an ordinance.

(6) To constitute an ordinance a bill must before final action thereon, be passed to print and published with the ayes and noes for two days, and, in case of any amendment being made thereto before the final adoption of the ordinance, must, in like manner be republished as amended for not less than one day. Requirements of an ordinance.

No ordinance shall be finally passed by the council until it has been read in open council three times and printed as provided in the charter. Between the second and third readings at least one week shall elapse. All ordinances shall be printed as provided in this charter after having been read in the council the second time. Whenever and as often as any ordinance under consideration by the council shall be amended the said ordinance, as amended, shall be considered to have been read only once and shall be read a second time, passed to print and read a third time before being finally passed.

Ordinances required in certain cases.

(7) No action providing for any specific improvements; for the appropriation, acquisition, transfer, sale or lease of public property; for the levying of any tax or assessment; for establishing or changing fire limits, or for the imposing of any penalty, shall be taken, and no franchise shall be granted except by ordinance; *provided*, that such exceptions be observed as may be called for in cases where the council takes action in pursuance of a general law of the state. Ordinances required in certain cases.

All appropriations of money by the council shall be by ordinance; *provided*, that appropriations for sums less than five hundred (500) dollars may be made by resolution, on which a vote by ayes and noes shall be taken and recorded; *provided, further*, that four affirmative votes shall be required to pass such resolution; *provided, further*, that only one such resolution shall be passed appropriating money, directly or indi-

rectly, for any one purpose or object, or for any two or more purposes or objects directly or indirectly related to each other or which may be directly or indirectly parts of the same general or particular scheme or proposition.

Reconsideration.

Recon-
sideration.

(8) When any bill is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the council held not less than one week after the meeting at which such motion was made.

Signing and attesting.

Sign-
ing and at-
testing.

(9) The city clerk shall, with the mayor, sign and attest all ordinances and resolutions.

Revision and amendment.

Revision
and
amend-
ment.

(10) No ordinance shall be amended or changed except by ordinance. And the section or sections which it is proposed to alter shall be printed in full together with the section or sections which it is proposed to adopt.

Ordinances granting franchises.

Ordinances
granting
franchises.

(11) No bill for the grant of any franchise shall be put upon its final passage within thirty days after its introduction, and no franchise shall be renewed before two years prior to its expiration.

Record of city ordinances.

Record
of city or-
dinances.

(12) A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances," which book shall be indexed as to each ordinance. Such record copy, with such certificate, or the original ordinance, shall be *prima facie* evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

Protection of absent commissioner.

Protection
of absent
commissioner.

SEC. 47. No final action shall be taken in any matter concerning the special department of any absent commissioner unless such business has been made a special order of the day by action at a previous meeting of the council at which such commissioner was present, or such action is taken at a regular meeting of the council.

Publication of charter and ordinances.

Publi-
cation of
charter
and ordi-
nances.

SEC. 48. The council, during the first year after its organization under this charter and from time to time thereafter, shall cause all ordinances at such time in force to be classified under appropriate heads, and, together with or separately from the charter of the city and such provisions of the constitution and laws of the state as the council may deem expedient, to be

published in book form. The council shall, as soon as convenient, cause the ordinances of the city to be codified in two classes, civil and criminal.

ARTICLE IX.

POWERS OF THE CITY AND OF THE COUNCIL.

General powers of the city.

SEC. 49. Without denial or disparagement of other powers now held by or that may hereafter be given to the city under or by the constitution or the laws of the state, the city of Oakland shall have power:

General powers of the city.

Seal.

(1) To make, have and use a corporate seal and to alter the same at pleasure;

Seal.

To sue and be sued.

(2) To sue and be sued in all actions and proceedings whatever;

To sue and be sued.

To receive gifts.

(3) To receive bequests, gifts and donations of all kinds of property in fee simple or in trust for public, charitable or other purposes; and to do all things and acts necessary to carry out the purpose or purposes of such gifts, bequests and donations, with power to manage, sell, lease or otherwise handle or dispose of the same in accordance with the terms of the gift, bequest or donation;

To receive gifts.

To acquire property.

(4) To acquire by purchase, condemnation or otherwise, take, hold, lease, sell, grant, convey and incumber such real and personal or mixed property or interest therein, whether located within or without the limits of the city, as may be necessary or convenient for the purposes of the city;

To acquire property.

Public buildings, works and institutions.

(5) To acquire by purchase, condemnation or otherwise, and to construct, establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, schools, kindergartens, parks, play grounds, places of recreation, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, free municipal employment offices, charitable institutions, jails, houses of correction and farm schools, work houses, detention houses, morgues, cemeteries, crematories, garbage collection, garbage disposal and garbage reduction works, street cleaning and street sprinkling plants and apparatus, quarries, plants for the production, making or assembling of asphalt or of any other substance or material for use in the building, maintenance or repair of streets; plants, appliances and equipment for the construction, maintenance and repair of wharves, docks, slips and quays, and for the maintenance of proper depths of water on and along the

Public buildings, works and institutions.

water front of the city, including pile drivers, dredging machines, scows, tugs and suitable machinery; wharves, docks, waterways, canals and all other public buildings, places, works and institutions.

Belt railway.

Belt
railway.

(6) To construct or to acquire by purchase and to maintain and operate belt lines of railroad along the water front or elsewhere within the city, with the necessary spurs and connections for the purpose of connecting warehouses, manufactories or other business industries and enterprises with each other and with any other railroad or railroads which do now or may hereafter enter the city, and to connect such lines of railroad with each other and to connect such warehouses, manufactories or enterprises, and railroads with docks and ships and to connect docks and ships with each other.

Water front and wharves.

Water
front and
wharves.

(7) To improve, keep in repair and control the water front of the city; to fix the rates of wharfage, dockage and tolls and provide for the collection thereof; to license, regulate and control, or restrain the landing, anchorage and moorage of steamboats, sailing vessels, rafts, tug boats and all other water craft within the jurisdiction of the city.

To deepen, widen, dock, cover, wall, alter or change the channels of waterways and courses, and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, ferries, slips, public landing places, wharves, docks and levees, and including the acquiring and maintenance of machinery and other appliances for the expeditious and economical handling of merchandise; and to control and regulate the use thereof.

Water, light, heat and power.

Water,
light, heat
and power

(8) To provide for supplying the city, and its inhabitants with water, gas, electricity or either or any thereof, or with any other means of heat, illumination, power or refrigeration; and to acquire by purchase, condemnation, construction, lease or otherwise, and to establish, maintain, equip, own and operate plants and equipments for the production and management or distribution of gas, electricity, heat, refrigeration or power in any of their forms, by pipes, wire or other means.

Tunnels and conduits.

Tunnels
and con-
duits.

(9) To acquire by purchase, condemnation, construction, lease or otherwise, and to establish, maintain, equip and operate tunnels and conduits through or under any street, right of way or other public property and to lease or rent the use of such tunnels and conduits; *provided, however*, that the exclusive use of any tunnel or conduit shall never be leased or rented to any one person, firm or corporation.

Telephone, telegraph and transportation.

(10) To acquire by purchase, condemnation, construction, lease or otherwise and to establish, maintain, equip, own and operate telephone and telegraph systems, railways and ferries and transportation service of any kind, when not contrary to the general law.

Telephone,
telegraph
and trans-
portation.

Sale of products of public utilities.

(11) To sell, within or without the city, gas, water, electric current and any form of light, heat or power and all products of, or service by any public utility conducted or operated by the city.

Sale of
products
of public
utilities.

Lease of public utilities.

(12) To lease to persons, firms or corporations for the purpose of maintenance and operation or use, any public utility owned or controlled by the city; *provided*, that such leases shall be made only by ordinance to the highest bidder and for a period not to exceed ten years.

Lease of
public
utilities.

Joint ownership of water supply.

(13) To join with one or more cities incorporated under the constitution and laws of the state in order to acquire and develop jointly a source or sources of water supply for municipal and domestic purposes and to construct the works necessary for their joint and several purposes and needs, and to unite with such cities in bond issues therefor, as may be provided for by the laws of this state.

Joint
ownership
of water
supply.

Borrowing money, bonds, general.

(14) To borrow money for any of the purposes for which the city is authorized to provide and for carrying out any of the powers which the city is authorized to enjoy and exercise and to issue bonds therefor: *provided*, that in the procedure for the creation of such bonded indebtedness and for the issuance of such bonds the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed.

Borrowing
money,
bonds,
general.

Borrowing money, bonds, special.

(15) To borrow money for any or all of the following specified purposes:

To improve and keep in repair the water front of the city; to deepen, widen, dock, cover, wall, alter or change the channels of water ways and courses and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, ferries, slips, public landing places, wharves, docks and levees, and including the acquiring and maintenance of machinery and other appliances for the expeditious and economical handling of merchandise; to acquire by purchase, condemnation or otherwise and to construct, establish and maintain plants, appliances and equipment for the construction, maintenance and repair of wharves, docks, slips and quays, and for the maintenance of proper depths of water on and along the water front, including pile drivers, dredging machines, scows, docks

Borrowing
money,
bonds,
special.

and suitable machinery; to construct or acquire by purchase and to maintain and operate belt lines of railroads as provided for in subdivision six (6) hereof; and to issue, as security for the money so borrowed, bonds of the city, and to provide for the payment of the principal and interest thereof out of the revenues from any or all of the properties in this subdivision mentioned; *provided*, that in the procedure for the creation of such bonded indebtedness and for the issuance of such bonds the general laws of the State of California in force at the time such proceedings are taken, shall be observed and followed, so far as applicable.

Direct legislation by people.

Direct leg-
islation by
people.

SEC. 50. The electors of the city shall have power through the initiative and otherwise, as provided by this charter, to enact appropriate legislation to carry out and enforce any of the above general powers of the city or any of the specified powers of the council.

Powers of the council.

Powers
of the
council.

SEC. 51. Except as herein otherwise expressly provided, the council shall exercise all the general powers of the city herein set forth and all powers now held by or that may hereafter be given to the city under the constitution or the laws of the state; but only in the manner and under the conditions of this charter, and subject to all the provisions thereof.

In addition to all such powers, the council, subject to the provisions and restrictions of this charter, shall have power:

Local laws.

Local
laws.

(1) To make and enforce local, police, sanitary and other laws and regulations.

Violation of charter and ordinances.

Violation
of charter
and ordi-
nances.

(2) To prescribe fines, forfeitures and penalties for the violation of any provision of this charter or of any ordinance; but no penalty shall exceed five hundred (500) dollars or six months' imprisonment, or both.

Nuisances.

Nuisances.

(3) To declare what shall constitute a nuisance and to provide for the summary abatement of the same at the expense of the person or persons creating, causing, committing or maintaining such nuisances or otherwise.

Rewards.

Rewards.

(4) To offer rewards not exceeding two hundred and fifty (250) dollars in any one instance for the apprehension and conviction of any person who commits a felony in the city, and to authorize the payment thereof.

Police and fire department.

Police and
fire depart-
ment.

(5) To organize, provide, maintain and operate police and fire departments, erect necessary buildings and acquire all implements and apparatus necessary therefor, subject to the provisions of this charter.

Police and fire alarm systems.

(6) To establish, operate and maintain a fire alarm and police telegraph or telephone system and maintain and control the same. Police and fire alarm systems.

Explosives.

(7) To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, gun-cotton, nitroglycerine, fireworks and other explosive materials and substances. Explosives.

Inflammable materials.

(8) To regulate the storage of hay, straw, gasoline, benzine, oil and other inflammable and combustible materials. Inflammable materials.

Engines and boilers.

(9) To regulate the use of steam engines, gas engines, steam boilers, electric motors and all other means of generating heat or power, and to prohibit their use in such localities as in the judgment of the council would endanger public health, safety or comfort. Engines and boilers.

Fire limits.

(10) To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits. Fire limits.

Building regulations.

(11) To regulate the construction of and the materials used in all buildings, chimneys, stacks, scaffolding, staging, and false work and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water, steam, oil or gas, and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations. Building regulations.

Fire escapes.

(12) To require the owners and lessees of buildings or other structures to place on them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires. Fire escapes.

Protection against fires.

(13) To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building Protection against fires.

in the city; to regulate the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible or explosive material in unsafe places, and to make other provisions to guard against fires.

Provisions for safety in theaters, halls, etc.

Provisions
for safety
in thea-
ters, halls,
etc.

(14) To regulate the size and construction of the entrances to and exits from all theaters, lecture rooms, halls, schools, churches, and other places for public gatherings of every kind and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles or open places therein, and to regulate the size and position of aisles, open places, stairways and exits in such theaters, lecture rooms, halls, schools, churches and other places for public gatherings of any kind.

Provision for safety in streets.

Provision
for safety
in streets.

(15) To regulate the speed of railroad trains, engines and cars, street, interurban and other railroad cars in or passing through the city, and to require persons, firms or corporations operating street, interurban or other railroads in the city to station flagmen, place gates or other safety devices and construct and use bridges, viaducts, tunnels or subways at street crossings and at railroad crossings as the council may deem proper. To require street cars and local trains to be provided with fenders or other appliances for the better protection of the public. To prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the city. To regulate the speed with and the manner in which persons may ride or drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the city.

Improper use of streets.

Improper
use of
streets.

(16) To regulate or prohibit the exhibition, posting, or carrying of banners, placards, cards, posters, pictures, signs or advertisements in or on the street, or on or upon buildings, fences, billboards or other structures, or on or upon any pole in any sidewalk, alley, street, lane, court, park or other public place; to regulate or prohibit the suspension of banners, flags, signs, advertisements, posters, pictures or cards across or over any sidewalk, alley, street, lane, court, park, or other public place, or such suspension from fences, poles, houses, or other structures; to regulate or prohibit traffic, business, peddling or selling of goods, wares, merchandise, or other things in or upon any sidewalk, street, alley, lane, court, park or other public place; to regulate or prohibit the flying of kites in or from any sidewalk, alley, street, lane, court, park or other public place; to prohibit and prevent encroachments upon or obstruction in or to any sidewalk, street, alley, lane, court, park or other public place, and to provide for the removal of such encroachment or obstruction.

To regulate all public meetings and gatherings, parades and processions in the streets or parks, and to determine

what public meetings, gatherings, parades or processions upon the streets or parks shall be unlawful and to declare the same nuisances.

Shade trees.

(17) To provide for the planting, maintenance or care of shade and ornamental trees in streets and other public places, and for the removal of unsightly and dead trees therefrom; and to make the cost thereof a lien and charge upon the abutting property, and to make provision for the enforcement of such lien.

Shade trees.

Clearing of Sidewalks.

(18) To require the owners of real property in the city to remove grass, weeds, rubbish or obstructions from the public sidewalks in front of their property, and, upon their default, to cause such work to be done and the cost thereof to be made a lien and charge upon such property, and to make provision for the enforcement of such lien.

Clearing of sidewalks.

Sewer and other connections.

(19) To require the owners of real property fronting upon any street, lane, alley or other public place, in which there are sewers, water or gas mains or other mains or conduits, to connect therewith their several premises (allowing not more than fifty feet of frontage to any premises), before such street, lane, alley or other public place, or the portion thereof upon which such property fronts, is paved or otherwise improved, and upon their default, to cause such connections to be made and to make the cost thereof a lien and charge upon the property so connected, and to make provision for the enforcement of such lien.

Sewer and other connections.

General regulations of streets.

(20) Except as otherwise provided in this charter, or in the constitution of the State of California, to regulate and control, for any and every purpose, the use of the streets, lanes, alleys, courts and sidewalks, and other public places of the city.

General regulations of streets.

Billboards and signs.

(21) To regulate, license or prohibit the construction and use of billboards, signs and fences.

Billboards and signs.

Animals.

(22) To regulate and prevent the running at large of any animals, to provide for the destruction of vicious dogs, to require the payment of license fees by the owners or persons having possession of dogs, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large.

Animals.

Cruelty to animals.

(23) To prohibit and punish cruelty to animals, and to require the places where they are kept to be maintained in a clean and healthful condition.

Cruelty to animals.

Preservation of health.

Preservation of health.

(24) To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease: to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease, or coming from places where infectious or contagious diseases are epidemic or endemic.

Dangerous and offensive occupations, disagreeable noises.

Dangerous and offensive occupations; disagreeable noises.

(25) To regulate or prohibit the operation of all manufactories, occupations, businesses or trades which may be of such a nature as to affect the public health, safety or comfort or good order of the city or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them; to pass ordinances for the regulation and suppression of disagreeable, offensive or injurious noises or odors.

Inspection of food products.

Inspection of food products.

(26) To provide for and regulate the inspection of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products, manufactured, produced or offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

Dairies.

Dairies.

(27) To provide for and regulate the inspection of all dairies that offer for sale or sell any of their products in the city.

Lodging, tenement and apartment houses.

Lodging, tenement and apartment houses.

(28) To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition.

Sewer connections.

Sewer connections.

(29) To regulate or prohibit the construction, repair or use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the draining, cleaning, or emptying of the same, and to designate the time and manner in which the work of draining, cleaning or emptying of the same shall be done.

Garbage.

Garbage.

(30) To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

Licensing businesses.

(31) To license for purposes of regulation or revenue all and every kind of business not prohibited by law; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise; *provided, however,* that no such license shall be granted for the sale or giving away of spirituous, malt, vinous or alcoholic liquors in a saloon or public bar located within three hundred (300) feet of any church building or synagogue in use as a place of public worship, public school or public library; but such prohibition as to location shall not apply to the renewal of any such license which was in force September 1, 1910, and which continues in force until this charter goes into effect.

Licensing
businesses.*Regulation of public vehicles.*

(32) To establish stands for hacks, public carriages, automobiles, express wagons, and other public vehicles for hire, and regulate the charges of such hacks, public carriages, automobiles, express wagons and other public vehicles, and to require schedules of such charges to be conspicuously posted in or upon such public vehicles, and to provide penalties for collecting of charges in excess of such schedules.

Regulation
of public
vehicles.*Weights and measures.*

(33) To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the keeping and use by dealers of proper and correct weights and measures duly tested and scaled.

Weights
and
measures.*Public shows. Gambling.*

(34) To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements: to prevent and prohibit all descriptions of gambling or fraudulent devices and practices, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance, and the selling of pools on races, and to authorize the confiscation and destruction of all instruments used for the purpose of gambling.

Public
shows,
gambling.*Public order and decency.*

(35) To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights, vagrancy, mendicancy, prostitution, and all offensive, immoral, indecent and disorderly conduct and practices in the city.

Public
order and
decency.*Taxation.*

(36) To levy and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this charter provided.

Taxation.

Erroneously collected taxes.

Erroneously collected taxes.

(37) To order the repaying by the treasurer of any taxes, percentages or costs erroneously or illegally collected.

Fees.

Fees.

(38) To fix the fees and charges for all official services not otherwise provided for in this charter.

Mayor's urgency fund.

Mayor's urgency fund.

(39) To provide an urgent necessity fund not exceeding five hundred dollars a year, to be expended by or under the direction of the mayor.

Public entertainments.

Public entertainments.

(40) To appropriate and spend money from the funds of the city for any or all of the following purposes:

(a) Reception and entertainment of public guests;

(b) Assistance of public celebrations held by the city at large;

(c) To aid in or carry on the work of inducing immigration to the city;

(d) To exhibit manufactured and other products of the city;

(e) Generally for the purpose of advertising the city;

Provided, however, that the aggregate expenditures for all of said purposes shall not exceed in any fiscal year the sum of two and one half (2½) cents on each one hundred (100) dollars valuation of the assessable property of the city of Oakland.

Lease of lands owned by the city.

Lease of lands owned by the city.

(41) To provide for the lease of any lands now or hereafter owned by the city, but all leases shall be made at public auction to the highest responsible bidder at the highest rent, after publication of notice thereof for five days, stating explicitly the time and conditions of the proposed lease; *provided,* that no such lease shall be for a period of more than twenty-five years; *and provided,* that the council may in its discretion reject any and all bids.

Purchase of property under execution.

Purchase of property under execution.

(42) To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

Sale of useless personal property.

Sale of useless personal property.

(43) To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

Trusts.

Trusts.

(44) To provide for the execution of all trusts confided to the city.

Street grades.

Street grades.

(45) To establish or change the grade of any street or public place.

Street work.

(46) To order the whole or any part of any street, avenue, lane, alley, court or public place within the city of Oakland to be graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, sewerred or re sewerred, and to order sidewalks, manholes, culverts, cesspools, gutters, tunnels, curbing and crosswalks to be constructed therein or thereon, and to order breakwaters, levees or walls of rock or other material to protect the same and also any other work or improvement therein or thereon; to provide for the care of shade trees planted therein or thereon, and to cause shade trees to be planted, set out and cultivated therein or thereon and also to order drainage or sanitary sewers or storm water sewers to be constructed on or through private property.

Street work.

Whenever, in the judgment of the council, the cost and expense of any of the foregoing improvements should be paid by special assessments on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto.

Street opening.

(47) To order the opening, extending, widening, straightening or closing of any street, lane, alley, court, or public place within the city or over tide lands or lands within the city covered by the waters of the estuary of San Antonio or of any bay, and to condemn and acquire any and all property necessary or convenient for that purpose.

Street opening.

Whenever, in the judgment of the council the cost and expense of any of the foregoing improvements should be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto, except that no commissioner, secretary or attorney shall be appointed, and that all the duties imposed on commissioners, secretaries and attorneys under the general law shall be performed under the direction of the commissioner of streets and the city attorney of the city, neither of whom shall receive compensation therefor; *provided*, that nothing contained in this subdivision shall be construed as affecting any pending proceeding.

To make provision for the deposit with the treasurer, by any person, firm or corporation desiring to open any sidewalk, street, alley, lane, court, park or other public place, for the purpose of laying or removing any pipe, wire, conduit, sewer or other structure therein, of moneys sufficient to cover the cost of refilling and covering such opening and restoring the sidewalk, street, lane, alley, court, park or other public place to the condition in which it was before such opening was made, and to provide for the doing of such work at the ex-

pense of the person, firm or corporation making such opening, such expense to be paid out of such deposit.

Light and water.

Light and
water.

(48) To provide for the lighting of the streets, highways, public places, and public buildings and for supplying the city with water for municipal and other purposes.

Boulevards.

Boule-
vards.

(49) To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad, interurban, suburban or street railway and to regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for any railroad, interurban, suburban or street railway or street railway of any kind shall be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by vote of the electors, as provided in this charter.

Closed or abandoned streets.

Closed or
abandoned
streets.

(50) Whenever any street or portion of a street shall be abandoned or closed by ordinance, to convey by deed such street or portion of street so abandoned or closed, to the owners of the lands adjacent thereto in such wise as the council shall deem that equity requires. But the council shall have no power to convey by deed or otherwise without adequate compensation any street or portion of a street which shall have been acquired by the city by deed from any person or persons whatever. And this section shall not be construed as empowering or authorizing the council to close any street or portion thereof merely by the consent of owners of lands adjacent thereto and when the public convenience does not so require.

Regulation of public utility rates.

Regulation
of public
utility
rates.

(51) To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates of compensation to be collected by any person, firm or corporation in the city, for the use of water, heat, light, power or telephone service, supplied to the city or to the inhabitants thereof, and to proscribe the character and quality of the service.

Rates to be uniform.

Rates to be
uniform.

(52) It is hereby provided that in fixing the rates charged by all such persons, firms or corporations, supplying water, heat, light, power or telephone service to the city or to the inhabitants thereof, the council may classify the customers of such persons, firm or corporation into distinct and separate classes, such classification to be based on the quantity and kind of service rendered; and the rates for such water, heat, light, power or telephone service shall be uniform per unit of measurement on such basis, and it shall be lawful for the council, in regulating such rates, to establish in any class, a lower schedule of charges per unit of measurement for large

consumers than for small consumers; but such rates, when established, must be strictly adhered to, and such reduction to large consumers shall not apply to nor be made to cover the aggregate consumption in separate and distinct plants, residences or places of business.

Regulation of street railroads.

(53) To regulate street railroads, their tracks and cars; to compel the owners of two or more such street railroads using the same street for any distance not exceeding fifteen (15) blocks, to use the same tracks and to divide equitably between them the cost of construction and the cost of maintenance thereof.

Regulation
of street
railroads.

Railroads to keep streets in repair.

(54) To require any person, firm or corporation exercising or enjoying any franchise, permit or privilege in, over, under, or along any of the streets, highways or public places in the city for railway purposes, to sprinkle, clean, plank or replank, pave or repave, macadamize or remacadamize the entire length of the street, highway or other public place used by the track or tracks of said railway, and between the rails, and for two feet on each side thereof, and between the tracks, if there be more than one, and to keep the same constantly in repair, flush with the street, and with good crossings, and to require such street work to be done with such kind of materials and in such manner as the council may by ordinance direct, at the same time and as a part of the same operation as the work on the remainder in width of said street, highway or other public place, to the satisfaction of the superintendent of streets.

Railroads
to keep
streets in
repair.

Spur tracks.

(55) To permit the laying down of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories or other business industries and enterprises with any line of railroad or railroads that may be built along the water front or with any other line or lines of railroad which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof; and also for the purpose of excavating and filling in a street or portion of a street or the adjoining land, during such limited time as may be necessary for such purpose and no longer.

Spur
tracks.

Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions of this subdivision shall be revocable at the pleasure of the council.

Regulation of poles and wires.

(56) To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate

Regulation
of poles
and wires.

or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city; and to cause the immediate removal of all anchor posts or anchor wires or any other device now existing for bracing poles, and to prevent the placing of any such devices in the future.

Size and location of pipes.

Size and location of pipes.

(57) To regulate the quality, size and location of all water pipes, gas pipes, mains, fire plugs and all other pipes and conduits laid or constructed in the streets or public places, provide for and regulate the construction, maintenance and repair of pipes, hydrants, fire plugs, cisterns, pumps and such other appliances as may be requisite to effect the distribution of water and gas in the city, and to require the filing of charts and maps showing the size, character and location of such pipes, hydrants, fire plugs, cisterns and conduits.

Elections.

Elections.

(58) To make rules and regulations governing elections not inconsistent with this charter, or the general laws of the State of California.

Pawnbrokers, junk dealers, etc.

Pawn-brokers, junk dealers, etc.

(59) To regulate and control the business of pawnbrokers, junk dealers, peddlers, dealers in second hand merchandise, auctioneers and employment office keepers, and prescribe the mode of conducting the same.

Public charities.

Public charities.

(60) To grant to the Associated Charities of the city of Oakland a sum not to exceed three hundred dollars (\$300.00) per month to be expended in accordance with the articles of incorporation of that association.

Public buildings.

Public buildings.

(61) To provide suitable rooms and buildings for the courts, boards and officers of the city, and such furniture, fuel, lights, stationery and other supplies as are necessary for the convenient transaction of the public business.

Municipal ownership.

Municipal ownership.

(62) To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

Additional powers.

Additional powers.

(63) To enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city or any of the provisions of this charter, and to exercise all powers not in conflict with the constitution of the state, with this charter or with ordinances adopted by the people of the city.

ARTICLE X.

BOARD OF LIBRARY DIRECTORS.

Free library, etc.

SEC. 52. There shall be maintained in the city of Oakland free public libraries and reading rooms to be known as "The Oakland Free Library"; and there shall also be maintained in the city of Oakland a public museum, or museums, and public art gallery or art galleries.

Free
library,
etc.

Directors—Appointment, etc.

SEC. 53. Such public libraries, reading rooms, museums and art galleries shall be under the exclusive control and management of a board of library directors. The directors shall be five in number and shall serve without compensation. The office of director shall be filled by appointment thereto by the mayor and confirmation thereof by the council. An affirmative vote of three members shall be necessary for confirmation. Of those first appointed, one shall be for two years, one for three years, one for four years, one for five years and one for six years. Within the month preceding the expiration of each of said terms for which appointment is made, one person shall be appointed for six years as the successor of the director whose term of office next expires. Vacancies in the office of library director shall be filled by appointment in the same manner for the unexpired term. In case of misconduct, inability or wilful neglect in the performance of the duties of the office, by any director, such director may be removed from office by the council by an affirmative vote of four members, but such director shall be given an opportunity to be heard in defense and shall have the right to appear by counsel and to have process issue to compel the attendance of witnesses who shall be required to give testimony, if such director so request. In such cases the hearing shall be public and a full and complete statement of the reasons for such removal, if such director be removed, together with the findings of fact as made by the council, shall be filed by the council with the city clerk and shall be and become a matter of public record.

Directors'
appoint-
ment, etc.

Directors—Organization, powers and duties.

SEC. 54. The directors shall organize by electing one of their number president; the person elected president shall hold his office for one year and until his successor is elected. The librarian shall act as secretary to the board. The board must hold regular meetings at least once a month. The board shall establish rules and regulations for its government and for the performance of its duties. The board shall establish rules and regulations for the conduct of its officers and employees, and may require adequate bonds from any and all of them except laborers, for the faithful performance of their duties, in such sums as may be fixed by it. Such bonds shall be approved by the mayor and auditor and filed in the office of the city clerk.

Directors:
organiza-
tion,
powers
and duties.

The secretary shall keep a full account of all property,

Directors;
organiza-
tion,
powers
and duties.

money, receipts and expenditures, and a record of all proceedings of the board. The votes of all of its members shall be recorded in the minutes with the ayes and noes.

The board shall have the exclusive management and disposal of all funds legally appropriated or received from any source for the support or benefit of said Oakland free library, public museum and art galleries.

The board of library directors may, for and in behalf of the city of Oakland, receive donations, legacies, or bequests for the establishment, extension, improvement, maintenance or benefit of said libraries, reading rooms, museums and art galleries, and all moneys that may be derived from such donations, legacies or bequests shall, unless otherwise provided by the terms of such donations, legacies, or bequests, be deposited in the treasury of the city of Oakland to the credit of the library fund. The same may be withdrawn therefrom and paid out only in the same manner as is provided for the payment of moneys legally appropriated for the support and benefit of said the city of Oakland free library, public museums and art galleries. If the money derived from such donations, legacies, or bequests shall, at any time, exceed in amount the sum necessary for immediate expenditure, for said library, reading rooms, museums or art galleries, all, or part of the same may be invested by the board in interest bearing bonds of the United States, or of the State of California, or of any municipality, or school district thereof.

The council must annually appropriate to the board of library directors such amount as shall be sufficient to maintain and preserve the said the Oakland free library, reading rooms, museums and art galleries in the city of Oakland, and shall appropriate such further sums for their extension, improvement and benefit as, in the judgment of the council, may be necessary or appropriate; and the sums so appropriated shall be credited to the library fund, and the board of library directors shall have the exclusive management and disbursement of the same.

The board of library directors shall have power:—

(a) To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of said the Oakland free library, museums and art galleries, and all property belonging thereto, or under its control, or that may be loaned thereto.

(b) To prescribe the duties and powers of the librarian and other officers and employees of the libraries, museums and art galleries, and reading rooms; to determine the number and qualifications as to residence, or otherwise, of all of such officers and employees, and appoint the same and fix their compensation. Said officers and employees shall hold their offices or positions at the pleasure of said board.

(c) To purchase necessary or convenient books, journals, publications, art objects, scientific and other objects suitable for museums, and other personal property.

(d) To require the secretary of state, or other state officials

to furnish said library with copies of any and all reports, laws and other publications of the state not otherwise disposed of by law.

(e) To borrow books from, lend books to, and exchange the same, with other libraries and to allow non-residents to borrow books upon such conditions as it may prescribe.

(f) To establish such branch libraries, reading rooms, museums and art galleries as the growth of the city may from time to time require.

(g) To contract with the legislative bodies of neighboring municipalities, or the board of supervisors of Alameda county, for lending the books of the library to residents of said county, or neighboring municipalities, upon a reasonable compensation to be paid by said county or neighboring municipality.

(h) To do and perform any and all other acts and things necessary and proper to carry out the provisions of this article.

(i) The board of library directors shall also have such powers and duties, not inconsistent with the provisions of this charter, as are now vested in or imposed upon boards of library trustees by the act of the legislature of the State of California, entitled "An act to amend an act approved March 23d, 1901, and entitled 'An act to provide for the establishment and maintenance of public libraries within municipalities,'" approved April 12th, 1909, or by such other acts of said legislature as may be hereafter enacted, amendatory thereof, supplemental thereto, or as may hereafter be substituted therefor.

Miscellaneous.

SEC. 55. The Oakland free library shall be forever free to the inhabitants and non-resident taxpayers of the municipality, subject always to such rules, regulations and by-laws as may be made by the board of library directors; *and provided*, that for violations of the same a person may be fined or excluded from the privileges of the library.

Miscellaneous.

The title to all property acquired for the purposes of the Oakland free library, public museum or art galleries, when not inconsistent with the terms of its acquisition, shall vest in the city of Oakland.

The board of library directors shall, on the day following the August meeting of said board in each year, make a report to the legislative body of the city of Oakland, giving the condition of the libraries and reading rooms, museums and art galleries on the thirtieth day of June preceding, together with a statement of its proceedings for the year then ended, and must immediately upon publication of such report, forward a copy thereof for filing to the state librarian at Sacramento.

The council shall have power to appropriate by ordinance to the board of library directors and to authorize the use by them either in whole or in part, of any real estate belonging to the city for the purpose of erecting and maintaining a building or buildings thereon, to be used for the library and reading rooms or branches thereof, or for museums or art galleries, and may appropriate the whole or any portion of any public building belonging to the city for such use.

ARTICLE XI.

BOARD OF PLAY GROUND DIRECTORS.

Control.

Control.

SEC. 56. All children's play grounds now owned or controlled by the city, and all children's play grounds that may hereafter be established or acquired by the city, shall be under the exclusive control and management of the board of play ground directors.

*Directors—Appointment, removal.*Directors:
appoint-
ment,
removal.

SEC. 57. The directors shall be five in number, not more than three of whom shall be of the same sex, and shall serve without compensation. The office of director shall be filled by appointment thereto by the mayor and confirmation thereof by the council. Of those first appointed, one shall be for two years, one for three years, one for four years, one for five years and one for six years. Within the month preceding the expiration of each of said terms for which appointment is made, one person shall be appointed for six years as the successor of the director whose term of office next expires. Vacancies in the office of play ground director shall be filled by appointment in the same manner for the unexpired term. In case of misconduct, inability or wilful neglect in the performance of the duties of the office by any director, such director may be removed from office by the council by an affirmative vote of four members, but such director shall be given an opportunity to be heard in defense and shall have the right to appear by counsel and to have process issue to compel the attendance of witnesses who shall be required to give testimony, if such director so request. In such cases the hearing shall be public and a full and complete statement of the reasons for such removal, if such director be removed, together with the findings of fact as made by the council, shall be filed by the council with the city clerk and shall be and become a matter of public record.

*General powers.*General
powers.

SEC. 58. The board of play ground directors shall have the complete and exclusive control, management and direction of the aforesaid play grounds, and the exclusive right to erect and superintend the construction of buildings thereon, pertaining to play ground purposes. Said directors may employ and appoint superintendents, laborers, instructors and other officers and assistants, prescribe and fix their duties, authority, compensation and qualifications as to residence or otherwise; they shall have the exclusive management and disposal of all funds legally apportioned or received from any source for the support of said play grounds. The board shall establish rules and regulations for the conduct of its officers and employees, and may require adequate bonds from all or any of them, except laborers, for the faithful performance of their duties in such sums as may be fixed by it; such bonds shall be approved by the mayor and auditor and filed in the office of the city clerk. The

directors shall organize by electing one of their number president and the board may elect a secretary who is not a member of the board. The person elected president shall hold his office for one year and until his successor is elected. The board must hold regular meetings at least once in every two weeks; the board shall establish rules and regulations for its government and for the performance of its duties.

Rules.

SEC. 59. The directors shall adopt rules and regulations for the government of the aforesaid play grounds not inconsistent with the ordinances of the city of Oakland or the laws of the State of California or with this charter. Rules.

Receive gifts.

SEC. 60. The board of play ground directors may for and in behalf of the city of Oakland receive donations, legacies or bequests for the improvement or maintenance of said play grounds or the acquirement of new play grounds, and all moneys that may be derived from such donations, legacies or bequests shall, unless otherwise provided by the terms of such donations, legacies or bequests, be deposited in the treasury of the city of Oakland, to the credit of the play ground fund; the same may be withdrawn therefrom and paid out only in the same manner as is provided for the payment of moneys legally appropriated for the support and improvement of such play grounds. If the moneys derived from such gifts, bequests or legacies shall at any time exceed in amount the sum necessary for the immediate expenditures for the acquirement, maintenance or improvement of play grounds the board may invest all or a part of the sum in interest bearing bonds of the United States or of the State of California or of any municipality or school district thereof. Receive gifts.

Council set aside lands.

SEC. 61. The city council shall have the power by ordinance to set aside either absolutely or for a definite period of time any lands belonging to the city for use as children's play grounds and the same shall when and so long as used by said board for such use be under the exclusive control and management of the play ground directors. Council set aside lands.

Appropriations—Accounts—Records.

SEC. 62. The council shall for the purchase, development, acquirement and maintenance of children's play grounds annually appropriate to the board of play ground directors such amount as may in the judgment of the council be necessary or proper, and the fund so appropriated shall be credited to the play ground fund, and the board of play ground directors shall have the exclusive management and disbursement of the same. The secretary shall keep a full account of all property, money, receipts and expenditures, and a record of all proceedings of the board. The votes of all its members shall be recorded in the minutes with the ayes and noes. Appropriations; accounts; records.

ARTICLE XII.

BOARD OF PARK DIRECTORS.

Control.

Control.

SEC. 63. All land and water parks, squares and public pleasure grounds now owned or controlled by the city of Oakland or that may hereafter be established or acquired by said city, excepting properties now or hereafter acquired or set apart for children's play ground purposes, and all grounds surrounding public buildings of said city, unless otherwise provided in this article, shall be under the exclusive control and management of a board of park directors.

*Directors—Appointment—Removal.*Directors;
appointment;
removal.

SEC. 64. The directors shall be three in number and shall serve without compensation. The office of director shall be filled by appointment thereto by the mayor and confirmation thereof by the council. Of those first appointed, one shall be for two years, one for four years, and one for six years. Within the month preceding the expiration of each of said terms for which appointment is made, one person shall be appointed for six years as the successor of the director whose term of office next expires. Vacancies in the office of park director shall be filled by appointment in the same manner for the unexpired term. In case of misconduct, inability or wilful neglect in the performance of the duties of the office, by any director, such director may be removed from office by the council by an affirmative vote of four members, but such director shall be given an opportunity to be heard in defense and shall have the right to appear by counsel and to have process issue to compel the attendance of witnesses who shall be required to give testimony, if such director so request. In such cases the hearing shall be public and a full and complete statement of the reasons for such removal, if such director be removed, together with the findings of fact as made by the council, shall be filed by the council with the city clerk and shall be and become a matter of public record.

*General powers.*General
powers.

SEC. 65. The board of park directors shall have the complete and exclusive control, management and direction of the said parks, squares and grounds and the exclusive right to erect and to superintend the erection of the buildings and structures thereon pertaining to park purposes; *provided, however,* that the council may erect or cause to be erected any municipal building or buildings thereon. Said directors may employ and appoint superintendents, laborers, surveyors, gardeners, engineers and other officers and assistants and prescribe and fix their duties, authority and compensation. They shall have the exclusive management and disposal of all funds legally apportioned or received from any source for the support of said parks, squares, and grounds. The board shall establish rules and regulations for the conduct of its officers and employees and may require adequate bonds from all or any of

them, except laborers, for the faithful performance of their duties in such sums as may be fixed by it. Such bonds shall be approved by the mayor and auditor and filed in the office of the city clerk. The directors shall organize by electing one of their number president and the board may elect a secretary who is not a member of the board. The person elected president shall hold his office for one year and until his successor is elected. The board must hold regular meetings at least once in every two weeks. The board shall establish rules and regulations for its government and for the performance of its duties.

Leases; restrictions.

SEC. 66. Except as provided in this section nothing in this article shall be construed to authorize the board to lease any part of any of said parks, squares or grounds to any person, firm or corporation or to permit any person, firm or corporation to build or maintain any structure on any part of any park, square or ground, except as follows: Leases: re-
strictions.

First—The board may lease for the use of the public for a period not greater than one year such buildings as it may construct or acquire, to such person, firm or corporation as shall undertake to serve such use.

Second—The board, with the consent of the council, given by ordinance, may lease lands under its jurisdiction for the purpose of having the lessee erect thereon buildings and appurtenant structures and conduct the same for the use of the public. Every lease of the character last named shall be made in the same manner and under the same restrictions as are provided for leases by the council in subdivision forty-one (41) of section fifty-one (51) of this charter. And in every lease the board shall reserve the right to enter at all times upon the premises so leased and shall make the condition that the building so leased shall be used for park-pleasure purposes only. No building shall be constructed by the board or by any lessee except it be within the objects and purposes for which said parks, squares and grounds were dedicated to or are held by the public; *provided, however*, that the board, with the consent of the council given by ordinance, may permit the use of a limited portion of any of the aforesaid parks, squares or grounds for exposition or convention purposes, but no such permission shall ever be granted except such exposition or convention be of national, state or municipal importance.

Gifts.

SEC. 67. The board of park directors may for and on behalf of the city of Oakland, receive donations, legacies or bequests for the improvement or maintenance of said parks, squares and grounds, or for the acquirement of new parks, squares and grounds, and all moneys that may be derived from such donations, legacies or bequests shall, unless otherwise provided by the terms of such donation, legacy or bequest, be deposited in the treasury of the city of Oakland to the credit of the park fund. The same may be withdrawn therefrom and paid out Gifts.

only in the same manner as is provided for the payment of moneys legally appropriated for the support and improvement of such parks, squares and grounds. If the moneys derived from such gifts, bequests or legacies shall at any time exceed in amount the sum necessary for immediate expenditure on said parks, squares and grounds the board may invest all or a part of the same in interest-bearing bonds of the United States or of the State of California or of any municipality or school district thereof.

Works of art.

Works of
of art.

SEC. 68. No outdoor work of art shall become the property of the city unless such work of art shall be approved by the board; nor shall any work of art until so approved be erected or placed in or upon or allowed to extend over any park, square or grounds belonging to the city of Oakland. The term "work of art" as used herein shall apply to and include all statues, bas-reliefs or other sculptures, monuments, fountains, arches or other structures of a permanent character intended for ornament or commemoration.

Appropriations—Accounts—Records.

Appropriations;
accounts;
records.

SEC. 69. The council shall, for the purchase, development, equipment and maintenance of parks, squares and public pleasure grounds, annually appropriate to the board of park directors such amount as may in the judgment of the council be necessary or proper, and the funds so appropriated shall be credited to the park fund, and the board of park directors shall have the exclusive management and disbursement of the same. The secretary shall keep a full account of all property, money, receipts and expenditures and a record of all proceedings of the board. The votes of all its members shall be recorded in the minutes with the ayes and noes.

ARTICLE XIII.

CIVIL SERVICE.

Board—Appointment of.

Board;
appointment of.

SEC. 70. There is hereby established a civil service board, consisting of three members.

The mayor first elected after the adoption of this charter shall, within sixty days after taking office, appoint, subject to confirmation by the council, one member of said board to serve until July first, 1913, another member to serve until July first, 1915, and a third member to serve until July first, 1917. In the month of June, 1913, and every second year thereafter, one member shall be in like manner appointed for a term of six years, to take the place of the member whose term shall next expire.

Each member of the civil service board shall receive ten (10) dollars for each meeting of the civil service board which he shall attend; *provided*, that he shall not receive more than forty (40) dollars in any one month.

If a vacancy occurs in the board, it shall be filled by appointment by the mayor, subject to confirmation by the council, for the unexpired term.

Removal—Equipment—Clerk.

SEC. 71. In cases of misconduct, inability or wilful neglect in the performance of the duties of the office by any member of the board, such member may be removed from office by the council by an affirmative vote of four members, but such member of the civil service board shall be given an opportunity to be heard in defense, and shall have the right to appear by counsel and to have process issued to compel the attendance of witnesses who shall be required to give testimony if such member of the civil service board so requests. In such cases the hearing shall be public and a full and complete statement of the reasons for such removal, if such member be removed, together with the findings of fact as made by the council, shall be filed by the council with the city clerk, and shall be and become a matter of public record. The council shall provide suitable accommodations and equipment to enable the board to properly attend to its business. Said board shall appoint a clerk who shall keep a record of all its meetings and of the work of said board, and shall perform such other service as the board may require. The board shall fix the compensation of such clerk.

Removal;
equipment;
clerk.

Classified civil service.

SEC. 72. The board shall classify all places of employment now existing or hereafter created in or under the department of public affairs, in or under the department of revenue and finance, in or under the department of public health and safety, in or under the department of public works, and in or under the department of streets, and in the office of the auditor, excepting the places and offices specified in section eighty (80) hereof. The places so classified by the commissioners shall constitute the classified civil service of the city and no appointment to any such place shall be made except according to the rules hereinafter mentioned. The board shall provide for an eligible list from which vacancies shall be filled, for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record. The council, whenever requested by the board, may by ordinance confer upon the board such rights, duties and privileges other than those mentioned in this charter, as may be necessary adequately to enforce and carry out the principles of civil service.

Classified
civil
service.

Rules.

SEC. 73. The board shall make rules to carry out the purposes of this article, and for examinations, appointments and promotions. All rules and all changes therein shall be forthwith printed by the board for distribution.

Rules.

*Examinations.*Examina-
tion⁴.

SEC. 74. All applicants for places in the classified civil service shall be subjected to examination, which shall be public, competitive and free. The board shall hold such examinations on the first Monday in April and the first Monday in October of each year, and oftener if it deem necessary. Such examinations shall be for the purpose of determining the qualifications of applicants for positions, and shall be practical and shall fairly test the fitness of the persons examined to discharge the duties of the positions to which they seek to be appointed.

*Notice to board of appointments, etc.*Notice to
board of
appoint-
ments, etc.

SEC. 75. Immediate notice in writing shall be given by the appointing power to the board of all appointments, permanent or temporary, made in such classified service, and of all transfers, promotions, resignations, suspensions, fines, or vacancies from any cause in such service, and of the date thereof; and a record of the same shall be kept by the board. When any place of employment is created or abolished, or the compensation attached thereto altered, the power making such change shall immediately report the fact in writing to the board.

*Certification of persons.*Certifica-
tion of
persons.

SEC. 76. Whenever a position in the classified civil service is to be filled, the board shall, as soon as possible, certify to the appointing power three times the number of persons necessary to fill such position; *provided*, that said board shall always certify the persons having the highest standing on the eligible list for the position to be filled; *and provided, further*, that a less number may be certified when there is not the required number on the eligible list. All persons not appointed shall be restored to their relative positions on the eligible list. All persons who have been on the eligible list for two years without appointment shall be removed therefrom.

*Promotions.*Promo-
tions.

SEC. 77. The board shall provide for promotion in the classified service on the basis of ascertained merit, seniority in service and standing upon competitive examination, and shall provide, in all cases where practicable, that vacancies shall be filled by promotion from among such members of the next lower rank established by the board as submit themselves for such examination for promotion. The board shall certify to the appointing power the names of not more than three applicants having the highest rating for each promotion.

*Persons certified must be appointed.*Persons
certified
must be
appointed.

SEC. 78. In all cases the appointing power shall notify the board of each separate position to be filled, and shall fill such place by the appointment of one of the persons certified by the board therefor. Such appointment shall be on probation of a character and for a period to be fixed by the rules of the board, but not to exceed one year.

Certification to auditor.

SEC. 79. The board shall certify to the auditor all appointments to places of employment in the classified civil service, and all vacancies occurring therein, and all fines and suspensions made under the provisions of this article.

Certification to auditor.

To whom apply.

SEC. 80. The provisions of this article shall apply to all appointed officers and employees of the city in or under any of the departments enumerated in section seventy-two (72) of this charter, except the following:

To whom apply.

The chief officials of the city enumerated in section thirty (30) of this charter; the building inspector; the city wharfinger; the license inspector; the bacteriologist; the city chemist; the sanitary inspector; the market and food inspector; the plumbing inspector; the mayor's secretary; the assistant city attorneys, and such other officers and employees of the city not included either in the police department or in the fire department, as may be excepted from the operation of the civil service rules, upon the recommendation of the council, approved by the unanimous vote of the civil service board; *provided*, that persons employed by the city and persons employed in the city engineer's office on September 1, 1910, may retain their employment under the city, subject to classification and reclassification by the civil service board without further examination, unless removed for cause or unless it shall be determined by the civil service board that their employment by the city is unnecessary.

Removal—Suspension—Fine.

SEC. 81. All persons holding positions in the classified civil service shall be subject to suspension, fine and also to removal from office or employment, by the commissioner in whose department they are employed, or, in case of persons employed in the office of the auditor, by the auditor, for misconduct, incompetency or failure to perform their duties under or observe the rules and regulations of the department or office; but subject to the appeal of the aggrieved party to the civil service board as herein provided.

Removal; suspension; fine.

Any chief official, any subordinate officer, and any superintendent or foreman in charge of municipal work may temporarily suspend any subordinate then under his direction for incompetency, neglect of duty or disobedience of orders, but shall within twenty-four hours thereafter report the facts in writing to the commissioner of his department or to the auditor, as the case may be, and furnish a copy of the report to the subordinate suspended, upon his request therefor. The commissioner (or auditor) shall thereupon, if demanded by the subordinate suspended, hear evidence for and against him, and shall thereupon affirm or revoke such suspension, according as he finds the facts to warrant.

Appeals.

Appeals.

SEC. 82. Any person suspended, fined or discharged (and any person whose order of suspension above provided for has been revoked) may within five days from the making by a commissioner (or the auditor) of the order suspending, fining or discharging him, or affirming or revoking an order of suspension, as the case may be, appeal therefrom to the civil service board, which shall fully hear and determine the matter. The accused shall be entitled to appear personally, and to have counsel and a public hearing. The finding and decision of the board shall be certified to the official from whose order the appeal is taken, and shall forthwith be enforced and followed by him.

Report.

Report.

SEC. 83. Said civil service board shall make annual report to the council and it may require a special report from said board at any time.

Temporary appointments.

Temporary appointments.

SEC. 84. Appointments to fill temporary positions may be made only with the unanimous consent of the board, and temporary appointments so made shall lapse and become void at the end of a period of time not to exceed eight months, and persons whose appointment shall so lapse shall not again be appointed unless such appointment be made through civil service examinations as herein provided.

Prohibition of improper political activity, etc.

Prohibition of improper political activity, etc.

SEC. 85. No civil service employee and no laborer in the employ of the city shall take part in the conduct of any municipal election, or any municipal campaign, nor shall he hold office in or be a member of any political club or organization. No carriage, automobile or other vehicle belonging to or controlled by the city shall be used except in the official business of the city. No elected official of the city shall solicit the employment by or recommendation of any person whatsoever by any public service corporation holding any franchise under or doing any business with the city of Oakland.

Penalty.

Penalty.

SEC. 86. Any person violating any of the provisions of this article or any rule hereunder shall be deemed guilty of a misdemeanor, and for such offense may upon conviction thereof be suspended, reduced in grade or dismissed from the service.

ARTICLE XIV.

POLICE DEPARTMENT.

Organization.

Organization.

SEC. 87. The police department shall consist of a chief of police, captain of inspectors who shall act as chief of police in the absence of the chief of police, and such captains of police,

lieutenants, inspectors, assistant inspectors, sergeants, corporals and bailiffs as in the judgment of the council the needs of the service may require; *provided, however*, that it shall not be incumbent upon the council to create or fill all of the above positions. Patrolmen shall be appointed in such numbers as not to exceed one patrolman for every eight hundred inhabitants of the city.

Qualifications.

SEC. 88. No person shall become a member of the police department unless he shall be a citizen of the United States, of good character for honesty and sobriety, able to read and write the English language, and a resident of the city of Oakland for at least five years next preceding his appointment. A residence for said time in any territory which may have been consolidated with or annexed to the city of Oakland, shall be deemed to satisfy this provision. Every appointee to the department shall be not less than twenty-five nor more than thirty-five years of age, and before his appointment, must pass a satisfactory examination under such rules and regulations as may be prescribed by the civil service board.

Qualifications.

Appointments—Duties of chief of police.

SEC. 89. The chief of police, captain of inspectors, captains of police, lieutenants, inspectors, sergeants, corporals, bailiffs, patrolmen and all other officers and members shall be appointed by the commissioner of public health and safety, subject to the civil service provisions of this charter, and the appointment of the chief of police shall be subject to confirmation by the council. The members of the police department appointed prior to September 1, 1910, who are in good standing at the time this charter goes into effect, shall be retained in their respective positions, except as otherwise in this charter provided. The chief of police shall be the chief executive officer of the department and shall be held responsible for the execution of all laws and ordinances, and of the rules and regulations of the department, and shall exercise such other powers connected with his office as may be provided for by ordinance not inconsistent with this charter. He shall see that the orders and processes issued by the police court are promptly executed. For failure or refusal to perform his duties, the chief of police shall be removed from the service.

Appointments, duties of chief of police.

Change of titles of present officers.

SEC. 90. The present superintendent of police shall be designated chief of police; the captain of detectives shall be designated captain of inspectors; inspectors of police shall be designated captains of police; detectives shall be designated inspectors. Station keepers and court officers shall be designated corporals.

Change of titles of present officers.

Salaries.

SEC. 91. The officers and members of the police department shall receive annual compensations, comprising their salaries

Salaries.

and an allowance of two (2) dollars per month for the police relief and pension fund herein provided for, as follows:

Chief of police.....	\$3300.00
Captain of inspectors.....	2400.00
Captains of police.....	2100.00
Lieutenants	1800.00
Inspectors	1740.00
Assistant inspectors	1620.00
Sergeants	1620.00
Corporals	1500.00
Bailiffs	1500.00
Patrolmen, first year of service.....	1224.00
Patrolmen, second year of service.....	1344.00
Patrolmen, third year of service.....	1404.00

Said compensations shall be paid in equal monthly installments. No compensation higher than those herein specified shall be paid to any officer or member of the police department and no rank or grade other than those herein specified shall be created in said department, unless the rank or grade created carry a lower salary than the lowest herein specified.

Leave of absence.

Leave of absence.

SEC. 92. Each member of the police department shall be entitled to fifteen days' vacation annually with full pay. Such vacations shall be had at such times as the chief of police may direct. Each member of the police department shall have two days off duty in each month with full pay, at such times as the chief of police may direct. A member becoming incapacitated for duty by reason of sickness, shall be entitled to thirty days' sick leave without loss of pay. If such sickness continue, he shall be entitled to half pay for a period of thirty days, and if such sickness shall further continue, he shall receive such pay, if any, as the council shall direct. A member on sick leave shall present such certificate of a reputable physician as the chief of police may direct.

Police relief and pension fund.

Police relief and pension fund.

SEC. 93. In order to continue in force, and make effectual pensions already existing in favor of the police force, a fund is hereby created to be known and designated as the police relief and pension fund. The mayor, the commissioner of revenue and finance and the commissioner of public health and safety shall constitute a board of trustees of such fund, and the city treasurer shall be the custodian of said fund.

SEC. 94. The said board of trustees may retire and relieve from service any aged, infirm or disabled member of the department who has arrived at the age of sixty years, and who, upon examination by two regularly licensed and practicing physicians appointed by the board of trustees for that purpose may be ascertained to be by reason of age, infirmity, or other disability unfit for the performance of his duty. And said board of trustees shall at the request of any member of the department who has arrived at the age of sixty

years retire and relieve said member making such application. Such retired member shall receive from the police relief and pension fund a monthly pension equal to one half of the salary attached to the rank held by him one year prior to the date of his retirement. No such pension shall be paid unless such person has been an active member of the department for twenty years in the aggregate preceding his retirement, and the same shall cease at his death.

Police relief and pension fund.

Sec. 95. Any member of the department who shall become physically disabled by reason of any bodily injury received in the performance of his duty, upon his filing with the board of trustees a verified petition, setting forth the facts constituting such disability, and the cause thereof, accompanied by a certificate signed by the chief of police, the captain of the division to which he belongs, and by two regularly licensed physicians of the city, recommending his retirement upon a pension, on account of such disability, may be retired from the department upon an annual pension, equal to one half of the amount of salary attached to the rank which he held one year prior to the date of such retirement, to be paid to him during his life, and to cease at his death. In case his disability shall cease, his pension shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

Sec. 96. (1) The board of trustees shall, out of the police relief and pension fund provide for the family of an officer, member or employee of the department, who may be killed while in the performance of his duty as follows:

(a) Should the decedent be married, his widow shall, as long as she shall remain unmarried, be paid a monthly pension equal to one half of the salary attached to the rank held by the decedent at the time of his death.

(b) Should the decedent leave no widow, but leave an orphan child or children, under the age of sixteen years, or should the decedent leave a widow and child or children under the age of sixteen years, and the widow die without remarrying, while such child or children are yet under the age of sixteen years, such child or children collectively, shall receive a pension equal to one half of the salary attached to the position held by their father at the time of his death until the youngest child attains the age of sixteen years; *provided*, that no child shall receive any such pension after attaining the age of sixteen years.

(c) Should the decedent leave no widow, or no orphan child or children, but leave a parent or parents, dependent solely upon him for support, such parents so depending shall collectively receive a pension equal to one half the salary attached to the position held by the decedent at the time of his death during such time as the board of trustees may determine its necessity.

(2) When a member of the department shall die from causes other than those specified in subdivision (1) of this

Police relief and pension fund.

section after ten years of service, then his widow, and if these be no widow, then his children, and if these be no widow or children, then his mother, if dependent upon him for support, shall be entitled to the sum of one thousand (1,000) dollars.

(3) Any member of the police department receiving a pension from the police relief and pension fund, who shall become convicted of a felony, shall become dissipated, an habitual drunkard, or shall become a non-resident of this state, except on leave by the board of trustees, shall forfeit all right to said pension.

(4) The board of trustees may, on notice from the chief of police reward any member of the department for conduct which is heroic and meritorious. The form or amount of such reward shall be discretionary with the board of trustees, but it shall not exceed in any one instance one month's salary, and may be paid only out of funds provided by the council; and the council may, on application of the board of trustees, provide money for such purposes.

(5) The board of trustees shall hold quarterly meetings in April, July, October and January of each year, and special meetings upon the call of its president; it shall issue warrants, signed by its president and secretary, to persons entitled thereto for the amount of money ordered paid to such persons from the police relief and pension fund. Each warrant shall state for what purpose the payment is made.

(6) The board of trustees shall keep a public record of its proceedings. It shall at each quarterly meeting send to the treasurer and to the auditor a written or printed list of all persons entitled to payments from the police relief and pension fund, stating the amount of such payment and for what granted; such lists shall be certified and signed by the president and secretary of the board. The auditor shall thereupon enter a copy of such list upon a book to be kept for that purpose, which shall be known as the police relief and pension fund book. All warrants signed by the president and secretary of the board shall be presented to the auditor and ordered paid by him out of said fund.

(7) The board of trustees shall possess the power to make rules and regulations for its guidance. No compensation shall be paid to any member of the board of trustees for any duty required or performed as a member of said board of trustees.

(8) The board of trustees shall make an annual estimate necessary to carry into effect the foregoing provisions, transmit the same to the commissioner of revenue and finance, who shall cause the same to be included in his annual estimate of the probable expenditures of the city.

(9) The treasurer shall retain from the compensation of each member of the police department two (2) dollars per month, which shall forthwith be paid into the police relief and pension fund. No other or further deduction shall be made from such pay for any other fund or purpose unless the same is authorized by this charter.

ARTICLE XV.

FIRE DEPARTMENT.

Positions and salaries.

SEC. 97. The fire department shall consist of a chief of the fire department, an assistant chief of the fire department, a second assistant chief of the fire department, as many battalion chiefs as the council may deem necessary, a superintendent of engines, and as many captains, lieutenants, engineers, drivers, tillermen, stokers, truckmen and hosemen as the council may deem necessary, and also such other employees as the council may provide for by ordinance. The officers and members of the fire department shall receive annual compensations, comprising their salaries and an allowance of two (2) dollars per month for the firemen's relief and pension fund herein provided for, as follows:

Chief of the fire department.....	\$3600.00 per annum
Assistant chief of the fire department.....	\$2400.00 per annum
Second assistant chief of the fire department	\$2100.00 per annum
Battalion chiefs, each.....	\$1800.00 per annum
Superintendent of engines.....	\$1800.00 per annum
Captains, each	\$1620.00 per annum
Lieutenants, each	\$1500.00 per annum
Engineers, each	\$1560.00 per annum

Drivers, tillermen, stokers, truckmen and hosemen, each for the first year of service, \$1224.00 per annum; for the second year of service, \$1344.00 per annum, and for the third year of service and thereafter, \$1404.00 per annum.

Said compensation shall be paid in equal monthly installments. No compensation higher than those herein specified shall be paid to any officer or member of the fire department, and no rank or grade other than those herein specified shall be created in said department unless the rank or grade created carry a lower salary than the lowest herein specified.

All members of the fire department, appointed prior to September 1st, 1910, and in good standing at the time this charter goes into effect, shall be retained in their respective positions, except as otherwise in this charter provided.

The present fire marshal shall be designated the chief of the fire department.

Qualifications.

SEC. 98. No person shall become a member of the fire department, unless he shall be a citizen of the United States, of good character for honesty and sobriety, able to read and write the English language, and a resident of the city of Oakland for at least five years next preceding his appointment. A residence for said time in any territory which may have been consolidated with or annexed to the city of Oakland, shall be deemed to satisfy this provision. Every appointee to the department shall be not less than twenty-one nor more than thirty-five years of age, and before his appointment, must pass

a satisfactory examination under such rules and regulations as may be prescribed by the civil service board.

Appointments—Duties of the chief of the fire department.

Appoint-
ments;
duties of
the chief
of the fire
depart-
ment.

SEC. 99. The chief of the fire department, first assistant chief of the fire department, second assistant chief of the fire department, the battalion chiefs, captains, lieutenants, superintendent of engines, engineers, drivers, tillermen, stokers, truckmen and hosemen of the fire department, and all other officers and members, shall be appointed by the commissioner of public health and safety, subject to the civil service provisions of this charter. The chief of the fire department shall be appointed subject to confirmation by the council.

The chief of the fire department shall be the chief executive of the fire department. He shall be charged with the special duty of superintending the extinguishment of fires. He shall have immediate control and management of all fire engines and fire apparatus belonging to the city, and all members and employees of the fire department shall be under his immediate control and command. He shall diligently observe the condition of the apparatus and workings of the department and shall see that all laws, orders, rules and regulations in force, or that may be made by the council relating to the fire department, are enforced. He shall submit in writing, at least once each month to the commissioner of public health and safety, a statement of the number of men employed, their compensation, the condition of the department, and make such recommendations and suggestions respecting the same as he may deem proper. He shall have such other powers and perform such other duties as may be provided for by ordinance. In the absence or inability of the chief of the fire department an assistant chief of the fire department shall perform his duties.

Leave of absence.

Leave of
absence.

SEC. 100. Each member of the fire department shall be entitled to fifteen days' vacation annually with full pay; such vacations shall be had at such times as the chief of the fire department may direct. Each member of the fire department shall be allowed a leave of absence of not less than twenty-four hours' duration not less than once each week, with full pay. A member becoming incapacitated for duty by reason of sickness shall be entitled to thirty days' sick leave without loss of pay. If such sickness continue he shall be entitled to half pay for a period of thirty days, and if such sickness shall further continue, he shall receive such pay, if any, as the council shall direct. A member on sick leave shall present such certificate of a reputable physician as the chief of the fire department may direct.

Firemen's relief and pension fund.

Firemen's
relief and
pension
fund.

SEC. 101. A fund is hereby created to be known and designated as the firemen's relief and pension fund. The mayor, the commissioner of revenue and finance, and the commissioner of public health and safety shall constitute a board of trustees

of such fund, and the city treasurer shall be custodian of said fund.

Firemen's
relief and
pension
fund.

SEC. 102. The said board of trustees may retire and relieve from service any aged, infirm, or disabled member of the department who has arrived at the age of fifty-five years, and who upon examination by two regularly licensed and practicing physicians, appointed by the trustees for that purpose may be ascertained to be by reason of such age, infirmity, or other disability, unfit for the performance of his duty. Said board of trustees shall at the request of any member of the department who has arrived at the age of fifty-five years, retire and relieve such member making such application. Such retired member shall receive from the firemen's relief and pension fund a monthly pension equal to one half of the salary attached to the rank held by him one year prior to the date of his retirement. No such pension shall be paid unless such person has been an active member of the department for twenty years in the aggregate preceding his retirement, and the same shall cease at his death.

SEC. 103. Any member of the department who shall become physically disabled by reason of any bodily injury received in the performance of his duty upon his filing with the board of trustees a verified petition, setting forth the facts constituting such disability, and the cause thereof, accompanied by a certificate signed by the chief of the fire department, the chief of the battalion to which he belongs, and by two regularly licensed physicians of the city, recommending his retirement upon a pension, on account of such disability, may be retired from the department upon an annual pension, equal to one half the amount of salary attached to the rank which he held one year prior to the date of such retirement, to be paid to him during his life, and to cease at his death. In case his disability shall cease, his pension shall cease, and he shall be restored to the service in rank he occupied at the time of his retirement.

SEC. 104. (1) The board of trustees shall, out of the firemen's relief and pension fund, provide for the family of an officer, member or employee of the department, who may be killed while in the performance of his duty as follows:

(a) Should the decedent be married, his widow shall, as long as she shall remain unmarried, be paid a monthly pension equal to one half of the salary attached to the rank held by the decedent at the time of his death.

(b) Should the decedent leave no widow, but leave an orphan child or children under the age of sixteen years, or should the decedent leave a widow, and child or children under the age of sixteen years, and the widow die without remarrying, while such child or children are yet under the age of sixteen years such child, or children collectively, shall receive a pension equal to one half of the salary attached to the position held by their father at the time of his death until the youngest child attains the age of sixteen years; *provided*, that no child shall

Firemen's
relief and
pension
fund.

receive any such pension after attaining the age of sixteen years.

(c) Should the decedent leave no widow, or no orphan child or children, but leave a parent or parents, dependent solely upon him for support, such parents so depending shall collectively receive a pension equal to one half the salary attached to the position held by the decedent at the time of his death during such time as the board of trustees may determine its necessity.

(2) When a member of the department shall die from causes other than those specified in subdivision one (1) of this section, after ten years of service, then his widow, and if there be no widow, then his children, and if there be no widow or children, then his mother, if dependent upon him for support, shall be entitled to the sum of one thousand (1000) dollars.

(3) Any member of the fire department receiving a pension from the firemen's relief and pension fund, who shall become convicted of a felony, shall become dissipated, an habitual drunkard, or shall become a non-resident of this state, except on leave by the board of trustees, shall forfeit all right to said pension.

(4) The board of trustees may, on notice from the chief of the fire department, reward any member of the department for conduct which is heroic and meritorious. The form or amount of such reward shall be discretionary with the board of trustees, but it shall not exceed in any one instance one month's salary, and may be paid only out of funds provided by the council; and the council may, on application of the board of trustees, provide money for such purposes.

(5) The board of trustees shall hold quarterly meetings in April, July, October and January of each year and special meetings upon the call of its president; it shall issue warrants, signed by its president and secretary, to persons entitled thereto for the amount of money ordered paid to such persons from the firemen's relief and pension fund. Each warrant shall state for what purpose the payment is made.

(6) The board of trustees shall keep a public record of its proceedings. It shall at each quarterly meeting send to the treasurer and to the auditor a written or printed list of all persons entitled to payments from the firemen's relief and pension fund, stating the amount of such payment and for what granted; such lists shall be certified and signed by the president and secretary of the board. The auditor shall thereupon enter a copy of such list upon a book to be kept for that purpose which shall be known as the firemen's relief and pension fund book. All warrants signed by the president and secretary of the board shall be presented to the auditor and ordered paid by him out of said fund.

(7) The board of trustees shall possess the power to make rules and regulations for its guidance. No compensation shall be paid to any member of the board of trustees for any duty required or performed as a member of said board of trustees.

(8) The board of trustees shall make an annual estimate necessary to carry into effect the foregoing provisions, transmit the same to the commissioner of revenue and finance, who shall cause the same to be included in his annual estimate of the probable expenditures of the city.

(9) The treasurer shall retain from the compensation of each member of the fire department two (2) dollars per month, which shall forthwith be paid into the firemen's relief and pension fund. No other or further deduction shall be made from such pay for any other fund or purpose unless the same is authorized by this charter.

ARTICLE XVI.

HEALTH DEPARTMENT.

Appointment.

SEC. 105. The commissioner of public health and safety as head of the health department shall appoint a health officer, a city chemist, a market and food inspector and a plumbing inspector, subject to confirmation by the council. He shall also appoint all such other inspectors, clerks, assistants and employees, as may be provided for by the council by ordinance, for the efficient administration of the health department.

Appoint-
ment.

Authority of commissioner and inspectors.

SEC. 106. Said commissioner of public health and safety shall have general supervision over the sanitary condition of the city and shall have power to compel owners of property to keep the same free from anything filthy, obnoxious or dangerous to health. He or any authorized inspector of his department, shall inspect when called upon by any person, and when in his or their opinion it seems necessary, all provisions, meats, fish, fruit, vegetables, bread, flour, pork, whiskey, beer, wine, milk, water, and any and all meats and any and all other things offered for sale to be used as food or drink, and shall have the right to enter for the purpose of making such examination or inspection any place or building where any provisions, fruits, vegetables, whiskey, beer, wine, milk or other liquids are manufactured or kept for sale; and no person shall be permitted to sell or dispose of anything pronounced by said commissioner or any authorized inspector of his department to be unfit for food or drink, and all such articles or things may be seized and destroyed by said commissioner or by said market and food inspector.

Authority
of commis-
sioner and
inspectors.

Qualification of health officer, etc.

SEC. 107. The health officer shall be a graduate of a reputable medical college and shall have practiced medicine for at least five years. He shall be licensed to practice medicine in this state. The city chemist shall be a person skilled and qualified for the efficient and capable performance of the duties usually appertaining to such office. The plumbing inspector shall be a plumber of five years' practical experience and regularly licensed as such.

Qualifica-
tion of
health
officer, etc.

*Power of arrest.*Power of
arrest.

SEC. 108. The commissioner of public health and safety and all regularly appointed employees of the health department shall have the right and power to arrest any person or persons who may violate any of the rules and regulations of the department. It shall also be the duty of any police officer or policeman to arrest any person or persons guilty of such violation.

*Duties of physicians and householders.*Duties of
physicians
and house-
holders.

SEC. 109. Every person in the city shall promptly report in writing to the health department every patient whom he shall have sick of an infectious, contagious or communicable disease dangerous to the public health; and every householder upon reasonable notice from said department, that an occupant of his or her house is suffering from any infectious, contagious or communicable disease dangerous to the public health, shall forthwith adopt such preventive means and regulations as said department shall prescribe. Every person who shall fail to report such case of sickness as required herein, and every householder who shall fail to comply with the rules, requirements and regulations of said department, shall be subject to such fines and penalties as the council may by ordinance prescribe.

ARTICLE XVII.

ELECTRICAL DEPARTMENT.

*Appointments.*Appoint-
ments.

SEC. 110. The electrical department shall be under the supervision of the commissioner of public health and safety. The commissioner of public health and safety shall appoint a superintendent and an assistant superintendent and necessary subordinates according to the civil service provisions of this charter. The appointment of the superintendent shall be subject to confirmation by the council. The employees of this department shall, as far as may be practicable, have the benefit of the provisions covering leave of absence and vacations which prevail in the police and fire departments.

*Powers and duties.*Powers
and duties.

SEC. 111. The electrical department shall have general charge and supervision over all municipal electrical matters, and in particular shall have charge of the construction and maintenance of the fire alarm and police telegraph systems and is also charged with the duty of enforcing all the rules, regulations, orders and requirements, made by ordinances in regard to the inspection and supervision of electrical wires and appliances for furnishing light, heat or power in, under, over or upon the streets and buildings of the city of Oakland. This department shall also have charge of the municipal lighting and power, and shall make tests of the gas used throughout the city to determine its light and heat giving properties.

ARTICLE XVIII.

FINANCE AND TAXATION.

The fiscal year.

SEC. 112. The fiscal year of the city shall commence upon the first day of July of each year, and end on the thirtieth day of June of the following year. The fiscal year.

Tax system.

SEC. 113. (1) Except as in this article otherwise provided, the assessment of property taxable in the city for municipal purposes, the equalization of assessments and collection of taxes, and the sale of property for unpaid taxes and the redemption of property sold for taxes, shall be made and had at the same time and manner, and with like effect, as now or may be hereafter provided by law for the assessment of property, equalization of assessments, levy and collection of taxes and sale of property for unpaid taxes for state and county purposes, and redemption thereof; and all provisions of law applicable to such assessment, equalization, levy, collection and sale for state and county purposes, are hereby applied to and shall be the law governing such assessment, equalization, levy, collection and sale for municipal purposes; and the respective officers of the city shall have, possess and perform the same powers and duties in all matters concerning revenue and taxation for municipal purposes as are by law conferred or imposed upon county officers in matters concerning revenue and taxation for state and county purposes; and to that end: Tax system.

First—All powers and duties so by law conferred or imposed upon the county assessor are hereby conferred and imposed upon the city assessor.

Second—All powers and duties so by law conferred or imposed upon the board of supervisors are hereby conferred and imposed upon the council.

Third—All powers and duties so by law conferred or imposed upon the district attorney are hereby conferred and imposed upon the city attorney.

Fourth—All powers and duties so by law conferred or imposed upon the county tax collector are hereby conferred and imposed upon the city tax collector.

Fifth—All powers and duties so by law conferred or imposed upon the county treasurer are hereby conferred and imposed upon the city treasurer.

Sixth—All powers and duties so by law conferred or imposed upon the county clerk or county auditor are hereby conferred and imposed upon the city clerk and city auditor.

The assessor need not require from any person any statement as to any property not taxable in the city, nor transmit or send to any officer other than the officers of the city any statement or report whatsoever, nor make any record or entry as to equalization by the state board of equalization, or as to school, road or other districts.

Tax
system.

(2) On or before the first Monday in July in each year the assessor shall complete his list, or assessment roll, and shall attach his certificate thereto, and deliver it, and the books and any maps he may have accompanying the same, and all the original lists of property given to him, to the city clerk, and the clerk shall thereupon notify the board of equalization of the fact. Said roll shall be kept in his office for public inspection.

(3) The assessor must make the abstract provided for in section (3678) of the political code. Should any such abstract or list be found to contain any instrument relating to lands situated partly within and partly without the city, it shall be the duty of the assessor to determine the proportion of valuation of such instrument to be assessed in the city and assess the same accordingly.

(4) The council may, by resolution, extend for not exceeding thirty days, the time fixed in this article for the performance of any act.

(5) No city officer shall be required, by virtue of anything contained in this article, to send or transmit any statement or report to any state officer or board.

(6) The assessor shall be governed, as to the amount of taxes to be by him collected on personal property, by the city tax rate of the previous year.

(7) All papers and instruments required to be filed or recorded with or by the county recorder by the revenue and taxation laws of the state shall, under said laws as applied to the city, be in like manner and with like effect filed with and recorded by the county recorder of Alameda county.

(8) The assessment of property within the city of Oakland, or assessable by the city, made by the city assessor of the city of Oakland and the state board of equalization shall be the basis of taxation for the city.

(9) It shall be the duty of the assessor, at any time subsequent to the first Monday in July and prior to the fourth Monday in August of each year, to assess any property which shall not be on the regular list, and he shall enter such assessment in a separate portion of the tax list or assessment roll, under the head of "Subsequent Assessments," and shall deliver the same, certified by him, or a true copy thereof, to the city clerk, to be by him compared with the entries on the assessment roll.

Department estimates of annual requirements.

Depart-
ment esti-
mates of
annual
require-
ments.

SEC. 114. On or before the third Monday in July of each year or on such date in each year as shall be fixed by the council, the heads of departments, officers and boards shall send to the commissioner of revenue and finance a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices and boards during the next ensuing fiscal year.

Annual estimate of city's requirements and revenue.

Sec. 115. On or before the third Monday in August in each year, the commissioner of revenue and finance shall submit to the council an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding bonded indebtedness of the city and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

Annual estimate of city's requirements and revenue.

Annual budget.

Sec. 116. The council shall meet annually prior to fixing the tax levy and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government for the next ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office or board as the council may deem advisable.

Annual budget.

Board of equalization.

Sec. 117. The council shall meet at its usual place of meeting on the first Monday in July of each year, at eleven o'clock in the forenoon of said day, and sit as a board of equalization for the purpose of equalizing the taxes, and shall continue in session from day to day until the last Monday in July. The city clerk shall give notice of such meetings by one publication in the official newspaper. Said board of equalization shall have power to hear complaints and to correct, modify, strike out or to lower or to raise any assessment; *provided*, that notice shall be given to the party whose assessment is to be raised.

Board of equalization.

Annual tax levy.

Sec. 118. The council must finally adopt, not later than the first Tuesday in September, an ordinance levying upon the assessed valuation of the property in the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. It shall then deliver the assessment roll to the auditor and ex officio assessor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor and ex officio assessor as being the assessment roll of said tax. The tax levy authorized by the council, when collected, shall be placed in the general fund, which may be apportioned by the council, except as otherwise provided in this charter.

Annual tax levy.

Taxation for school purposes.

Taxation
for school
purposes.

SEC. 119. The council shall, when requested by the board of education, levy annually, a tax not to exceed five cents on each one hundred dollars of the assessed value of all real and personal property within the city. This amount when collected, shall be used in the building fund of the school department, and shall be used only for the purchase of land for educational purposes, or for the construction of permanent school buildings, or permanent additions thereto.

No land shall be purchased with any money raised by such tax except with the approval of the council, as provided for by section one hundred eighty-seven (187) of this charter, and no school building or addition thereto shall be constructed with any money raised by such tax except in the manner provided for by sections one hundred eighty-eight (188) and one hundred eighty-nine of this charter, and no money raised by such tax shall be placed in any fund of the school department, except upon these conditions. The council may, upon request of the board of education, levy a rate upon the taxable property of the city which will, with the money obtained from other sources for educational purposes, raise sufficient funds to adequately support the public schools of the city. The money collected for school purposes shall be immediately paid into the proper school fund of the city, to be drawn out only on the order of the board of education, and only for the purposes for which it was collected.

Cash basis fund.

Cash basis
fund.

SEC. 120. The council shall create and maintain a permanent revolving fund, to be known as the cash basis fund, for the purpose of putting the payment of the running expenses of the city on a cash basis. For this purpose the council shall provide that, from the money collected from the annual tax levy and from money received from other sources, a sum equal to not less than two and one half cents on each one hundred dollars of the assessed value of said property shall be placed in such fund until the accumulated amount in such fund shall be sufficient to meet all legal demands against the treasury for the first four months or other necessary period of the succeeding fiscal year.

The council shall have power to transfer from the cash basis fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the council to provide that all money so transferred from the cash basis fund be returned thereto before the end of the fiscal year.

Tax liens.

Tax liens.

SEC. 121. All taxes assessed, together with any percentages imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced

by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; *provided*, that when real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with the like effect and with like right of redemption, as it may be struck off and sold to the state when offered for sale for state and county taxes, except that no certificate or receipt need be delivered to the state controller and the council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter.

Duties of the auditor.

SEC. 122. The auditor shall be ex officio assessor. As assessor he shall perform all the duties prescribed by this charter or by law for assessing property in the city for purposes of taxation. As auditor he shall keep and number a record of all demands allowed by him, showing the date of approval, amount, and name of original holder, the number, on what account and out of what fund payable. He shall be required to be constantly acquainted with the exact condition of the treasury. He shall within one week after the close of each month, or oftener if required, report to the council the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which shall be set forth in a plain and business-like manner every money transaction of the city, so that he can tell at any time the exact condition of the city's finances. He shall make an annual report showing the sources from which the city's revenue was derived and how expended. The auditor must prepare, countersign and deliver from time to time to the treasury, and to every officer authorized by law to charge or collect any fee, commission, percentage, allowance or compensation for the performance of any official service or duty, as many receipts as may be required, charging therewith the treasurer or other officials receiving them. He shall draw and sign all warrants upon the treasury. Every demand against the city from whatever source, including the school department and the Oakland free library, when allowed by the council or proper board, shall have stamped upon it the date of approval by such body and shall be signed by the president and secretary or clerk of such body and shall then be presented to the auditor, who shall satisfy himself whether the money is legally due and remains unpaid and its payment authorized by law and out of what fund. After such examination he shall approve or reject the claim in whole or in part and indorse on such demand his approval or rejection over his signature, together with the date thereof. If it is approved the fund out of which it is to be paid shall be designated. If it is not approved, unless the party presenting it is willing to take in full for the entire demand the sum offered, the auditor shall reject it and return it with his reasons for rejection, to the body which originally authorized it; then, if it is allowed by a

Duties
of the
auditor.

four-fifths vote of the entire body authorizing it, it shall be audited in the same manner as if it had not been rejected; *provided*, the body had the authority to make the expenditure out of which the claim arose.

No demand upon the city treasury shall be considered, presented for action, or acted upon, allowed or approved unless it specifies on its face each several item composing it and the amount and date thereof. Every demand on any fund shall be numbered and acted upon by the auditor in the order of its presentation to him; and when allowed either in whole or in part, the warrant therefor shall be numbered and entitled to payment out of said fund in the same order as allowed. No demand upon the treasury shall be allowed by the auditor in favor of any officer or other person, or any firm, company or corporation, or his or its assigns, who is in any manner indebted to the city upon an obligation due the city, without first deducting therefrom the amount of such indebtedness. He shall on application of any person indebted to the city, holding money payable into the city treasury or desiring to pay money therein, certify to the treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall charge the treasurer with the amount received.

It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and forthwith notify the treasurer of such apportionment.

If for any reason a warrant remains unpaid for a period of three (3) years, during all of which time funds have been available to meet it, the auditor may cancel it upon his records, but he must at the same time enter a record of it upon a book kept for that purpose, and should demand be made for payment of the claim involved at a subsequent date, draw a warrant in payment therefor against the general fund of the fiscal year then current.

Disposition of money collected.

Disposition
of money
collected.

SEC. 123. Every officer collecting or receiving any moneys belonging to or for the use of the city, or in his official capacity, shall settle for the same with the auditor on or before the last day of each week, or at more frequent intervals as may be directed by the council, and immediately pay all of the same into the treasury, accompanied by the certificate of the auditor, for the benefit of the funds to which such moneys severally belong. When the last day of the week falls upon a legal holiday, the said payments shall be made on the next preceding business day.

Uniform accounts and reports.

Uniform
accounts
and re-
ports.

SEC. 124. Upon the recommendation of the commissioner of revenue and finance and the auditor, the council shall provide by ordinance a system of accounting for the city not inconsistent with the provisions of this charter, which shall be, as nearly as may be, a uniform system as to all departments.

ARTICLE XIX.

PUBLIC WORK AND SUPPLIES.

Form of contracts.

SEC. 125. All contracts shall be drawn under the supervision of the city attorney. All contracts must be in writing, executed in the name of the city of Oakland by an officer or officers authorized to sign the same, and must be countersigned by the auditor, who shall number and register the same in a book kept for that purpose.

Form of contracts.

Requirements for bids.

SEC. 126. All proposals shall be made upon printed forms to be prepared by the city and furnished gratuitously upon application, with a form for the affidavit, hereinafter provided for, printed thereon. Each bid shall have thereon the affidavit of the bidder that such bid is genuine and not sham or collusive or made in the interest or in behalf of any person not therein named and that the bidder has not directly or indirectly induced or solicited any other bidder to put in a sham bid, or any other person, firm or corporation to refrain from bidding, and that the bidder has not in any manner sought by collusion to secure to himself an advantage over any other bidder. Any bid made without such affidavit or in violation thereof, and also any contract let thereunder, shall be absolutely void. All bids shall be clearly and distinctly written without any erasure or interlineation, and if any bid shall have an erasure or interlineation it shall not be received or considered by the council or board as the case may be. All proposals offered shall be accompanied by a check certified by a responsible bank, payable to the order of the city clerk, for an amount not less than ten per cent of the aggregate of the proposal; and no proposal shall be considered unless accompanied by such check.

Requirements for bids.

No person, firm or corporation shall be allowed to make or file or be interested in more than one bid for the same work. If, on the opening of said bids, more than one bid appear in which the same person, firm or corporation is interested, all such bids shall be rejected.

On the day and at the hour specified in said notice inviting sealed proposals the council, or board as the case may be, shall assemble and remain in session for at least one hour, and all bids shall be delivered to the council, or board as the case may be, while it is so in session, and within the hour named in the advertisement. No bid not so delivered to the council, or board as the case may be, shall be considered. Each bid as it is received shall be numbered and marked "filed" by the president and authenticated by his signature. At the expiration of the hour stated in the advertisement, within which the bids will be received, the council, or board as the case may be, shall, in open session, open, examine and publicly declare the same, and an abstract of each bid shall be

recorded in the minutes of the council, or board as the case may be, by the city clerk or the secretary of such board. Before adjourning, the council, or board as the case may be, shall compare the bids with the record made by the city clerk or the secretary of such board, and shall thereupon, at said time, or at such other time, not exceeding twenty days thereafter, as the council, or board as the case may be, may adjourn to, award the contract to the lowest bidder, except as otherwise in this charter provided. Notice of such award shall forthwith be posted conspicuously for five days by the city clerk, or the secretary of such board, on a bulletin board at or near the council chamber door of the council.

The council, or board as the case may be, may reject any and all bids, and must reject the bid of any party who has been delinquent or unfaithful in any former contract with the city, and all bids other than the lowest regular bid; and on accepting such lowest bid, shall thereupon return to the proper parties the checks corresponding to the bids so rejected. If all the bids are rejected the council, or board as the case may be, shall return all the checks to the proper parties and may again invite sealed proposals as in the first instance.

The check accompanying the accepted bid shall be held by the city clerk until the contract for doing said work, as hereinafter provided, has been entered into, and the bond accompanying the same, as hereinafter provided, is approved and filed, whereupon said certified check shall be returned to said bidder.

If said bidder fails or refuses to enter into the contract to do said work, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be forfeited to the city, and shall be collected and paid into the general fund. Neither the city council nor any board shall have the power to relieve from or remit such forfeiture.

Penalty for collusion.

Penalty
for col-
lusion.

SEC. 127. If at any time it shall be found that the person, firm or corporation to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, then the contract so awarded shall be null and void, and the contractor and his bondsmen shall be liable to the city for all loss or damage which the city may suffer thereby, and the council, or board as the case may be, may advertise for a new contract for said work.

Contracts—Bonds.

Contracts;
bonds.

SEC. 128. All contracts shall be signed in triplicate, one of which with the specifications, and drawings if any, of the work to be done or materials to be furnished, or both as the case may be, shall be filed with the city clerk; one thereof with said specifications and drawings shall be kept in the office of the commissioner of the department under whose supervision the work is to be done, or in case the work is being done under the supervision of a board, then in the office of the secretary of

such board; and the other with said specifications and drawings shall be delivered to the contractor.

At the same time with the execution of the contract the contractor shall execute to the city and deliver to the auditor a bond in the form named in the notice for proposals with two or more sufficient sureties to be approved by the council, or board as the case may be, or shall deposit with the auditor a certified check upon some solvent bank for the said amount, for the faithful performance of the contract. No surety on any bond other than lawfully authorized surety companies shall be taken unless he shall be a payer of taxes on property not exempt from execution or subject to homestead claim, the assessed value of which over and above all encumbrances is equal in amount to his liabilities on all bonds on which he may be surety to the city and each surety shall certify and make an affidavit (for which a form shall be printed upon said bond), signed by him, that he is assessed upon the last assessment roll of the city, in his own name, for property in an amount greater than his liabilities on all bonds on which he is surety to the city, and that the taxes on such property so assessed are not delinquent.

The contract shall specify the time within which the work shall be commenced and when to be completed, as was specified in the notice inviting proposals therefor. The council, or the board as the case may be, may extend said time, but in no event shall the time for the performance of any contract be extended for more than ninety days beyond the time originally fixed for its completion, except by the unanimous vote of the council, or board as the case may be.

In case of failure on the part of the contractor to complete his contract within the time fixed in the contract or within such extension of said time as herein provided for, the contract shall by that fact be terminated and the council, or board as the case may be, shall not thereafter pay or allow him any further compensation for any work done by him under said contract; and the council, or board as the case may be, may proceed to complete such contract either by reletting or otherwise and the contractor and his bondsmen shall be liable to the city for all loss or damage which it may suffer on account of his failure to complete his contract within such time.

Progressive payments on contracts.

SEC. 129. Any contract may provide for progressive payments, if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the comple-

Progressive payments on contracts.

tion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

Public work to be done by contract.

Public
work to
be done by
contract.

SEC. 130. In the erection, improvement and repair of all public buildings and works, in all streets and sewer work, and in all work in or about streams, bays or water fronts or in or about embankments or other works for protection against overflow or erosion, and in furnishing any supplies and materials for the same, or for any other use by the city or in the purchasing of any supplies to be used by the city, when the expenditure required for the same exceeds the sum of five hundred dollars, shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for five consecutive days in the official newspaper for sealed proposals for the work contemplated or supplies to be furnished. Such notice shall distinctly and specifically state the work contemplated or supplies to be furnished; *provided, however*, the council may reject any and all bids, if deemed excessive, and readvertise for bids, or provide for the work to be done by the department of public works or the supplies to be purchased in the open market; but in no case shall such supplies be bought at a price as high as the lowest bid received from a responsible bidder. In case no bid is received the council may likewise provide for the work to be done by the department of public works or the supplies to be purchased in the open market.

Indorsement of auditor upon contracts.

Indorse-
ment of
auditor
upon con-
tracts.

SEC. 131. No contracts made, the expense of whose execution is not provided by law or ordinance to be paid by assessment upon the property benefited, shall be binding or of any force, unless the auditor shall indorse thereon his certificate that there remains unexpended and unapplied as herein provided, a balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract, as certified by the board or officer making the same. This provision shall not apply to work done, or supplies furnished, involving expenditure of less than two hundred and fifty dollars, unless the same is required by law to be done by contract at public letting. The auditor shall make such indorsement upon every such contract so presented to him, if there remains unapplied and unexpended such amount so certified by the board or officer making the contract, and thereafter such sum shall be held and retained to pay the expense incurred until the contract shall be fully performed. The auditor shall furnish weekly to the head of each department a statement of the unexpended balances of the appropriation for his department.

Contracts for official advertising.

Contracts
for official
advertis-
ing.

SEC. 132. The council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the council shall advertise for five consecutive days, setting forth distinctly and specifically the work contemplated

to be done, including the type and spacing to be used, and asking for sealed proposals therefor. The council shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the city of Oakland which is a newspaper of general circulation, having a bona fide general circulation of at least five thousand (5000) copies, and which newspaper has been regularly published in said city for two successive years prior to the time of awarding the contract; *provided*, that the council may reject any or all bids if found excessive, and advertise for new bids. The newspaper to which the award of such advertising is made shall be known and designated as the "official newspaper." Except when otherwise provided in this charter, or by general law, all official publications made by the city shall be made in the official newspaper only. All election notices, or lists of candidates for office, department reports, ordinances, charters, or charter amendments, advertising, publicity affairs, or other publications required or authorized by this charter, by general law, or by any ordinance of the city to be made in any newspaper and all such publications for which the city of Oakland may be liable, shall be paid for by the city at such rates as shall not, in any event, exceed the ordinary and regular advertising rates charged other advertisers; and all printing of books, pamphlets, bills, letterheads or other documents or printed matter required by the city shall be paid for at a price not exceeding the usual business rates therefor. No bill shall be paid by the city for such advertising or printing in excess of the said usual business rates.

Contracts for lighting.

SEC. 133. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for electric light or any illuminating material at a higher rate than the minimum price charged to any other consumer during the life of said contract with the city be valid.

Contracts
for light-
ing.

Contracts for water.

SEC. 134. No contract for supplying water for the use of the municipality in any of its departments shall be valid wherein the rates exceed the minimum rates charged to other consumers during the life of said contract with the city.

Contracts
for water.

Hours of labor.

SEC. 135. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the city and its officers, or by a contractor or sub-contractor, shall be eight hours during any one calendar day.

Hours of
labor.

Collusion with bidder—Effect on officer.

SEC. 136. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than

Collusion
with
bidder;
effect on
officer.

that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office, and be forever ineligible to hold any office or employment in or under the city of Oakland.

ARTICLE XX.

FRANCHISES.

Property rights of the city inalienable.

Property rights of the city inalienable.

SEC. 137. The rights of the city in and to its water front, wharf property, land under water, public buildings, wharves, docks, streets, highways, public parks and all other public places, except as otherwise provided in this charter, are hereby declared inalienable.

No use of streets without a franchise.

No use of streets without a franchise.

SEC. 138. No person, firm or corporation shall ever exercise any franchise, permit or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the constitution of California or of the constitution or laws of the United States, in, upon, over, under or along any street, highway or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article of this charter.

Franchises to use streets.

Franchises to use streets.

SEC. 139. Every franchise, permit or privilege for the purposes hereinafter enumerated in this section shall, except as otherwise provided in the constitution of the State of California, be granted by the council upon the condition specified in this article, and not otherwise.

(1) Every franchise, permit or privilege to construct or maintain or operate a street railroad, a suburban railroad, or an interurban railroad along, upon, over, in, under or across any street, lane, alley, court, highway, road, park, or other public place in the city of Oakland.

(2) Every franchise, permit or privilege to lay or maintain or operate pipes or conduits along, upon, over, in, under or across any street, lane, alley, court, highway, road, park, or other public place in the city of Oakland for the purpose of transmitting water, gas, steam, oil, air or other substances.

(3) Every franchise, permit or privilege to erect or maintain or operate poles or to string wires along, upon, over, under, in or across any street, lane, alley, court, highway, road, park, or other public place in the city of Oakland, for the purpose of transmitting electricity or electrical energy.

Nothing in this section shall be construed as applying to spur or side tracks provided for in subdivision fifty-five (55) of section fifty-one (51) of this charter.

Applications for franchises.

SEC. 140. (1) An applicant for a franchise, permit or privilege shall file with the council an application therefor, and thereupon the council shall, if it proposes to grant the same, advertise the fact of said application, together with a statement that it is proposed to grant the same, in the official newspaper of the city. The publication of such advertisement must run for ten consecutive days, Sundays and legal holidays excepted, and must be completed not less than fifteen and not more than thirty days before any further action can be taken on such application.

Applications for franchise.

Conditions of grant.

(2) The advertisement must state the character of the franchise, permit or privilege it is proposed to grant, and, if it be a street railroad, or a suburban or interurban railroad, the route to be traversed; that sealed bids therefor will be opened at a stated time and place, and that the franchise, permit or privilege will be awarded to the bidder offering to pay to the city during the life of the franchise, permit or privilege, the highest percentage of the gross annual receipts received from the use, operation or possession of the franchise, permit or privilege: *provided*, that such percentage be not less than two per cent of said gross annual receipts during the first five years, not less than four per cent during the next ten years and not less than five per cent during the last twenty years; *provided*, that if the franchise, permit, or privilege be a renewal of a right already in existence, the payment of the highest percentage of the gross receipts shall begin immediately on the taking effect of the new franchise; *and provided*, *further*, that the council shall have the right to reject any and all bids.

Conditions of grant.

Bidding for the franchise.

(3) At the time of opening the sealed bids, any responsible person, firm or corporation may bid for such franchise, permit, or privilege not less than one half of one per cent of the gross annual receipts for the entire term of the franchise above the highest sealed bid therefor, and such bid so made may be raised not less than one half of one per cent of the gross annual receipts for such entire term by any other responsible bidder, and such bidding may continue until finally such franchise shall be struck off, sold and awarded by the council to the person, firm or corporation offering the highest percentages of the gross annual receipts arising from the use, operation or possession of such franchise, subject to the provision of subdivision two (2) of this section; *provided*, that if, in the judgment of the council, no adequate or responsible bid has been made, the council may withdraw such franchise from sale or advertise for new bids.

Bidding for the franchise.

If the franchise, permit or privilege is for a street railroad, or a suburban railroad or an interurban railroad which shall extend beyond the limits of the city of Oakland, then and in that case the percentages of gross receipts above specified shall be computed or reckoned as follows: The total length of the said railroad within and without the city shall be compared to the length of the said railroad within the city for which a franchise, permit or privilege is bid for, and such fraction of the entire gross receipts for the whole of such railroad within and without the city as the portion of such railroad within the city is of the said whole railroad shall be deemed and considered the gross receipts upon which the above percentages to be paid into the city treasury shall be reckoned. Any street railroad, suburban railroad or interurban railroad which, without having a franchise, permit or privilege from the city of Oakland so to do, uses the tracks of any other street railroad, suburban railroad or interurban railroad within the city of Oakland, shall pay into the treasury of the city of Oakland such minimum percentages of the gross receipts as are specified in subdivision two (2) of this section.

Deposit as guarantee of good faith.

Deposit as
guarantee
of good
faith.

(4) Every application for a franchise, permit, or privilege under this article and every bid except that of the applicant under this article shall be accompanied by a cash deposit of two thousand dollars or a certified check for said amount, payable to the city clerk, certified to by some responsible bank, as a guarantee of the good faith of applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the granting of such franchise, permit or privilege.

Upon the franchise, permit or privilege being awarded, all deposits made by the unsuccessful bidders shall be returned. The deposit of the successful bidder shall be retained until the approval and filing of the bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, permit or privilege, shall be returned.

Free competition in bidding.

Free com-
petition in
bidding.

(5) No clause or condition of any kind shall be inserted in any advertisement of any franchise, permit or privilege offered for sale under the terms of this article which shall directly or indirectly restrict free and open competition in bidding therefor.

Bond.

Bond.

(6) The successful bidder for any franchise, permit or privilege awarded under this article shall file a bond running to the city to be approved by the council, in the penal sum prescribed by the council and set forth in the advertisement for

bids, conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise, permit or privilege, and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond.

Such bond shall be filed with the council within five days after such franchise, permit or privilege is awarded, and within thirty days after the filing and approval of such bond such franchise, permit or privilege shall by the council be granted by ordinance, subject to the referendum provisions of this charter, to the person, firm or corporation to whom it shall have been struck off, sold, or awarded, and in case such bond shall not be so filed, the award of such franchise, permit or privilege shall be set aside and any money deposited in connection with the awarding of the franchise, permit or privilege shall be forfeited and the franchise, permit or privilege shall, in the discretion of the council, be readvertised and again offered for sale in the same manner and under the same restrictions as hereinbefore provided.

Life of franchise.

SEC. 141. The maximum length of time for which a franchise, permit or privilege to use the streets, alleys, highways, lands, waters, or other public places in the city may be granted to any person, firm or corporation shall be thirty-five (35) years.

Life of franchise.

Beginning and completion of work.

SEC. 142. Construction work under any franchise, permit or privilege granted in accordance with the terms of this article shall be commenced in good faith within not more than four months from the date of the taking effect of the ordinance granting such franchise, permit or privilege, and if not so commenced within said time, said franchise, permit or privilege shall be forfeited. Work under any franchise, permit or privilege so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, permit or privilege, which time shall be not more than three years from the date of the taking effect of the ordinance granting said franchise, permit or privilege, and if not so completed within said time, said franchise, permit or privilege shall be forfeited; *provided*, that if good cause be shown, the council may by resolution extend the time for completion thereof not exceeding three months; *and provided*, that the limitations and provisions hereof as to the time within which work shall be completed, shall not apply to extensions of service under franchises, permits or privileges other than for railroads, street railroads, suburban or interurban railroads.

Beginning and completion of work.

Service and accommodation.

SEC. 143. The grant of every franchise, permit or privilege shall be subject to the right of the city, whether or not

Service and accommodation.

reserved in such grant, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise, permit or privilege, and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

Rates and charges.

Rates and charges.

SEC. 144. The grant of every franchise, permit or privilege shall be subject to the right of the city, whether or not reserved in such grant to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise, permit or privilege. The grant of every franchise, permit or privilege for a railroad, street railroad, or a suburban or interurban railroad shall provide that all United States mail carriers when in uniform, and all policemen, firemen and employees of the electrical department of the city while in the actual discharge of their duties, be allowed to ride on all cars of such railroad within the boundaries of the city, without paying fare therefor and with all the rights of other passengers.

Right of city to assume ownership.

Right of city to assume ownership.

SEC. 145. Every ordinance granting any franchise, permit or privilege provided for in this article shall provide that at the expiration of the period for which the franchise, permit or privilege is granted, or at such time before said expiration as may be specified in said ordinance, the city, at its election, may, upon the payment of a fair valuation therefor, to be made in the manner provided in the ordinance, purchase and take over to itself the property and plant of the grantee, his successors or assigns, used in the enjoyment of the said franchise, permit or privilege. In no case, however, shall the value of the franchise, permit or privilege or the values commonly known as "good will" or "going value" be considered or taken into account in fixing such valuation. The grantee, his successors or assigns, of any franchise, permit or privilege under this article shall be required in said ordinance to file monthly with the city clerk an itemized statement of the expenditures for new construction during the calendar month next preceding the filing of said statement; and said statement shall be verified by the oaths of the president and secretary of the grantee, his successor or assign, if such grantee, successor or assign be a corporation, or by the oaths of a majority of the members of the firm, if the said grantee, successor or assign be a firm, or by his oath, if the grantee, his successor or assign be a person. No cost of maintenance, operation, repair or renewal shall be considered to be a cost of construction. Or it may be provided in the ordinance granting a franchise, permit or privilege under this article that the property and plant of the grantee, his successors or assigns, used in the enjoyment

of the said franchise, permit or privilege shall, at the expiration of the period for which the franchise, permit or privilege was granted, revert to and become the property of the city without any compensation being made by the city to said grantee, his successors or assigns. But in no case shall any property of any such grantee, his successors or assigns, be taken over by the city with or without compensation, without being subject to the referendum vote as in this charter provided, if referendum be demanded by the people.

Regulation of public utility rates.

SEC. 146. Every ordinance granting any franchise, permit or privilege shall provide that the council shall have the right annually to regulate and fix the price or rate at which commodities, productions or services shall be sold or rendered under such franchise, permit or privilege. But the council in the exercise of this right shall not fix said price or rate at a lower price or rate than will produce a net revenue to the grantee of said franchise, permit or privilege, his successors or assigns, of less than five per centum per annum, computed on the actual cost of construction of the plant and property actually used and employed in the transaction of the business of said grantee, his successors or assigns, under said franchise, permit or privilege.

Regulation of public utility rates.

No conveyance necessary for city's ownership.

SEC. 147. Every ordinance granting any franchise, permit, or privilege shall provide that the city may take over to itself and become the owner of the property and plant of any grantee as provided in this article, without the execution of any instrument or conveyance. The granting of the franchise, permit, or privilege shall be set forth in all ordinances granting franchises, permits or privileges as a valuable consideration, for which the grantee, his successors and assigns, agrees to conform to the terms and conditions of the said ordinance.

No conveyance necessary for city's ownership.

Lease or assignment of franchise.

SEC. 148. No franchise, permit or privilege granted by the city shall be, in whole or in part, leased, assigned or otherwise disposed of, or transferred without the express consent of the city given by ordinance, and no dealings with any one on the part of the city to require the performance of any act or payment of any compensation by any one shall be deemed to operate as such consent; *provided*, that nothing herein shall be construed to prevent the grantees from the city of such franchise, permit or privilege from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate business.

Lease or assignment of franchise.

Street sprinkling, cleaning and paving.

SEC. 149. Every grant of any franchise, permit or privilege in, over, under or along any of the streets, highways or public places in the city for railroad, street railway, suburban or interurban railway purposes, shall be subject to the condi-

Street sprinkling, cleaning and paving.

tions that the person, firm or corporation exercising or enjoying the same shall sprinkle, clean, plank or replank, pave or repave, macadamize or remacadamize the entire length of the street, highway or other public place used by the track or tracks of such railroad or railway, and between the rails, and for two feet on each side thereof, and between the tracks, if there be more than one, and keep the same constantly in repair, flush with the street, and with good crossings; and such street work must be done with such kind of materials and in such manner as the council may by ordinance direct, at the same time and as a part of the same operation as the work on the remainder in width of said street, highway or other public place, to the satisfaction of the superintendent of streets.

Examination of company's books. Audit.

Examina-
tion of
company's
books:
audit.

SEC. 150. All ordinances granting franchises, permits or privileges under this article shall provide that the grantee, his successors or assigns, shall keep, in such manner as the council may from time to time require, vouchers, records, and books of accounts. The city of Oakland, by and through its mayor, auditor, deputy auditor, accountants or such other agents as may, from time to time, be appointed by the mayor, auditor or council, shall have the right at all reasonable times to examine all the books, vouchers, records and other papers of all persons, firms or corporations exercising or enjoying any franchise, permit or privilege under this article. A refusal to keep said books, vouchers and records in the manner provided above or to produce for inspection in the city of Oakland said books, vouchers and records at all reasonable times for examination by the mayor, auditor, deputy auditor, accountants or other agents appointed by the mayor, auditor or council shall work a forfeiture of the said franchise, permit or privilege.

Annual reports of company.

Annual
reports of
company.

SEC. 151. Every person, firm or corporation operating any business under a franchise, permit or privilege granted under this article shall file annually with the city auditor on such date as shall be fixed by the council a report for the preceding year. Such report shall be in writing, verified by the affidavit of such person or persons, or officer of the corporation as the council shall direct, and shall contain a statement, in such form and details as shall from time to time be prescribed by the council of all the gross receipts arising from all the business done by said person, firm or corporation, under said franchise, permit or privilege within the city of Oakland, for the year immediately preceding such report. Such report shall contain such further statements as may be required by the council concerning the character and amount of business done under said franchise, permit or privilege, and the amount of receipts and expenses connected therewith, and also an itemized account of the money expended under said franchise, permit or privilege for new construction, repairs and betterments during the year.

Books of records and reference.

SEC. 152. The mayor shall provide and cause to be kept in the office of the city clerk the following books of record and reference: Books of records and reference.

First—A franchise record, indexed and of proper form, in which shall be transcribed accurate and correct copies of all franchises or grants by the city to any person, persons, or corporation owning or operating any public utility. The index of said record shall give the name of the grantee and thereafter the name of any assignee thereof. Said record shall be a complete history of all franchises granted by the city and shall include a comprehensive and convenient reference to actions, contests, or proceedings at law, if any, affecting the same.

Second—A public utility record, of every person, persons, or corporation owning or operating any public utility under any franchise granted by the city, into which shall be transcribed accurate and correct copies of each and every franchise granted by the city to said person, persons, or corporation, or which may be controlled or acquired by them or it, together with copies of all annual reports and inspection reports, as herein provided, and such other matters of information and public interest concerning the same as the mayor may, from time to time acquire. In case annual reports are not filed and inspections are not made, as provided, the mayor shall record such fact in the public utility record, and in writing, report the same to the council.

Payment of gross receipts.

SEC. 153. The stipulated percentage of gross receipts provided in this charter to be paid for the use and enjoyment of any franchise, permit or privilege shall be paid annually at the time of filing the annual report provided for in section one hundred and fifty-one (151) of this charter to be filed by persons, firms or corporations holding franchises, permits or privileges. Failure to pay such percentage shall work a forfeiture of the franchise. Payment of gross receipts.

Forfeiture for non-compliance.

SEC. 154. Every ordinance granting any franchise, permit or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the council shall have power to declare the termination and forfeiture of any such franchise, permit or privilege, the same as though in each instance such power was expressly reserved; and wherever the charter shall provide that any ordinance granting a franchise, permit or privilege shall contain any terms or conditions whatsoever, the said terms and conditions shall be considered as included in said franchise, permit or privilege, whether or not specified in the ordinance granting said franchise, permit or privilege. Forfeiture for non-compliance.

Limitations on water front franchises.

SEC. 155. No exclusive franchise, permit or privilege, ex-

Limitations on water front franchises.

cept for the purpose of constructing or maintaining or operating railroads, wharves, docks, slips, quays, dry docks, graving docks, shipyards or marine railways and the appurtenances necessary to each and all of them, shall be granted by the city or the council to, in, over or upon any portion of the bed of the bay of San Francisco or of the estuary of San Antonio, or of the bay of San Leandro. And all franchises, permits or privileges for railroads to, in, on, over or upon any portion of the bed of the bay of San Francisco or the estuary of San Antonio, or of the bay of San Leandro shall be subject to the right of any and all other railroads or railroad companies to have their cars switched and transported, by the operators of railroads under such franchises, permits or privileges, to designated points and for designated purposes, on to and over all tracks operated under said franchises, permits or privileges, upon payment of a reasonable compensation for such switching and transportation. But no franchise, permit or privilege shall be granted for any portion of the bed of the bay of San Francisco greater in width than seven hundred feet measured at right angles to Twelfth street or to B street projected westerly. And no franchise, permit or privilege shall be granted for any portion of the bed of the estuary of San Antonio, between the eastern line of Linden street, projected southerly and the eastern line of Alice street projected southerly, greater in width than seven hundred feet measured at right angles to Broadway or to Adeline street. No exclusive franchise, permit or privilege for any portion of the bed of the bay of San Francisco shall be granted within seven hundred feet of any other exclusive franchise, permit or privilege for any portion of the bed of the bay of San Francisco. No exclusive franchise, permit or privilege for any portion of the bed of the estuary of San Antonio, between the eastern line of Linden street projected southerly and the eastern line of Alice street projected southerly shall be granted within seven hundred feet of any other exclusive franchise, permit or privilege to any portion of the bed of the estuary of San Antonio. Nothing shall, under any franchise, permit or privilege, be constructed upon, in, over or under any portion of the bed of the bay of San Francisco or the estuary of San Antonio or of the bay of San Leandro which shall obstruct, hinder or prevent the construction, maintenance and operation of such continuous belt lines of railroad along the whole length of the water front as the council may provide for.

Switching rights.

Switching rights.

SEC. 156. All franchises, permits and privileges for the construction or maintenance or operation of any railroad, other than street railroads, shall contain a stipulation and condition that all other persons, firms or corporations building or maintaining or operating other railroads (not street railroads) in the city of Oakland and all persons, firms or corporations desiring to avail themselves of the benefits and privileges and rights conferred by any such franchise, permit

or privilege shall have a common right to have their cars switched and transported by the holder or holders of such franchise, permit or privilege on railroad tracks constructed or maintained or operated under the terms of such franchise, permit or privilege; and such tracks shall be operated on equal and reasonable pro rata rates with equal facilities for such purposes, and such rights, rates and facilities shall be extended without discrimination to all persons, firms and corporations desiring the same.

Franchises not in use forfeited.

SEC. 157. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment or which the grantees thereof have not in good faith commenced to exercise, shall be and become forfeited and invalid, unless such grantees or their assigns shall, within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such franchise, permit or privilege.

Franchises not in use forfeited.

Ordinance in plain terms.

SEC. 158. No franchise, permit or privilege or license shall be considered as granted by any ordinance except when granted in said ordinance in plain and unambiguous terms, and any and every ambiguity therein shall be construed in favor of the city and against the claimant under such ordinance.

Ordinance in plain terms.

Franchises specify streets.

SEC. 159. All franchises, permits or privileges for railroads, street railroads, suburban or interurban railroads hereafter granted shall plainly specify on what particular streets, alleys, avenues or other public property the same shall apply, and all other franchises, permits or privileges shall so specify as far as practicable. No franchise, permit or privilege shall hereafter be granted by the city in general terms or to apply to the city generally.

Franchises specify streets.

License tax.

SEC. 160. The city shall have the right to license or tax street cars, telephones, gas meters, electric meters, water meters and all other devices for measuring service; also telephone, telegraph, electric light and power poles, subways, conduits and wires. The said license or tax shall be in addition to all other lawful taxes levied thereon or upon the property of the holder thereof.

License tax.

Other conditions may be imposed by council.

SEC. 161. Nothing in this charter shall be construed as prohibiting the council from inserting in any ordinance granting any franchise, permit or privilege such other conditions or requirements, not inconsistent with the provisions of this charter, as the council may desire to insert therein or the people may by the initiative indicate their desire to have so inserted.

Other conditions may be imposed by council.

Franchises for railroads other than street, suburban or interurban railroads.

SEC. 161½. The council may grant franchises for the con-

Franchises
for rail-
roads
other than
street,
suburban
or inter-
urban
railroads.

struction, maintenance and operation of railroads other than street railroads, suburban railroads or interurban railroads along, upon, over, in, under or across any street or streets or other public place in the city of Oakland, but only in the manner and upon the terms and conditions next hereinafter set forth, that is to say:

The provisions of section 137 relating to property rights of the city; of section 140 relating to applications for franchises; of section 141 relating to life of franchises; of section 142 relating to beginning and completion of work; of section 143 relating to service and accommodation; of section 144 relating to rates and charges; of section 145 relating to right of the city to assume ownership; of section 147 relating to conveyances; of section 148 relating to leases and assignments of franchises; of section 149 relating to street sprinkling, cleaning and paving; of section 152 relating to books of record and reference; of section 154 relating to forfeiture for non-compliance; of section 155 relating to limitations on water front franchises; of section 156 relating to switching rights; of section 157 relating to forfeiture of franchises not in use; of section 158 relating to terms of ordinances; of section 159 relating to specification of streets; and of section 161 relating to additional conditions, shall apply to and govern all franchises, permits or privileges granted for the construction or maintenance or operation of any railroad, including railroads other than street railroads, suburban railroads and interurban railroads: and anything in this article to the contrary notwithstanding, no other section contained in this article (article XX) shall apply to or govern the granting of franchises, permits or privileges for the construction or maintenance or operation of railroads other than street railroads, suburban railroads or interurban railroads.

Provided, that the application of the provisions of said section 140 (relating to applications for franchises) to the granting of franchises, permits or privileges for railroads other than street railroads, suburban or interurban railroads, shall be subject to this exception, that is to say, that instead of receiving bids for a percentage of the gross annual receipts as provided for in said section 140, the franchise, permit or privilege shall be awarded to the bidder offering to pay to the city, during the life of the franchise, permit or privilege, the highest average annual rental, and the advertisement shall so state, and that in the raising of bids above the amount of the highest sealed bid the first increased bid must be at least five per cent greater than the amount of the highest sealed bid; *and provided*, that in the application to the granting of franchises for railroads other than street railroads, suburban or interurban railroads, the provisions of said section 144 (relating to rates and charges) shall apply only to the local service of such railroads: *and provided*, that in the application to the granting of franchises for railroads other than street railroads, suburban or interurban railroads, the provisions of said section 145 (relating to rights of the city to assume ownership) shall not be construed as re-

quiring such franchise, permit or privilege to permit the city to take over to itself any of the rolling stock or other movable property of the grantee, his successors or assigns, used in the enjoyment of such franchise, permit or privilege.

ARTICLE XXI.

THE INITIATIVE.

Preliminaries to filing petition.

SEC. 162. The qualified electors of the city shall have power to propose by petition, and to adopt at the polls any ordinance which may be enacted under this charter. Such ordinance may be proposed by filing with the city clerk a petition setting forth said ordinance in full, signed by qualified electors of the city as many in number as hereinafter required of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election.

Preliminaries to filing petition.

Before any petition for such submission of a proposed ordinance shall be circulated, an affidavit by or on behalf of its proponents shall be filed with the city clerk containing the following: A copy of the proposed ordinance; a statement in not more than two hundred (200) words giving the proponents' reasons for the adoption of such ordinance; a statement of the intention to secure the submission of said ordinance to a vote of the electors by an initiative petition; and the address of the party making such affidavit. The council shall have five (5) days after the filing of such affidavit in which to formulate and send by registered mail to the address given in such affidavit a statement in not more than two hundred (200) words of the reasons why such proposed ordinance should not be adopted. These reasons for and against the adoption of the proposed ordinance shall be printed as a part of each individual certificate forming a part of the petition.

Form and condition of petition.

SEC. 163. The form and conditions of the petition and mode of certification and verification shall be substantially as follows:

Form and condition of petition.

(Individual certificate.)

PETITION TO THE COUNCIL.

Requiring the submission at

A SPECIAL (OR GENERAL) MUNICIPAL ELECTION.

(The above heading must be printed in type of a 24-point roman face, caps and lower case.)

Of a proposed ordinance entitled: (here insert title of ordinance).

PROponents' REASONS FOR ADOPTING ORDINANCE:	COUNCIL'S REASONS FOR NOT ADOPTING ORDINANCE:
--	--

(Here insert such reasons.) (Here insert such reasons.)

I, the undersigned, certify that I hereby join in a petition

Form and condition of petition.

to the council requiring that it forthwith submit to the vote of the electors of the city of Oakland, at a special municipal election (or general municipal election), that certain proposed ordinance entitled (here insert title of ordinance), to a copy of which this certificate is attached; unless said ordinance be passed by the council, without alteration, when and as provided in the charter of the city of Oakland.

I further certify: That I have read the above reasons for and against the adoption of said ordinance and am in favor of its adoption; that I am a qualified elector of the city of Oakland, State of California; that I am not at this time a signer of any other like certificate; that I reside at No. street, between street and street, in said city, and that my occupation is (Signed)

STATE OF CALIFORNIA, }
COUNTY OF ALAMEDA, } SS.
CITY OF OAKLAND. }

. being duly sworn, deposes and says: that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed)

Subscribed and sworn to before me this day of, 19....

(Signed)
Verification deputy (or notary public).

The petition of which this certificate forms a part shall, if found insufficient, be returned to at No. street, Oakland, California.

The provisions of subdivision four (4) of section seven (7) of this charter, applying to recall petitions, shall apply to petitions filed under this article.

Fifteen per cent petition.

Fifteen per cent petition.

SEC. 164. If the petition accompanying the proposed ordinance be signed by qualified electors equal in number to fifteen per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected (provided that the number of signers to any such petition shall not be less than three thousand) and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then either:

(a) The council shall pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition; or,

(b) Within twenty-five days after the clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which such ordinance, without alteration, shall be submitted to the vote of the electors; unless some

general or special municipal election occurs not earlier than thirty (30) days and not later than ninety (90) days after the city clerk shall have attached such certificate of sufficiency, in which latter event said measure shall be voted on at such special or general municipal election.

Five per cent petition.

Sec. 165. If a petition be signed by qualified electors equal in number to five per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected and contain a request that said ordinance be submitted to a vote of the electors at a general municipal election, then such ordinance, without alteration, shall be so submitted by the council at the next general municipal election that shall occur at any time after twenty (20) days from the date of the attachment of the certificate of sufficiency to the petition accompanying such ordinance, unless the council shall have, prior to the time of calling such election, passed such ordinance without alteration.

Five per cent petition.

Limitations on petitions.

Sec. 166. No individual certificate provided for in this article shall be valid or sufficient unless the same shall have been signed within three (3) months prior to the presentation to the clerk of the petition of which it forms a part. No initiative petition requesting the submission of an ordinance at a special municipal election, and having an insufficient number of signatures to require such special election but having the required number for submission of said measure at a general municipal election, shall by virtue thereof be sufficient to require the submission of such ordinance at a general municipal election. No initiative petition requesting the submission of an ordinance at a general municipal election and having a sufficient number of signatures to have required the submission of said ordinance at a special municipal election, shall, by virtue thereof, be sufficient to require the calling of a special municipal election.

Limitations on petitions.

Measure to be mailed to voters.

Sec. 167. Whenever any ordinance is required, under the initiative or referendum provisions of this charter to be submitted to the voters of the city at any election, the council shall cause the ordinance to be printed and it shall be the duty of the city clerk to enclose a printed copy thereof in an envelope with a sample ballot, and mail the same to each voter, at least five (5) days prior to the election. The council may cause said ordinance to be printed once in the official newspaper, one week preceding the date of such election.

Measure to be mailed to voters.

Arguments to be mailed to voters.

Sec. 168. If a proposed ordinance be submitted upon an initiative petition of the qualified electors, the person filing the affidavit preliminary to the circulation of such initiative

Arguments to be mailed to voters.

petition, or the person or organization on whose behalf said affidavit was filed, shall have the right to present to the city clerk at any time twenty-five (25) days prior to said election, printed copies of an argument favoring said ordinance, and said council shall have the right to present, or permit to be presented, to the city clerk, within the same limit of time, printed copies of an argument opposing said ordinance. No such argument shall exceed two thousand (2000) words in length, and such argument shall be printed in such form and upon such character of paper suitable for mailing as the clerk shall prescribe. The city clerk shall enclose one copy of each of such arguments with the sample ballot and copy of the ordinance, mailed to each voter; *provided*, he has been furnished with printed copies of such argument equal in number to five (5) per cent in excess of the total number of qualified electors. Nothing in this section contained shall authorize the council to expend any money of the city for the formulation or printing of any such argument.

Election.

Election. SEC. 169. The ballots used when voting upon such proposed ordinance shall set forth in full the title of the proposed ordinance and shall state the general nature of the proposed ordinance and shall contain the words, "for the ordinance" and "against the ordinance." If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall take effect five (5) days after the declaration of the official canvass.

Several ordinances at one election.

Several ordinances at one election. SEC. 170. Any number of proposed ordinances under the initiative and any number of ordinances under the referendum may be voted upon at the same election, in accordance with the provisions of this article.

Limit to special elections.

Limit to special elections. SEC. 171. There shall not be held under this article more than one special election in any period of six months.

Competing and conflicting measures—Repeal.

Competing and conflicting measures; repeal. SEC. 172. When there are two or more ordinances proposed to secure the same general purpose, the council shall so declare, and shall have the ballot so printed that the voter (first) can choose between any ordinance or none, and (secondly) can express his preference for any one. If a majority of the votes on the first question is affirmative, then the ordinance receiving the highest number of votes shall become law, and the others shall fail of passage. In case two or more ordinances are tied for the highest vote, they shall be resubmitted at the next ensuing general municipal election. If there is a conflict between two or more ordinances or between two or more charter amendments adopted at the same election, then the ordinance or charter amendment receiving the highest affirmative vote

shall prevail. No ordinance approved by the electorate under the provisions of this article shall be amended or repealed except by vote of the electorate unless such ordinance shall otherwise provide.

Election is mandatory.

SEC. 173. If any ordinance proposed by petition or upon which a referendum vote is requested by petition, in accordance with the provisions of this charter, be not submitted to the voters at or within the time elsewhere specified in this charter, such petition shall remain in force until such ordinance has been submitted to a vote, and no bond issue, or other ordinance proposed by the council shall be submitted to the voters unless at the same election, or prior thereto, there shall be submitted to the voters the ordinance or ordinances upon which a vote is requested by petition, if any vote be so requested and upon which a vote has not been taken at or within the time elsewhere specified in this charter. This section is prohibitory and mandatory.

Election is mandatory.

Charter amendments.

SEC. 174. The provisions of this article, unless prohibited by the state constitution, shall apply to the proposal, submission, and adoption of charter amendments.

Charter amendments.

Substantial compliance.

SEC. 175. A substantial compliance with the provisions of this article shall be sufficient for the holding of an election hereunder and the approval or rejection of any measure submitted thereat.

Substantial compliance.

Further regulations.

SEC. 176. The council shall, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article and to adapt the provisions of article III thereto.

Further regulations.

ARTICLE XXII.

THE REFERENDUM.

Public utilities.

SEC. 177. Every ordinance or other measure granting or renewing a franchise, permit or privilege for the operation of any public utility, the franchise, permit or privilege for which has expired or is about to expire, or providing for the transfer or acquirement in whole or in part of any public utility, (except the lease of a portion of a public conduit or tunnel) or for the granting of a franchise upon any boulevard as provided in subdivision forty-nine (49) of section fifty-one (51) of this charter, must be referred and submitted to the vote of the electors of the city at the election next ensuing not less than sixty (60) days after the adoption of such ordinance or other measure, and shall not go into effect until ratified by a majority of the voters voting thereon.

Public utilities.

Referendum by electors.

Referendum by electors.

SEC. 178. No ordinance or other measure passed by the council granting either any franchise, permit or privilege to operate, or to be used in connection with, any public utility either wholly or partially within or without the city of Oakland, or authorizing the acquirement, or transfer or change in the use of any lands or interest therein, or authorizing the lease or permission to use a portion of any public conduit or tunnel, shall go into effect until the expiration of sixty (60) days from the date it becomes final. At the end of such sixty (60) days such ordinance, measure or action shall be in force and effect, unless within such period there shall be filed with the city clerk a petition signed by qualified electors equal in number to ten (10) per cent of the entire vote cast for all candidates for mayor at the last preceding general municipal election, (provided, that the number of signers to any such petition shall not be less than two thousand) requesting that such ordinance, measure or action be submitted to the electors. In case such petition is filed, such ordinance, measure or action shall not go into effect until approved by a majority of the voters voting thereon at a general or special municipal election.

Referendum by council.

Referendum by council.

SEC. 179. Any ordinance which the council is empowered to pass may be submitted by an affirmative vote of three (3) of its members at a general municipal election only, subject to the provisions of this article so far as applicable.

Preliminaries to filing petition.

Preliminaries to filing petition.

SEC. 180. Before any petition for the submission of an ordinance or other measure to the referendary vote of the electors shall be circulated, an affidavit by or on behalf of its opponents shall be filed with the city clerk containing the following: a copy of the ordinance or measure; a statement in not more than two hundred (200) words giving the opponents' reasons for the rejection of such ordinance or measure; a statement of the intention to secure the submission of such ordinance or measure to a vote of the electors by a referendary petition; and the address of the party making such affidavit. The council shall have five (5) days after the filing of such affidavit in which to formulate and send by registered mail to the address given in such affidavit a statement in not more than two hundred (200) words of the reasons why such ordinance or measure should be adopted. These reasons for and against the adoption of the ordinance or measure shall be printed as a part of the individual certificate forming a part of the petition.

Regulations covering petitions.

Regulations covering petitions.

SEC. 181. The form and conditions of the petition asking that any ordinance or measure be referred to the people under this article shall be substantially as follows:

(Individual certificate.)

PETITION TO THE COUNCIL.

Requiring the submission at

A SPECIAL (OR GENERAL) MUNICIPAL ELECTION.

(The above heading must be printed in type of a 24-point roman face, caps and lower case.)

Of that ordinance or measure entitled: (here insert title of ordinance or measure).

OPONENTS' REASONS	COUNCIL'S REASONS
AGAINST ADOPTING ORDINANCE (OR MEASURE):	FOR ADOPTING ORDINANCE (OR MEASURE):

(Here insert such reasons.) (Here insert such reasons.)

I, the undersigned, certify that I hereby join in a petition to the council requiring that it forthwith submit, as provided in the charter of Oakland, to the vote of the electors of the city of Oakland, at a special municipal election (or general municipal election), that certain ordinance (or measure) entitled (here insert title of ordinance or measure), to a copy of which this certificate is attached, passed by the council on the day of, 19....

I further certify: That I have read the above reasons for and against the adoption of said ordinance (or measure), and am against its adoption; that I am a qualified elector of the city of Oakland, State of California; that I am not at this time a signer of any other like certificate; that I reside at No. street, between street and.....street, in said city, and that my occupation is

(Signed)

STATE OF CALIFORNIA, }
 COUNTY OF ALAMEDA, }
 CITY OF OAKLAND. } SS.

....., being duly sworn, deposes and says: that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed)

Subscribed and sworn to before me this..... day of, 19....

(Signed)

Verification deputy (or notary public).

The petition of which this certificate forms a part shall, if found insufficient, be returned to at No. street, Oakland, California.

The provisions of subdivision four (4) of section seven (7) of this charter, applying to recall petitions, shall apply to petitions filed under this article.

Arguments to be mailed to voters.

Arguments
to be
mailed to
voters.

SEC. 182. If an ordinance (or measure) be submitted to the vote of the electors by referendary petition, the person filing the affidavit preliminary to the circulation of such referendary petition, or the person or organization on whose behalf said affidavit was filed shall have the right to present to the city clerk, at any time twenty-five (25) days prior to said election, printed copies of an argument opposing said ordinance (or measure), and the council shall have the right to present or to permit to be presented to the city clerk, within the same limit of time printed copies of an argument favoring said ordinance or measure. No such argument shall exceed two thousand (2000) words in length, and such argument shall be printed in such form and upon such character of paper suitable for mailing as the clerk shall prescribe. The city clerk shall enclose one copy of each of such arguments with the sample ballot and copy of the ordinance or measure, mailed to each voter; *provided*, he has been furnished with printed copies of such argument equal to five (5) per cent in excess of the total number of qualified electors. Nothing in this section contained shall authorize the council to expend any money of the city for the formulation or printing of any such argument.

Time of election.

Time of
election.

SEC. 183. If a petition be filed more than thirty days and less than ninety days prior to a general election the ordinance or measure shall be submitted at such general election. Otherwise it shall be submitted at the next general election or at a special election called prior thereto, as the council shall decide.

Elections—How conducted.

Elections:
how con-
ducted.

SEC. 184. Sections one hundred sixty-seven (167), one hundred sixty-nine (169), one hundred seventy (170) and one hundred seventy-five (175) of this charter applying to the initiative, shall govern elections held under the authority of this article, so far as applicable.

Majority vote.

Majority
vote.

SEC. 185. If a majority of the votes cast on any ordinance or measure so referred to the electors, as herein provided, shall be in favor thereof, it shall go into effect five (5) days after the declaration of the official canvass; otherwise it shall be repealed and rejected.

Further regulations.

Further
regula-
tions.

SEC. 186. The council shall, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article and to adapt the provisions of article III thereto.

ARTICLE XXIII.

THE PUBLIC SCHOOLS.

The board of education.

SEC. 187. The board of education shall have entire control and management of the public schools in the city, in accordance with the constitution, general laws of the state and provisions of this charter, and said board is hereby vested with all the powers and charged with all the duties provided by this charter and by the general laws of the state for city boards of education. The board of education shall have power to purchase land for educational purposes, subject to the approval by ordinance of the council, and to construct school buildings and additions thereto, in the method prescribed by this charter.

The board of education.

Plans for school buildings.

SEC. 188. When funds for the construction of school buildings or additions thereto have been raised by the municipality, the board of education must, and when such funds have been raised otherwise the board of education may make requisition upon the commissioner of public works for plans and specifications and estimates for a new school building, or for any addition to school buildings or a school building, specifying the location thereof, the number of class rooms needed, the date on which the work should be completed, the amount of money in the school fund available for the purpose, giving in detail the size of the class rooms, the type of the building, the number and width of the stairways of the building, and such other information as will enable the said commissioner of public works to prepare the necessary plans and specifications and estimates for the cost of the said building or buildings or additions.

Plans for school buildings.

Construction of school buildings.

SEC. 189. The said commissioner of public works shall within ninety days after the receipt of said requisition submit in duplicate to the board of education such plans and specifications and estimates. The board of education shall approve, reject, or return the same to the said commissioner of public works for amendments. When the plans shall have finally been approved by the board of education, the date of approval shall be endorsed on each duplicate by the president and secretary of the board, and thereupon one of the said duplicates shall be filed in the office of the board of education, and the other shall be returned to the said commissioner of public works. The board of education shall then proceed to contract for the construction of such building, in the manner provided for making contracts for the construction of other public buildings in article XIX of this charter. The construction of every such school building shall be under the immediate supervision of the commissioner of public works. No change shall be made in the plans and specifications without the written consent of said commissioner of public works and the

Construction of school buildings.

board of education. A copy of such changes shall be certified to and shall be attached to the original plans and specifications and original contract. When the funds for the construction of such building, or addition thereto, have been raised by the municipality, the provisions of this section shall be mandatory.

Meetings to be public.

Meetings
to be
public.

SEC. 190. All meetings of the board of education shall be public.

Superintendent of schools.

Superin-
tendent of
schools.

SEC. 191. The board of education shall appoint a superintendent of schools, fix his compensation and prescribe his powers and duties.

Tenure of teachers.

Tenure of
teachers.

SEC. 192. Every person employed as a regular teacher by the school department shall be considered reelected for the ensuing fiscal year unless at least two months before the beginning of such fiscal year he or she is notified in writing, by authority of the board of education, that it is expected that his or her services will not be required for the ensuing fiscal year. Such notice shall be deemed given when placed in a sealed envelope and sent by registered mail to the teacher affected at his or her last known place of residence, as it appears from the records of the department.

School warrants.

School
warrants.

SEC. 193. Every claim payable out of the school fund shall be filed with the secretary of the board of education, and after it shall have been approved by the board a certificate of such approval shall be endorsed thereon, signed by the president and secretary, and a warrant upon the school fund shall be issued thereon for the payment of such claim. Said warrant shall be signed by the president and countersigned by the secretary and shall specify the purpose for which it is drawn and receive the approval of the auditor as provided in this charter.

Annual estimate of expenses.

Annual
estimate of
expenses.

SEC. 194. The board of education shall annually, at the time fixed by section one hundred fourteen (114) of this charter, submit in writing to the council, a careful estimate of the amount of money to be received from any and all sources whatsoever, other than the city, for the support of the public schools in the city (separate estimates to be made for the grammar and primary schools and for the high schools), together with a careful estimate of the amounts, specifying in detail the objects thereof, required from the city for the adequate support of the public schools for the ensuing year; and a careful estimate of the amount of money, if any, required for the purchase of land for educational purposes, or for the construction of permanent school buildings, or permanent additions thereto, specifying in detail the uses to be made of such moneys.

ARTICLE XXIV.

MISCELLANEOUS.

When this charter takes effect.

SEC. 195. For the purpose of nominating candidates and electing mayor, auditor, who shall be ex officio assessor, commissioners and school directors, in accordance with this charter, this charter shall take effect from the time of the approval of the same by the legislature; for all other purposes it shall take effect on the first day of July, 1911.

When this charter takes effect.

First election under this charter.

SEC. 196. The city council of the city of Oakland in office at the time this charter is approved by the legislature shall provide for the holding of the first election of officers under this charter, shall canvass the votes, declare the result and approve the bonds of all officers elected at such election.

First election under this charter.

Terms of incumbents in office.

SEC. 197. The members of the council, the members of the board of education, the mayor, the auditor and ex officio assessor, the city attorney, the city engineer, the city treasurer, the members of the board of public works and the members of the board of commissioners of the police and fire departments, in office at the time of the approval of this charter by the legislature shall continue to hold office and discharge their duties until the election and qualification of the mayor, auditor and ex officio assessor, commissioners and school directors, respectively, first elected under this charter. Except when in this charter otherwise provided, the term of each and all the other elective officers in office at the time this charter takes effect shall cease and terminate when the council first elected hereunder shall by resolution so declare.

Terms of incumbents in office.

Existing ordinances continued in force.

SEC. 198. All lawful city ordinances, resolutions and regulations in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

Existing ordinances continued in force.

Judicial power.

SEC. 199. The judicial power of the city shall be vested in a police court and in such justices' courts as are or may be provided for by law, and the existing police court of the city shall continue as it now exists until otherwise provided by law. Said police court shall have exclusive jurisdiction of all misdemeanors punishable by fine or imprisonment or by both said fine and imprisonment, committed in the city where such police court is held; and in all such cases to hear, try and determine the same, convict or acquit, pass and enter judgment and carry such judgment into execution as the case may require, according to law. Said police court shall also have exclusive jurisdic-

Judicial power.

tion of all proceedings for violation of any and all ordinances of said city, both civil and criminal, and of all actions for the collection of any licenses required by the ordinances of said city. All proceedings in said police court in behalf of the people, whether for the violation of any statute of the state or ordinance of the city, shall be prosecuted by a deputy district attorney of this county as is now provided for by law. The chief of police shall designate one or more policemen who shall always attend on the police court and act as bailiffs therein.

Premium on official bonds.

Premium
on official
bonds.

SEC. 200. The premium or charge for all official bonds required of elective officers, of all officers whose bonds are fixed by the charter, and of all officers and employees of the city, or of any board thereof, of whom official bonds in specified amounts shall be required with approval of the council, shall be paid by the city; *provided, however*, that no premium or charge for such bond shall exceed one half of one per centum per annum on the amount thereof.

Streets.

Streets.

SEC. 201. The word "streets" when used in this charter includes streets, highways, lanes, alleys, courts and public places.

Qualified elector defined.

Qualified
elector
defined.

SEC. 202. A "qualified elector" for the purposes of petitions for nomination, initiative, referendum and recall under the provisions of this charter, is any voter whose name appears on such great register of Alameda county or any supplement thereto as is then allowed by general law to be used to determine the eligibility of persons to vote at municipal elections in the city, and whose address appearing on such great register or supplement is in the same precinct as the address given by him on the certificate signed by him and forming part of such petition.

Attention to duties.

Attention
to duties.

SEC. 203. All persons holding any office or employment under the city, whether elective or appointive, shall be required to engage in the actual work of the office or employment so held to the extent that their services may be necessary for the full and complete discharge of the duties of such office or employment, and a failure so to do shall be ground for removal. The council shall by ordinance fix the office hours of all chief officials, clerks, assistants and office employees, and the hours of labor of all other employees.

SEC. 204. All appointments of officers, deputies, clerks and other employees to be made under any of the provisions of this charter, must be made in writing and in duplicate, authenticated by the person or persons, council, board or officer making the same. One of such duplicates must be filed with the secretary of the civil service board and the other with the auditor.

Regarding certain provisions in charters of cities consolidated or annexed.

SEC. 205. Whenever, under the terms of this charter as adopted, or as hereafter amended, or under the provisions of the constitution or of the general laws of the State of California, any incorporated city or town shall be consolidated with or annexed to the city of Oakland, and the charter of such incorporated city or town shall contain therein any provision or provisions restricting, prohibiting or regulation of the sale of any spirituous, malt, vinous or alcoholic liquors, within the boundaries of such city or town so consolidated with or annexed to the city of Oakland, such provision or provisions of the charter of such city or town so consolidated with or annexed to the city of Oakland shall, upon such consolidation or annexation becoming effective, be and thereby become an integral part of and take place as a subdivision of the charter of the city of Oakland, but only for the purposes in this section specified, and shall operate and be of full force and effect in the territory of such city or town so consolidated with or annexed to the city of Oakland, and shall govern as to the restricting, prohibiting or regulating the sale of spirituous, malt, vinous or alcoholic liquors within such territory. No such provision or provisions shall be altered or repealed except by a majority of the electors within such territory.

Regarding certain provisions in charters of cities consolidated or annexed.

CERTIFICATE.

WHEREAS, The city of Oakland, a city containing a population of more than one hundred thousand (100,000) and less than two hundred thousand (200,000) inhabitants, on the sixth day of July, 1910, at a special election and under and in accordance with the provisions of section eight (8), article XI of the constitution of the State of California, did elect R. H. Chamberlain, William C. Clark, I. H. Clay, Charles H. Daly, George W. Dornin, Albert H. Elliot, Raymond B. Felton, John Forrest, Richard M. Hamb, Hugh Hogan, Albert Kayser, John J. McDonald, George C. Pardee, Harrison S. Robinson and Fred L. Shaw, a board of fifteen (15) freeholders to prepare and propose a charter for said city.

Certificatu.

BE IT KNOWN, That in pursuance of said provisions of the constitution, and within a period of ninety days after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Oakland, and that in submitting and proposing such charter, the board of freeholders, pursuant to said provisions of the constitution, also presents therewith for the choice of the voters, and to be voted on separately without prejudice to the other provisions contained in the charter, an alternative proposition hereinafter stated.

Said alternative proposition shall if approved by the voters take the place of subdivision thirty-one (31) of section fifty-one (51), article IX, of the proposed charter, which reads as fol-

lows: "To license for purposes of regulation or revenue all and every kind of business not prohibited by law; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise; *provided, however,* that no such license shall be granted for the sale or giving away of spirituous, malt, vinous or alcoholic liquors in a saloon or public bar located within three hundred (300) feet of any church building or synagogue in use as a place of public worship, public school or public library; but such prohibition as to location shall not apply to the renewal of any such license which was in force September first, 1910, and which continues in force until this charter goes into effect."

Said alternative proposition shall be submitted to the voters for their approval or rejection at the same election at which the charter shall be submitted, and upon the ballots shall be printed: "Shall the alternative proposition prohibiting the sale of liquor in residential districts take the place of subdivision thirty-one (31) of section fifty-one (51), article IX?"

Said alternative proposition is as follows:

ALTERNATIVE PROPOSITION.

Alterna-
tive prop-
osition.

(31) To license for purposes of regulation or revenue all and every kind of business not prohibited by law; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise; *provided, however,* that no such license shall be granted for the sale or giving away of spirituous, malt, vinous or alcoholic liquors in a saloon or public bar located within three hundred (300) feet of any church building or synagogue in use as a place of public worship, public school or public library; but such prohibition as to location shall not apply to the renewal of any such license which was in force September first, 1910, and which continues in force until this charter goes into effect; *and provided, however,* that the council shall have no power to license any saloon, bar, or other place wherein may be sold, to be drunk on the premises, any spirituous, malt, vinous, or alcoholic liquors in residential districts of the city; that is to say, in any place within a radius of three hundred (300) feet of which there are more residences than business houses; and every person who, within any such residential or other restricted district, so sells, barters, gives away in lieu of selling, or exposes for sale any such liquors, shall be deemed guilty of a misdemeanor: *all provided,* that the council may, under such regulations as it may adopt, authorize within as well as without such districts, the sale of such liquors by any regularly licensed druggist for medicinal purposes upon the written prescription of a practicing physician entitled to practice medicine under the laws of the State of California, or the sale of such liquors for chemical, mechanical or scientific purposes.

IN WITNESS WHEREOF, We have hereunto set our hands in

duplicate this third day of October, one thousand nine hundred and ten.

R. H. CHAMBERLAIN.
 WILLIAM C. CLARK.
 I. H. CLAY.
 CHARLES H. DALY.
 ALBERT H. ELLIOT.
 RAYMOND B. FELTON.
 JOHN FORREST.
 RICHARD M. HAMB.
 HUGH HOGAN.
 ALBERT KAYSER.
 JOHN J. McDONALD.
 GEORGE C. PARDEE.
 HARRISON S. ROBINSON.
 FRED L. SHAW.

Attest: HARRY A. ENCELL, Secretary.

STATE OF CALIFORNIA,)
 COUNTY OF ALAMEDA) SS.
 CITY OF OAKLAND.)

I, FRANK K. MOTT, mayor of the city of Oakland, county of Alameda, State of California, do hereby certify that the board of freeholders, a majority of whose names appear signed to the foregoing proposed charter, were on the 6th day of July, 1910, at a special election held in said city of Oakland on said date for that purpose, duly elected as such board by the qualified electors of said city of Oakland to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector and freeholder in said city for more than five years previous to said election; that the foregoing is a true copy of said charter prepared and proposed and returned to me as mayor of said city of Oakland, within ninety days after said election as required by section 8 of article XI of the constitution of this state; that said proposed charter was published in the Oakland Enquirer and in the Oakland Tribune, which then were daily papers of general circulation printed and published in said city, and that said publication was made for more than twenty days, and that the first publication of said proposed charter was so made within twenty days after the completion of said charter; that within thirty days after the publication of said charter, to wit: on the 8th day of December, 1910, the said charter was submitted to the qualified electors of said city at a special election duly called and held therein for the purpose of ratifying or rejecting of said proposed charter and the alternative proposition submitted therewith; that at said election, by a majority of the votes of the said qualified electors voting at said election, said proposed charter was ratified as a whole, and the alternative proposition therein contained being separately voted on, was not ratified, and the majority of the qualified electors of said city voting at said election voted against the ratification of said alternative propo-

sition; that the returns of said election were duly canvassed by the council of the city of Oakland on the 12th day of December, 1910, and the results thereof declared as above set forth; and that in all matters and things pertaining to said proposed charter and the ratification thereof, all provisions of the constitution of California and all the laws thereof pertaining to the adoption of said charter have been fully complied with in every particular.

IN WITNESS WHEREOF, I have herewith set my hand and caused the corporate seal of said city of Oakland to be affixed this 6th day of January, 1911.

[SEAL.]

FRANK K. MOTT,
Mayor of the City of Oakland.

Attest: FRANK R. THOMPSON,
City Clerk and Clerk of the Council
of the City of Oakland.

AND, WHEREAS, Said proposed charter so ratified, without said alternative proposition has been duly presented and submitted to the legislature of the State of California for approval or rejection, without power to alter or amend, in accordance with section 8 of article XI of the constitution of the state of California; now, therefore, be it

Resolved by the senate of the State of California, the assembly thereof concurring (the majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), That said charter of the city of Oakland, without said alternative proposition, as said charter was presented to, adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole as and for the charter of said city of Oakland.

CHAPTER 21.

Assembly Joint Resolution No. 13, relative to pending legislation in congress affecting the title to oil lands in the State of California.

[Filed with Secretary of State February 16, 1911.]

WHEREAS, By reason of uncertainties in the law relating to the location of oil claims and title thereto under the placer mining law caused by the decision of the interior department of the United States reversing a long line of precedents, including decisions of the supreme courts of this and other states, and the ruling of the department itself; locators of mineral oil lands have been justly expecting congress at this session to pass some legislation for the benefit of oil locators who have gone on in good faith and made locations and done work and spent money in compliance with the provisions of

the law as interpreted by the courts and the department for many years before such reversal; and

WHEREAS, Without such legislation at this session of congress the work of development of oil lands will be curtailed to the lowest possible expenditure; which means that thousands of workmen will be thrown out of employment, the production of oil greatly lessened, and the price of oil materially enhanced; all of which would be detrimental to labor and the industries of this state; now, therefore,

Resolved, That we request our senators and representatives in Washington to urge upon congress the importance and grave necessity for immediate relief legislation at this session of congress, to the end that the interests of labor may be protected and the progress of oil development be not retarded; and further

Urging congress to pass laws affecting title to oil lands.

Resolved, That a copy of this resolution be transmitted by telegraph to each of the senators and representatives in congress from this state.

CHAPTER 22.

Senate Constitutional Amendment No. 22, a resolution to propose to the people of the State of California an amendment to the constitution of said state, by amending section 1 of article IV thereof, relating to legislative powers, and reserving to the people of the State of California the power to propose laws, statutes and amendments to the constitution and to enact the same at the polls, independent of the legislature, and also reserving to the people of the State of California the power to approve or reject at the polls any act or section or part of any act of the legislature.

[Filed with Secretary of State February 20, 1911.]

The legislature of the State of California, at its regular session commencing on the second day of January, 1911, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby propose that section 1 of article IV of the constitution of the State of California, be amended so as to read as follows:

Constitutional amendment.

Section 1. The legislative power of this state shall be vested in a senate and assembly which shall be designated "The legislature of the State of California," but the people reserve to themselves the power to propose laws and amendments to the constitution, and to adopt or reject the same, at the polls independent of the legislature, and also reserve the power, at their own option, to so adopt or reject any act, or section or part of any act, passed by the legislature. The enacting clause of every law shall be "The people of the State of California do enact as follows:"

Legislative powers.

Enacting clause.

The first power reserved to the people shall be known as the initiative. Upon the presentation to the secretary of state of a petition certified as herein provided to have been signed

Initiative.

by qualified electors, equal in number to eight per cent of all the votes cast for all candidates for governor at the last preceding general election, at which a governor was elected, proposing a law or amendment to the constitution, set forth in full in said petition, the secretary of state shall submit the said proposed law or amendment to the constitution to the electors at the next succeeding general election occurring subsequent to ninety days after the presentation aforesaid of said petition, or at any special election called by the governor in his discretion prior to such general election. All such initiative petitions shall have printed across the top thereof in twelve point black-face type the following: "Initiative measure to be submitted directly to the electors."

Petition.

Upon the presentation to the secretary of state, at any time not less than ten days before the commencement of any regular session of the legislature, of a petition certified as herein provided to have been signed by qualified electors of the state equal in number to five per cent of all the votes cast for all candidates for governor at the last preceding general election, at which a governor was elected, proposing a law set forth in full in said petition, the secretary of state shall transmit the same to the legislature as soon as it convenes and organizes. The law proposed by such petition shall be either enacted or rejected without change or amendment by the legislature, within forty days from the time it is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided. If any law so petitioned for be rejected, or if no action is taken upon it by the legislature within said forty days, the secretary of state shall submit it to the people for approval or rejection at the next ensuing general election. The legislature may reject any measure so proposed by initiative petition and propose a different one on the same subject by a yea and nay vote upon separate roll call, and in such event both measures shall be submitted by the secretary of state to the electors for approval or rejection at the next ensuing general election or at a prior special election called by the governor, in his discretion, for such purpose. All said initiative petitions last above described shall have printed in twelve point black-face type the following: "Initiative measure to be presented to the legislature."

Referendum.

The second power reserved to the people shall be known as the referendum. No act passed by the legislature shall go into effect until ninety days after the final adjournment of the session of the legislature which passed such act, except acts calling elections, acts providing for tax levies or appropriations for the usual current expenses of the state, and urgency measures necessary for the immediate preservation of the public peace, health or safety, passed by a two-thirds vote of all the members elected to each house. Whenever it is deemed necessary for the immediate preservation of the public peace, health or safety that a law shall go into immediate effect, a

statement of the facts constituting such necessity shall be set forth in one section of the act, which section shall be passed only upon a yea and nay vote, upon a separate roll call thereon; *provided, however*, that no measure creating or abolishing any office or changing the salary, term or duties of any officer, or granting any franchise or special privilege, or creating any vested right or interest, shall be construed to be an urgency measure. Any law so passed by the legislature and declared to be an urgency measure shall go into immediate effect.

Upon the presentation to the secretary of state within ninety days after the final adjournment of the legislature of a petition certified as herein provided, to have been signed by qualified electors equal in number to five per cent of all the votes cast for all candidates for governor at the last preceding general election at which a governor was elected, asking that any act or section or part of any act of the legislature, be submitted to the electors for their approval or rejection, the secretary of state shall submit to the electors for their approval or rejection, such act, or section or part of such act, at the next succeeding general election occurring at any time subsequent to thirty days after the filing of said petition or at any special election which may be called by the governor, in his discretion, prior to such regular election, and no such act or section or part of such act shall go into effect until and unless approved by a majority of the qualified electors voting thereon; but if a referendum petition is filed against any section or part of any act the remainder of such act shall not be delayed from going into effect.

Petition.

Any act, law or amendment to the constitution submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon, at any election, shall take effect five days after the date of the official declaration of the vote by the secretary of state. No act, law or amendment to the constitution, initiated or adopted by the people, shall be subject to the veto power of the governor, and no act, law or amendment to the constitution, adopted by the people at the polls under the initiative provisions of this section, shall be amended or repealed except by a vote of the electors, unless otherwise provided in said initiative measure; but acts and laws adopted by the people under the referendum provisions of this section may be amended by the legislature at any subsequent session thereof. If any provision or provisions of two or more measures, approved by the electors at the same election, conflict, the provision or provisions of the measure receiving the highest affirmative vote shall prevail. Until otherwise provided by law, all measures submitted to a vote of the electors, under the provisions of this section, shall be printed, and together with arguments for and against each such measure by the proponents and opponents thereof, shall be mailed to each elector in the same manner as now provided by law as to amendments to the constitution, proposed by the legislature; and the persons to prepare and present such

Majority approves.

No veto.

Conflicting measures.

arguments shall, until otherwise provided by law, be selected by the presiding officer of the senate.

Failure to
submit
measure.

If for any reason any initiative or referendum measure, proposed by petition as herein provided, be not submitted at the election specified in this section, such failure shall not prevent its submission at a succeeding general election, and no law or amendment to the constitution, proposed by the legislature, shall be submitted at any election unless at the same election there shall be submitted all measures proposed by petition of the electors, if any be so proposed, as herein provided.

Petitions
may be
presented
in sections.

Any initiative or referendum petition may be presented in sections, but each section shall contain a full and correct copy of the title and text of the proposed measure. Each signer shall add to his signature his place of residence, giving the street and number if such exist. His election precinct shall also appear on the paper after his name. The number of signatures attached to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified elector of the state shall be competent to solicit said signatures within the county or city and county of which he is an elector. Each section of the petition shall bear the name of the county or city and county in which it is circulated, and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating his own qualifications and that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be, and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer oaths. Such petitions so verified shall be prima facie evidence that the signatures thereon are genuine and that the persons signing the same are qualified electors. Unless and until it be otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified electors.

Filing
petitions.

Each section of the petition shall be filed with the clerk or registrar of voters of the county or city and county in which it was circulated, but all said sections circulated in any county or city and county shall be filed at the same time. Within twenty days after the filing of such petition in his office the said clerk, or registrar of voters, shall determine from the records of registration what number of qualified electors have signed the same, and if necessary the board of supervisors shall allow said clerk or registrar additional assistants for the purpose of examining such petition and provide for their compensation. The said clerk or registrar, upon the completion of such examination, shall forthwith attach to said petition, except the signatures thereto appended, his certificate, properly dated, showing the result of said examination and shall forth-

with transmit said petition, together with his said certificate, to the secretary of state and also file a copy of said certificate in his office. Within forty days from the transmission of the said petition and certificate by the clerk or registrar to the secretary of state, a supplemental petition identical with the original as to the body of the petition but containing supplemental names, may be filed with the clerk or registrar of voters, as aforesaid. The clerk or registrar of voters shall within ten days after the filing of such supplemental petition make like examination thereof, as of the original petition, and upon the completion of such examination shall forthwith attach to said petition his certificate, properly dated, showing the result of said examination, and shall forthwith transmit a copy of said supplemental petition, except the signatures thereto appended, together with his certificate, to the secretary of state.

Supplemental petitions.

When the secretary of state shall have received from one or more county clerks or registrars of voters a petition certified, as herein provided, to have been signed by the requisite number of qualified electors, he shall forthwith transmit to the county clerk or registrar of voters of every county or city and county in the state his certificate showing such fact. A petition shall be deemed to be filed with the secretary of state upon the date of the receipt by him of a certificate or certificates showing said petition to be signed by the requisite number of electors of the state. Any county clerk or registrar of voters shall, upon receipt of such copy, file the same for record in his office. The duties herein imposed upon the clerk or registrar of voters shall be performed by such registrar of voters in all cases where the office of registrar of voters exists.

Receipt of secretary of state.

Registrar of voters.

The initiative and referendum powers of the people are hereby further reserved to the electors of each county, city and county, city and town of the state, to be exercised under such procedure as may be provided by law. Until otherwise provided by law, the legislative body of any such county, city and county, city or town may provide for the manner of exercising the initiative and referendum powers herein reserved to such counties, cities and counties, cities and towns, but shall not require more than fifteen per cent of the electors thereof to propose any initiative measure nor more than ten per cent of the electors thereof to order the referendum. Nothing contained in this section shall be construed as affecting or limiting the present or future powers of cities or cities and counties having charters adopted under the provisions of section eight of article eleven of this constitution. In the submission to the electors of any measure under this section, all officers shall be guided by the general laws of this state, except as is herein otherwise provided. This section is self-executing, but legislation may be enacted to facilitate its operation, but in no way limiting or restricting either the provisions of this section or the powers herein reserved.

Initiative and referendum powers reserved to people of counties and cities.

Section self-executing.

CHAPTER 23.

Senate Joint Resolution No. 20, relative to the protection of the water supply of the Imperial valley and the action of the United States government and the Mexican government in relation thereto.

[Filed with Secretary of State February 20, 1911.]

WHEREAS, The United States government heretofore authorized the putting in of a weir in the Colorado river to aid in the diversion of water into the intake of the canal which supplies water to the Imperial valley situated in Imperial county in this state; and

WHEREAS, We are informed that the war department has ordered the removal of this weir on twelve hours' notice; and

WHEREAS, We are informed such removal will endanger the water supply to two hundred and fifty thousand acres of land within the county of Imperial in this state, all of which is entirely dependent upon irrigation; and

WHEREAS, The canal by which water is delivered for irrigation purposes in the Imperial valley traverses during a part of its course a portion of Lower California in the republic of Mexico; and

WHEREAS, A heading known as "Sharps' Heading" is located within the said Mexican territory, the destruction of which would entirely cut off all water supply from the Imperial valley; and

WHEREAS, There exists at the present time a serious condition of disorder in said territory of Lower California, and particularly in the immediate vicinity of the said canal and said heading; now, therefore be it

Resolved, That the senate and assembly of this state jointly urge upon the federal government the necessity of delay in the removal of the said weir in the Colorado river until proper investigation can be made as to the effect of such action upon the said Imperial valley; and be it further

Resolved, That the federal government be requested to take such steps within its power as are necessary to the protection of the water supply of the Imperial valley and the said Sharps' Heading and the said canal within the territory of Mexico, and to guarantee a permanent delivery to said territory; and be it further

Resolved, That a copy of this resolution be transmitted immediately by telegraph to the president of the United States, the secretary of war and the senators and representatives in congress from this state, and that said senators be instructed and representatives requested to use their best efforts to insure the protection of the people of Imperial county in this state, and to prevent the irreparable injury which would result to them should their water supply be interfered with or cut off, either by reason of the action of the federal government in taking out the weir referred to, or by reason of the disturbance existing within the territory of Lower California.

Water
supply of
Imperial
valley.

CHAPTER 24.

Assembly Concurrent Resolution No. 13, relative to the observance of Washington's birthday.

[Filed with Secretary of State February 23, 1911.]

Resolved by the assembly, the senate concurring, That the senate and assembly meet in joint session at an hour and place to be selected by the committee as hereinafter provided, on February 22d. for the purpose of appropriately observing the anniversary of Washington's birthday; and be it

Resolved, That a committee of three members of the assembly be appointed to confer with a like committee from the senate, to arrange a program of exercises, and to provide a place and fix a time of said joint meeting, said committee to be appointed by the speaker of the assembly and the president of the senate, respectively, and any expenses, not exceeding two hundred dollars (\$200), incurred, to be paid equally by the assembly and senate out of their contingent funds.

Celebrating Washington's birthday.

CHAPTER 25.

Senate Concurrent Resolution No. 9, approving eighteen certain amendments to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, at a special municipal election held therein on the fifteenth day of November, 1910.

[Filed with Secretary of State February 23, 1911.]

WHEREAS, The city and county of San Francisco, State of California, contains a population of over four hundred and sixteen thousand inhabitants, and has been ever since the eighth day of January, in the year one thousand nine hundred, and is now organized and acting under a freeholders' charter, adopted under and by virtue of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of May, one thousand eight hundred and ninety-eight, and approved by the legislature of the State of California on the twenty-sixth day of January, one thousand eight hundred and ninety-nine (Statutes of 1899, page 241), and which charter was not amended within an interval of two years immediately prior to the fifteenth day of November, one thousand nine hundred and ten; and

Amendments to San Francisco's charter.

WHEREAS, The legislative authority of said city and county, namely the board of supervisors thereof, duly proposed to the qualified electors of the city and county of San Francisco, thirty-eight certain amendments to the charter of said city and county of San Francisco by the submission of thirty-eight proposals, entitled, as follows, to wit:

Bonds for
exposition
and using
Golden
Gate Park
for exposi-
tion.

Charter Amendment No. 1, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 9 of article XII, section 1 of article XIV, subdivision 6 of section 1 of chapter III of article VII, adding a new section to article XVI to be designated section 29a, and adding a new section to chapter III of article VI, to be designated section 20, of said charter, relating to the issuance of bonds in aid of the Panama-Pacific exposition, consenting to the use of a portion of Golden Gate Park and certain vacant school lots, and temporarily closing certain streets for exposition purposes."

Public
library
trustees.

Charter Amendment No. 2, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter VII of article VII thereof, relating to the board of trustees of the public library and reading rooms."

Rate of
taxation.

Charter Amendment No. 3, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county, by amending sections 11 and 13 of chapter 1 of article III thereof, relating to the rate of taxation."

Acquisi-
tion of
public
utilities.

Charter Amendment No. 4, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending the preamble, sections 1, 2, 3, 4, 5, 6, 7 and 10, renumbering section 11 as section 8, and adding four new sections, to be numbered sections 11, 17, 18 and 19, to article XII, relating to the acquisition of public utilities and the issuance and sale of bonds therefor."

Official ad-
vertising.

Charter Amendment No. 5, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 2 of chapter III of article II and sections 13 and 19 of chapter I of article II thereof, relating to official advertising."

Initiative,
referen-
dum and
recall.

Charter Amendment No. 6, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding three new chapters to article XI thereof, and repealing sections 20, 21 and 23 of chapter I of article II, relating to the initiative, referendum and recall."

Elections.

Charter Amendment No. 7, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 5 of chapter I of article XI and chapter II of article XI, relating to elections, the direct nomination of candidates and the Australian ballot."

Political
designa-
tion.

Charter Amendment No. 8, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of

said city and county by amending paragraph (i) of section 6 of chapter II of article XI thereof, which, if approved, will take the place of said paragraph as set forth in charter amendment No. 7, and provides that no political designation shall be printed in connection with the name of a candidate for office."

Charter Amendment No. 9, entitled: "Describing and setting forth an amendment to the charter of the city and county of San Francisco, State of California, by adding a new section to article XVI thereof, to be numbered section 38a, relating to the terms of officers." Terms of office.

Charter Amendment No. 10, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 3 of article XVI thereof, relating to the absence of officers from the State." Absence of officers.

Charter Amendment No. 11, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new chapter to article VI, to be designated chapter VIII, relating to the construction of tunnels, subways and viaducts under accepted or unaccepted streets." Tunnels.

Charter Amendment No. 12, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new chapter to article VI thereof, to be designated chapter VIII, relating to the construction of tunnels, subways and viaducts." Tunnels.

Charter Amendment No. 13, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 8, 27 and 30 of chapter II of article VI, relating to improvements of streets when of more than local benefit, the change or correction of alignment of streets or substitution of a street, and the construction of sewers in streets." Improvement of streets.

Charter Amendment No. 14, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 5 of article I and section 16 of chapter II of article VI thereof, relating to the method of repairing unaccepted streets and the liability of the city and county and its officers for damages resulting from defects in public streets." Repairing streets.

Charter Amendment No. 15, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new section to chapter II of article VI to be designated section 33 thereof, relating to the method of improvement of streets, the construction of tunnels, etc., and that assessments may be made payable in installments." Improvement of streets.

Free employment bureau.

Charter Amendment No. 16, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new paragraph to section 1 of chapter II of article II thereof, relating to the establishment of a free employment bureau."

Museum in Golden Gate Park.

Charter Amendment No. 17, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new section thereto, to be known as section 12 of article XIV, granting permission to the Academy of Sciences to erect and maintain a museum in Golden Gate Park."

Employees of fire department.

Charter Amendment No. 18, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 6 of chapter I of article IX thereof, relating to the age limit of certain employees of the fire department."

Franchises for street railways.

Charter Amendment No. 19, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding three new sections to chapter II of article III thereof to be numbered sections 7a, 7b and 7c, relating to the conditions upon which franchises for street railways may be granted, to wit: The right of the city to purchase same, fixing the hours and wages of employees and providing for the forfeiture of franchise for a violation of conditions."

Granting franchises.

Charter Amendment No. 20, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 6 of chapter II of article II thereof, and adding a new section thereto, to be numbered section 6a, relating to the manner of granting franchises."

Play-grounds.

Charter Amendment No. 21, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 2, repealing section 10 of article XIVa, and adding three new sections thereto, to be numbered sections 10, 11, and 12, relating to the maintenance of playgrounds."

Maintenance of parks.

Charter Amendment No. 22, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 11 of article XIV thereof, relating to the expenditure of taxes levied for the maintenance of parks."

Public work.

Charter Amendment No. 23, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the

charter of said city and county by amending section 14 of chapter I of article VI relating to public work by contract and day labor."

Charter Amendment No. 24, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of article XIII thereof relating to the appointment of civil service commissioners." Civil service commissioners.

Charter Amendment No. 25, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 14 and 33 of article XVI and adding two new sections thereto, to be numbered sections 39 and 40, relating to vacations, holidays and office hours." Vacations.

Charter Amendment No. 27, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county, by adding a new section to article XVI to be designated section 41, relating to the time of taking effect of other amendments that may be adopted increasing salaries or creating new positions." Increasing salaries.

Charter Amendment No. 28, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new section to chapter VII of article IX, to be designated section 10 relating to the pensions of firemen retired prior to January 1, 1900." Pensions for firemen.

Charter Amendment No. 29, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 2 of chapter I of article II thereof, relating to the salaries of the supervisors." Salaries of supervisors.

Charter Amendment No. 30, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 3 and 4 of chapter I of article XI, relating to the grading of positions in the department of elections and fixing the salaries therein." Department of elections.

Charter Amendment No. 31, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter V of article IV relating to the grading of positions in the tax collector's office and fixing the salaries therein." Tax collector.

Charter Amendment No. 32, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 3 of chap- Department of public works.

ter I of article VI thereof, relating to positions in the department of public works, and fixing their salaries therein."

Department of public health.

Charter Amendment No. 33, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 5 of article X thereof, relating to positions in the department of public health, and fixing salaries therein."

Department of electricity.

Charter Amendment No. 34, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 3 of chapter IX of article IX thereof, relating to positions in the department of electricity, and fixing salaries therein."

Recorder.

Charter Amendment No. 35, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter VII of article IV thereof, relating to positions in the recorder's office, and fixing salaries therein."

Assessor.

Charter Amendment No. 36, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county, by amending section 1 of chapter IV of article IV, relating to positions and salaries in the assessor's office."

Department of education.

Charter Amendment No. 37, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county, by amending subdivision 9 of section 1 of chapter III, sections 1 and 2 of chapter V, and adding a new section to chapter V, to be numbered section 4 of article VII, relating to the creation of a teachers' salary fund; the levy of a tax for current expenses of the department of education, and for acquiring lands, school buildings and improvements."

Wages of laborers.

Charter Amendment No. 38, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending paragraph 24 of section 1 of chapter II of article II, and section 1 of chapter III of article II, relating to the wages of laborers, and requiring contracts to provide for payment of minimum wages of three dollars a day."

Salaries of police patrol drivers.

Charter Amendment No. 39, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter VI of article VIII thereof, relating to salaries of the police patrol drivers"; and

WHEREAS, Said thirty-eight proposals aforementioned containing said proposed amendments to said charter were, in

accordance with the provisions of section eight of article eleven of the constitution of the State of California, published for twenty days after their passage, in "The Evening Post," a daily newspaper of general circulation in the city and county of San Francisco, and the official newspaper of said city and county; and

WHEREAS, The said legislative authority of said city and county did by ordinance No. 1301 (new series), of the board of supervisors, approved September 20, 1910, instruct the board of election commissioners of said city and county to place upon the ballot at a special municipal election to be held in said city and county of San Francisco on the fifteenth day of November, one thousand nine hundred and ten, the said thirty-eight several proposals to amend the charter of the city and county of San Francisco; and

WHEREAS, Said special municipal election was held in said city and county of San Francisco on the fifteenth day of November, one thousand nine hundred and ten, which day was more than forty days after said proposed amendments had been published for twenty days in "The Evening Post" newspaper; and

WHEREAS, On the twenty-first day of November, one thousand nine hundred and ten and thereafter, at meetings duly convened in accordance with law, and the charter of the city and county of San Francisco, the board of election commissioners of the said city and county duly and regularly canvassed the returns of said special municipal election, and duly declared the results thereof, said board being by law and the charter authorized to conduct, manage and control the holding of elections and all matters pertaining to elections in said city and county; and

WHEREAS, At said special election so held on the fifteenth day of November, one thousand nine hundred and ten, eighteen of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit: Charter amendments numbered one, six, seven, eight, nine, ten, eleven, twelve, fourteen, fifteen, seventeen, eighteen, nineteen, twenty-seven, twenty-eight, twenty-nine, thirty-five, and thirty-eight, and that all other amendments received less than a majority of the votes of the electors voting thereon and were not ratified.

WHEREAS, Thereafter, to wit, on the seventh day of December, one thousand nine hundred and ten, the said board of election commissioners duly filed with the board of supervisors the "official statement of votes polled at the special municipal election held in the city and county of San Francisco, State of California, on Tuesday, the fifteenth day of November, A. D. 1910, for charter amendments"; and

WHEREAS, The said eighteen amendments so ratified by the electors of the city and county of San Francisco at said special municipal election are now submitted to the legislature of the State of California for approval or rejection as a whole

without power of alteration or amendment, in accordance with section eight of article eleven of the constitution of the State of California, and are in words and figures as follows, to wit:

CHARTER AMENDMENT NO. 1.

That a new section be added to article XVI of the charter, to be known as section 29a, and to read as follows:

Bonds for
exposition.

Section 29a. 1. The supervisors are hereby empowered and directed, without further authority, to incur a bonded indebtedness of the city and county, in an amount of five million dollars, and to issue municipal bonds therefor, the proceeds of said bonds to be granted and turned over to the Panama-Pacific International Exposition Company (a corporation organized under the laws of the State of California March 22, 1910), to be used and disbursed by said exposition company for the purposes of an international exposition to be held in the city and county of San Francisco to celebrate the completion of the Panama canal.

2. The bonds issued under the provisions of this section shall be in such form as the supervisors in the ordinance providing for such bonded indebtedness shall determine; *provided*, that such bonds shall be issued, sold, redeemed, registered and converted in accordance with the provisions of sections 10, 11, 12 and 13, of article XII of the charter, as they now read, so far as said sections are applicable.

3. The proceeds of any sale of such bonds shall be payable immediately by the treasurer of the city and county to the treasurer of said Panama-Pacific International Exposition Company, upon the demand of such treasurer of said exposition company, without the necessity of the approval of such demand by the auditor of the city and county, or other authority, the same to be used and disbursed by said Panama-Pacific International Exposition Company for the purposes of such exposition.

That section 9 of article XII of the charter be amended to read as follows:

Section 9. No indebtedness shall be incurred for the acquisition of any public utility under the provisions of this article, which, together with the existing bonded indebtedness of the city and county, shall exceed at any one time fifteen per centum of the assessed value of all real and personal property in the city and county; *provided*, that any bonded indebtedness which may be incurred under the provisions of section 29a of article XVI of the charter, in aid of an exposition to celebrate the completion of the Panama canal, shall be exclusive of the bonded indebtedness of the city and county limited by this section.

That section 1 of article XIV of the charter be amended to read as follows:

Use of
Golden
Gate Park,
etc., for
exposition.

Section 1. The lands designated upon the map of the outside lands of the city and county, made pursuant to order No. 800, by the word "park," extending from Stanyan street to the Pacific ocean, and known as Golden Gate Park; also the land

fronting on Haight street, designated on said map by the word "park," and known as Buena Vista Park; also the lands designated on said map by the word "avenue," extending from Baker street westward until it crosses Stanyan street; also that certain highway bounded on the west by the Pacific ocean, and designated upon said map as "great highway"; also Mountain Lake Park; also Seal Rocks, as ceded to the city and county of San Francisco by act of congress; and all the other parks and squares in the city and county, and all the grounds surrounding public buildings in the city and county, and all parks and squares and public pleasure grounds hereafter acquired by the city and county, shall be under the exclusive management of a board of commissioners who shall be known and designated as park commissioners, except that children's playgrounds and recreation centers outside of Golden Gate Park, shall, to the extent of their use as such playgrounds and recreation centers, be under the exclusive management and control of the playground commissioners; *provided*, that the Panama-Pacific International Exposition Company (a corporation organized under the laws of the State of California, March 22, 1910) is authorized to assume and take over the management and control, and to have the exclusive possession and use, of that portion of Golden Gate Park westerly from Twentieth avenue, as extended, for the purposes of an exposition to celebrate the completion of the Panama canal, such management and control, and possession and use, to terminate not later than one year after the closing of such exposition.

That subdivision 6 of section 1, chapter III of article VII of the charter, be amended to read as follows:

6. To receive, to take on lease and to hold in trust for the city and county any real estate belonging to or claimed by the school department. To hold in trust all personal property that may have been or may hereafter be acquired by the school department; *provided, however*, that the Panama-Pacific International Exposition Company (a corporation organized under the laws of the State of California, March 22, 1910) is authorized to assume and take over the management and control, and have the exclusive possession and use, of any lands belonging to or claimed by the school department or by the city and county, which are situate westerly from Twentieth avenue, and not in actual use, for the purposes of an exposition to celebrate the completion of the Panama canal, such management and control, possession and use, to terminate not later than one year after the closing of such exposition.

School
lands for
use of ex-
position.

That a new section be added to chapter III, article IV of the charter, to be known as section 20 and to read as follows:

Section 20. The Panama-Pacific International Exposition Company (a corporation organized under the laws of the State of California, March 22d, 1910) is authorized to temporarily close streets in the city and county westerly from Twentieth avenue, for the purposes of an exposition to celebrate the com-

Exposition
authorized
to close
streets.

pletion of the Panama canal, and may have exclusive possession and use of said streets so closed for such exposition purposes, such possession and use of said streets to terminate not later than one year after the closing of such exposition; *provided*, that no street shall be closed as in this section provided until after said exposition company shall have acquired, for such exposition purposes, all of the lands held in private ownership fronting on said street, or portion of street, so closed.

CHARTER AMENDMENT NO. 6.

That article XI of said charter be amended by the addition of new chapters, to be known as chapters III, IV, and V thereof, the same to read as follows:

CHAPTER III.

THE INITIATIVE.

Acts of supervisors and legislative acts.

SECTION 1. The registered voters shall have power to propose by petition and to adopt or to reject at the polls, any ordinance, act or other measure which is within the power conferred upon the board of supervisors, or any legislative measure which is within the power conferred upon any other board, commission or officer. Such ordinance, act or other measure may be proposed by filing with the board of election commissioners a petition setting forth said measure in full, signed by registered voters of the city and county as many in number as the percentages hereinafter required of the entire vote for all candidates for the office of mayor cast at the last preceding regular municipal election.

SIGNATURES.

Signatures. SEC. 2. The words "registered voters," as used in this chapter, shall mean qualified voters whose names appear on the records of registration for the current or next preceding year. The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter or citizen taxpayer of the municipality is competent to solicit said signatures. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all signatures to the attached section were made in his presence, and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed, and no other affidavit thereto shall be required. Each signer of said petition shall add to his signature his place of residence, giving the street and number. Unless and until it be proven otherwise by official investigation, it shall be presumed that the petition filed conforms to all legal requirements and contains the signatures of the requisite number of

registered voters, and, after an election based thereon, the sufficiency of said petition shall not be questioned.

Any signer to a petition may withdraw his name from the same by filing with the board of election commissioners a verified revocation of his signature before the filing of the petition with said board. No signature can be revoked after the petition has been filed. The registrar of voters shall endorse on said petition the names of three persons who filed said petition.

VERIFICATION.

SEC. 3. Within ten days after the date of filing such petition, the board of election commissioners must finally determine from the records of registration whether or not said petition is signed by the requisite number of electors entitled to vote. If any signature be called in question, said board shall mail notice to such purported signer, stating that his name is attached to such petition, and cite him to appear before them forthwith. Unless and until said purported signer denies under oath the genuineness of such signature, it shall be deemed genuine. If necessary, the board of supervisors shall allow the board of election commissioners extra help for the purpose of examining such petition. The board of election commissioners, upon the conclusion of such examination, shall forthwith attach to said petition their certificate showing the result of said examination, and forthwith mail a copy thereof to the persons filing said petition. If by the said certificate, the petition is shown to be insufficient, it may be amended by additional signatures within ten days after the date of said certificate. The board of election commissioners shall, within ten days after such amendment, make like examination and determination of the amended petition and attach and mail a like certificate, and, if their certificate shall show the same to be insufficient, it shall be returned to the persons filing the same, without prejudice, however, to the filing of a new petition to effect the same purpose.

Verifica-
tion.

Ten per centum for special election.

SEC. 4. If the petition accompanying the proposed measure be signed by registered voters as many in number as ten per cent of the said entire vote, and contains a request that said measure be submitted forthwith to a vote of the electorate at a special election, then the board of election commissioners shall forthwith call a special election, which shall be held at a date not more than thirty days from the date of calling the same, at which said measure, without alteration, shall be submitted to a vote of the electorate.

Ten per
centum for
special
election.

Four per centum for general election.

SEC. 5. If the petition be signed by registered voters as many in number as four per cent but less than ten per cent of the said entire vote, or if for any reason any measure proposed by a petition signed by registered voters as many in number as ten per cent of said entire vote has not been submitted at a special election as provided in section 4 of this

Four per
centum for
general
election.

chapter, then, in either event, such measure or measures, without alteration, shall be submitted by the board of election commissioners to a vote of the electorate at the next general state or municipal election that shall occur at any time after thirty days from the date of the board of election commissioners' certificate of sufficiency attached to the petition accompanying such measure.

Form of ballot. Majority vote.

Form of
ballot:
majority
vote.

SEC. 6. The ballots used when voting upon said proposed measure shall contain a general statement thereof, followed by the words "Yes" and "No," so arranged that the voter may indicate his choice upon the ballot. If a majority of the qualified electors voting on said proposed measure shall vote in favor thereof, it shall go into effect ten days after the declaration of the official count.

Competing and conflicting measures. Repeal.

Competing
and con-
flicting
measures;
repeal.

SEC. 7. When there are two or more measures proposed to secure the same general purpose, the board of election commissioners shall so declare, and shall have the ballots so printed that the voter (first) can choose between any measure or none, and (secondly) can express his preference for any one. If a majority of the votes on the first question is affirmative, then the measure receiving the highest number of votes shall become law, and the others shall fail of passage. In case two or more measures are tied for the highest vote, they shall be resubmitted at the next ensuing general election. If there is a conflict between two or more measures or between two or more charter amendments adopted at the same election, then the measure or charter amendment receiving the highest affirmative vote shall prevail. No ordinance or measure approved by the electorate under the provision of this chapter shall be subject to veto, or be amended or repealed except by vote of the electorate, unless such ordinance or measure shall otherwise provide.

Elections.

Elections.

SEC. 8. All arrangements for an election under this chapter shall be made and the same shall be conducted, returned, and the results thereof declared, so far as practicable, in all respects as are municipal elections, and state penal laws applicable to general elections shall apply to elections held hereunder; *provided*, if there be any conflict of provisions, this chapter shall control. Any number of proposed measures, ordinances, referendum petitions, or other measures, may be submitted on one petition and may be voted upon at the same election in accordance with the provisions of this chapter; *provided*, that there shall not be held under this chapter more than one special election within a period of six months.

Measure to be mailed to voters.

Measure to
be mailed
to voters.

SEC. 9. Whenever any measure is required by this charter to be submitted to the voters of the city and county at any election, the board of election commissioners shall cause the

measure to be printed, in substantially the same form as the latest municipal edition of this charter, and they shall enclose a printed copy thereof, in an envelope with a sample ballot, and mail the same to each voter, at least five days prior to the election.

Arguments to be mailed to voters.

SEC. 10. If said proposition be submitted upon an initiative petition of the registered voters, the persons filing said petition shall have the right to present to the board of election commissioners, at any time twenty-five days prior to said election, copies of printed arguments favoring said proposition; if said proposition be submitted by the mayor, or by the board of supervisors, or by one third of the board of supervisors, or by persons filing a referendary petition, they shall have a similar right to present copies of printed arguments; said arguments shall be printed in substantially the same form as the latest municipal edition of this charter and shall not exceed eight pages in length upon each proposition. Any person, committee or organization opposing any proposition may each present, in like manner and of the same form and amount and within the same time, printed arguments opposing said proposition. Copies of said arguments, either for or against, shall be presented equal in number to five per cent in excess of the total number of registered voters. The board of election commissioners shall cause one copy of each of said arguments to be bound with their copy of the measure or amendment which is to be mailed to each voter as required by section 9 of this chapter.

Arguments
to be
mailed to
voters.

Election is mandatory.

SEC. 11. If any measure proposed by petition or upon which a referendum vote is requested by petition, in accordance with the provisions of this charter be not submitted to the voters at or within the time elsewhere specified in this charter, such petition shall remain in force until such measure shall be submitted to a vote, and no bond issue, or other measure proposed by the board of supervisors shall be submitted to the voters unless at the same election, or prior thereto, there shall be submitted to the voters the measures upon which a vote is requested by petition, if any vote be so requested and upon which a vote has not been taken at or within the time elsewhere specified in this charter. This section is prohibitory and mandatory.

Election is
mandatory.

Charter amendments.

SEC. 12. The provisions of this chapter, unless prohibited by the state constitution, shall apply to the proposal, submission and adoption of charter amendments.

Charter
amend-
ments.

Declarations of policy.

SEC. 13. Any declaration of policy or principle of legislation may be submitted to the electors in the manner provided for the submission of ordinances; and when approved by a majority of the voters voting at any election, it shall thereupon

Declara-
tions of
policy.

be the duty of the board of supervisors or other legislative body to enact an ordinance or ordinances to carry such policies or principles into effect, subject to the referendum provisions of chapter IV of article XI of this charter.

Special election fund.

Special
election
fund.

SEC. 14. In the first annual budget to be hereafter adopted by the board of supervisors, said board shall appropriate not less than fifty thousand dollars to be known as the special election fund, to be used exclusively for defraying the cost of verifying petitions and other expenses of special elections initiated by petition of the electorate, including recall elections. In the event of the expenditure of any of said fund, the board of supervisors in the next succeeding annual budget shall appropriate a sum sufficient to replete said special election fund.

Substantial compliance.

Substan-
tial com-
pliance.

SEC. 15. A substantial compliance with the provisions of this chapter shall be sufficient for the holding of an election hereunder and the approval or rejection of any measure submitted thereat.

Repeal of present provision.

Repeal of
present
provision.

SEC. 16. Section 20 of chapter I of article II of said charter, relating to initiative petitions, is hereby repealed.

CHAPTER IV.

TITLE REFERENDUM.

Public utilities.

Public
utilities.

SECTION 1. Every ordinance or other measure involving the lease or sale of any public utility, or the granting of a new franchise for the operation of any public utility whose franchise has expired or is about to expire, must be referred and submitted to the vote of the electors of the city and county at the election next ensuing not less than sixty days after the adoption of such ordinance, and shall not go into effect until ratified by a majority of the voters voting thereon.

Referendum by supervisors. By mayor.

Referen-
dum by
super-
visors;
by
mayor.

SEC. 2. Any ordinance which the supervisors are empowered to pass may be submitted by a majority of the board at a general election or at a special election called for the purpose, said election to be held not less than thirty days from the date of the call. Any such ordinance may be proposed by one third of the supervisors or by the mayor, and when so proposed shall be submitted to the electors at the next succeeding general election.

Referendum by electors.

Referen-
dum by
electors.

SEC. 3. No ordinance passed by the supervisors granting any public utility franchise or privilege, or authorizing the lease or sale of any lands, or authorizing the purchase of lands of more than fifty thousand dollars in value shall go into effect until the expiration of sixty days from the date it

becomes final: (a) by approval of the mayor; (b) or without his approval by the expiration of the time prescribed by this charter within which he may disapprove it; or (c) by its passage by the board of supervisors over his objections in the event of such disapproval. At the end of such sixty days such ordinance shall be in force and effect, unless within such period there shall be filed with the election commissioners a petition signed by registered voters equal in number to five per cent of the entire vote cast for mayor at the last preceding regular municipal election, requesting that such ordinance be submitted to the electors. In case such petition is filed, such ordinance shall not go into effect until approved by a majority of the voters voting thereon at a general or special election.

Regulations governing petitions.

SEC. 4. A petition asking that any ordinance be submitted to the electors shall conform to the provisions of sections 2 and 3 of chapter III of this article (the initiative), which are hereby made a part hereof. Regulations governing petitions.

Time of elections.

SEC. 5. If a petition be filed more than sixty days and less than ninety days prior to a general election, it shall be submitted at such general election. Otherwise it shall be submitted at the next general election or at a special election called prior thereto, as the supervisors shall decide. Time of elections.

Elections—how conducted.

SEC. 6. Sections 6, 7, 8, 9, 10, 11 and 15 of chapter III (the initiative), so far as applicable, shall govern elections held under the authority of this chapter. Elections: how conducted.

Majority vote.

SEC. 7. If a majority of the votes cast on any ordinance or measure so referred to the electors, as herein provided, shall be in favor thereof, it shall go into effect ten days after the determination of the official count; otherwise it shall be repealed and rejected. Majority vote.

Substantial compliance.

SEC. 8. A substantial compliance with the provisions of this chapter shall be sufficient for the holding of an election hereunder, and for the approval or rejection of any measure submitted thereat. Substantial compliance.

Repeal.

SEC. 9. Section 21 of chapter I of article II of this charter is hereby repealed. Repeal.

CHAPTER V.

THE RECALL.

Elected officials. Ten per centum. Statement of grounds.

SECTION 1. The holder of any elective office may be removed or recalled by the electors. The procedure to effect such removal or recall shall be as follows: A petition demanding

Elected officials; ten per centum; statement of grounds.

the election of a successor to the person sought to be removed or recalled shall be filed with the board of election commissioners. Such petition shall be signed by registered voters equal in number to at least ten per cent of the entire vote cast for mayor at the last preceding general municipal election; *provided*, that not less than seven thousand nor more than fifteen thousand signatures of such electors shall be required on such petition. Said petition shall contain a statement of the grounds on which the removal or recall is sought, which statement is intended solely for the information of the electors. Any insufficiency of form or substance in such statement shall in no wise affect the validity of the election and proceedings held hereunder. No recall petition shall be filed against any officer until he has actually held his office for at least four months.

Signatures. Verification.

Signatures: verification.

SEC. 2. Said petition shall be in all respects in accordance with the provisions of sections 2 and 3 of chapter III (the initiative) of article XI of this charter, which sections are made a part hereof, and shall be examined and certified by the board of election commissioners in all respects as in said sections provided.

Special election.

Special election.

SEC. 3. Unless the petition shall be found insufficient in the number of signatures of registered voters attached thereto, within ten days from the date of filing the same, the board of election commissioners shall thereupon order and fix a date for holding the said election, said date to be not less than thirty-five days nor more than fifty days after the date of the order fixing the date of said election. If a vacancy occur in said office after a recall petition has been filed, the election shall nevertheless proceed as in this chapter provided.

Several removals at one election. Publication.

Several removals at one election; publication.

SEC. 4. One petition is competent to propose the removal and election of one or more elective officials. One special election is competent for the removal and election of one or more elective officials. The board of election commissioners shall make or cause to be made due publication of notice of said election.

Nominations.

Nonnominations.

SEC. 5. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise in writing, the board of election commissioners shall place his name on the official ballot without nomination. Any person may be nominated for any office under such recall election in the following manner, and not otherwise, to wit: By filing with the board of election commissioners the petitions of not less than ten or more than twenty registered voters, who shall appear personally before the registrar of voters and make affidavit that in their judgment the candidate is fully qualified,

mentally, morally and physically, for said office and should be elected to fill it. Such petitions shall be filed not less than twenty-five days before such recall election.

Sample ballot. Printed statements.

SEC. 6. Upon the sample ballot there shall be printed in not more than three hundred words the reasons for demanding the recall of the officer as set forth in the recall petition, and upon the same ballot in not more than three hundred words the officer may justify his course in office.

Sample
ballot:
printed
state-
ments.

Form of ballot. Election.

SEC. 7. Until and unless there be some other method provided in this charter for the conduct of a recall election, such election shall be governed, so far as applicable, by the laws governing the holding of other municipal elections, except as hereinafter provided:

Form of
ballot.
election.

(a) The ballot for a recall election shall be printed in the following manner: At the top of the ballot shall appear such part of the instructions to voters as are applicable to such election. Immediately below the instructions to voters shall be printed the title of the office or offices to be filled in the order set forth in this charter. The names of the candidates for any such office shall be arranged in alphabetical order under the title to such office.

(b) In any such removal election the candidate receiving a majority of all the votes cast for such office shall be declared elected. In case two or more persons are to be elected to the same office, then those candidates, equal in number to the number to be elected, who receive the highest number of votes for said office shall be declared elected; *provided, however*, that no person shall be declared elected to any such office at such election unless the number of votes received by him shall be greater than one half the number of ballots cast at such election.

(c) If no candidate receive a majority of all the votes cast for such office at such election, a second election shall be held fourteen days later. The board of election commissioners shall provide ballots for such election, on which shall be printed the names of the two candidates for each office who received the highest number of votes for such office at the first election, and no other names; *provided*, that if more than one person is to be elected to one office, the candidates not elected at such first election equal in number to twice the number to be elected, or less if there be not so many, who received the highest number of votes for such office at such first election, shall appear in alphabetical order on such ballots and shall be the only candidates for such office at the second recall election; *provided, further*, that if there be any person who, under the provisions of this section, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates equal in number to the persons

to be elected who shall receive the highest number of votes at such second election shall be declared elected to such office.

Removal. Successor. Second recall.

Removal;
successor;
second
recall.

SEC. 8. If some other person than the incumbent of such office or offices receive a majority of the votes cast at such recall election, or the highest number of votes at such second election, the incumbent shall thereupon be deemed removed from office upon qualification of his successor. The successor of any officer so removed shall hold office during the unexpired term of his predecessor, subject to removal under the provisions of this chapter. In case the person declared elected should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives a majority of the votes cast at such recall election or the highest number of votes at a second election he shall continue in office. If such incumbent is so reelected, it shall require double the number of signatures to initiate a second election for his recall: and if reelected at such second recall election, it shall require three times the number of signatures to initiate a third recall election against such officer during the term for which he was elected.

Reimbursement for election expenses.

Reimburse-
ment for
election
expenses.

SEC. 9. If the incumbent receive a majority of the votes at such recall election, he shall be reimbursed out of the special election fund for his expenses in such recall election; *provided*, that such payment shall not exceed the amount he is permitted to spend under the purity of elections act now in force.

Vacancies. Disqualification.

Vacancies;
disqualifi-
cation.

SEC. 10. In the event of a vacancy occurring in any such office between the date of the filing of such petition with the board of election commissioners and the holding of such election where such petition is found sufficient, such vacancy shall be filled in the same manner as other vacancies occurring in such office, but the person selected to fill such vacancy shall hold such office only until the person elected in accordance with the provisions of this chapter shall qualify. No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within two years after such recall or resignation.

Substantial compliance.

Substan-
tial com-
pliance.

SEC. 11. A substantial compliance with the provisions of this chapter shall be sufficient for the holding of an election, and for the removal and election of any officer thereunder.

Repeal of present provisions.

Repeal of
present
provisions.

SEC. 12. Section 23 of chapter I of article II of said charter, relating to the recall of elected officials, is hereby repealed.

In effect January 8, 1912.

SEC. 13. This chapter shall go into effect January 8, 1912. In effect January 8, 1912.

CHARTER AMENDMENT No. 7.

That section 5, chapter I of article XI of the said charter shall be amended to read as follows:

Section 5. All provisions of the general laws of this state, including penal laws, respecting elections, not inconsistent with the provisions of chapter II hereof, shall be applicable to all elections held in the city and county of San Francisco. All provisions of the general laws of this state respecting the registration of voters shall be applicable to such registration in the city and county. The board of election commissioners must provide for precinct registration, so far as it can do so under the constitution and the laws of the state.

That chapter II of article XI of said charter be amended to read as follows:

CHAPTER II.

MUNICIPAL ELECTIONS.

When held—officers to be elected—terms.

Section 1. There shall be held in the city and county of San Francisco, on the last Tuesday in September of the year 1911, and every second year thereafter, an election to be known as the "primary municipal election." A second election shall be held when necessary under the provisions of this charter on the Tuesday after the first Monday in November, not less than forty days after the said primary election, and shall be known as the "general municipal election."

When held: officers to be elected; terms.

At said primary and general elections there shall be nominated and elected by the electors of the city and county the following officers: the mayor, four police judges, district attorney, city attorney, assessor, auditor, treasurer, tax collector, recorder, public administrator, county clerk, sheriff, coroner and eighteen supervisors. Each of the above officers shall be elected for two years, except the police judges and the assessor, each of whom shall be elected for four years. The superintendent of public schools shall be elected for four years, and the justices of the peace, at the same time that members of the legislature are elected.

When office is taken.

Section 2. The officers elected at the primary or general election under this charter shall take office at noon on the eighth day of January following.

When office is taken.

Nomination and election of city and county officers.

Section 3. (1) The mode of nomination and election of all elective officers of the city and county to be voted for at any primary, general or special municipal election, including recall elections, shall be as follows, and not otherwise:

Nomination and election of city and county officers.

Condition of candidacy.

(2) The name of a candidate shall be printed upon the

Condition of candidacy.

ballot when a declaration of candidacy and certificates of not less than ten sponsors shall have been filed on his behalf, in the manner and form and under the conditions hereinafter set forth.

Method of nomination.

Method of nomination.

(3) The nomination of candidates shall be made in the following manner:

(a) The candidate, not more than fifty days before the primary election in September, shall file with the registrar of voters a declaration of his candidacy, in the following form:

“DECLARATION OF CANDIDACY.

I, residing at, hereby declare myself a candidate for the office of, to be voted for at the municipal election to be held in the city and county of San Francisco, on the day of September, A. D.

CITY AND COUNTY OF SAN FRANCISCO, }
STATE OF CALIFORNIA. } ss.

Subscribed before me and filed this day of A. D.

Registrar of voters.”

The blanks in said form for the name and residence of the candidate and the office and date of election, shall be filled out and the declaration subscribed by him before the registrar of voters. The registrar shall forthwith certify to the said subscription and its date and retain and file the declaration.

(b) After said declaration shall be signed, certified and filed, and not later than thirty days before said election in September, not less than ten nor more than twenty sponsors for the said candidate, who are electors for the city and county, qualified to vote at the said municipal election, shall appear before the registrar of voters and shall certify, under oath, to the qualifications of the said candidate, in a certificate as follows:

“CITY AND COUNTY OF SAN FRANCISCO, }
STATE OF CALIFORNIA. } ss.

The undersigned sponsor for, who has declared his candidacy for the office of, to be voted for at the municipal election to be held in the city and county of San Francisco, on the day of September, A. D., being first duly sworn, deposes and says:

That in my opinion my knowledge of the said is sufficient to warrant my urging his election to the office of in the city and county of San Francisco, and that he is fully qualified mentally, morally and physically for the said office and should be elected to fill it; that I am a

qualified elector of said city and county and am not at this time a signer of any other certificate nominating any other candidate for the above-named office, or, in case there are several places to be filled in the above-named office, that I have not signed more certificates than there are places to be filled in the above-named office; that my residence is at No. street, San Francisco, and that my occupation is

“CITY AND COUNTY OF SAN FRANCISCO, }
STATE OF CALIFORNIA. } ss.

The above was subscribed, sworn to before me, read to me by the deponent, the said signature verified by me, and the said certificate filed this day of, A. D.

Registrar of voters.”

The blanks in the said certificate for the name of the candidate and the office, the date of the election, the address and occupation of the sponsor shall be filled out and the certificate read to the registrar of voters, subscribed and sworn to by the sponsor before him, and his signature forthwith verified by the registrar by comparison with the signature of the sponsor's registration as a voter. The registrar's certificate shall thereupon be filled out and the document retained by him and filed.

(c) It shall be the duty of the board of election commissioners to furnish a sufficient number of forms for such candidates' declarations and such sponsors' certificates. In the event the registrar shall refuse to file such declaration or certificate, he shall forthwith designate in writing on the declaration or certificate the defect thereof, or other reason for refusing to file the same, and shall return the same to the party tendering it. No defect in any declaration or certificate presented to the registrar shall prevent the filing of another declaration or certificate within the period allowed for presenting the declaration or certificate.

(d) Each certificate must contain the name of one signer thereto and no more. Each signer must be a qualified elector, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, or, in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in such office.

(e) The registrar of voters shall preserve in his office for a period of four years all candidates' declarations and all sponsors' certificates filed under this section.

Candidate's statement.

(4) If the candidate shall so desire, he may file with the election commission, not less than twenty-five days before the said election, a statement, of not more than one hundred words, setting forth any facts he deems pertinent to the

Candidate's statement.

question of his qualifications for the office for which he is a candidate and paying the sum of twenty dollars to the registrar of voters. Additional words, not to exceed two hundred, may be added to the statement, for the additional fee of ten dollars for each hundred words or part thereof. All such fees received by the registrar shall be paid over to the treasurer of the city and county of San Francisco and credited to the general fund. Upon the payment of the said fee, the board of election commissioners shall cause said statements, with the candidate's name and number on the ballot appearing above each to be grouped under the office for which he is a candidate, the names and groups to be arranged in the same order as the ballots printed for the assembly district of said city and county designated by the lowest number. The board of election commissioners shall cause the said statements so arranged to be printed either in single sheet or pamphlet form, the candidate's name and number in fourteen (14) point type and the body of the statement in ten (10) point type and enclosed and circulated with the sample ballot and sent to each registered voter. The board of election commissioners shall furnish, at least five days before the said election, copies of such statements, so arranged and printed, to registered voters on application at his [their] office.

Mayor's proclamation.

Mayor's
proclama-
tion.

(5) Immediately after such declaration and ten sponsors' certificates shall have been filed, the registrar of voters shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty-five days before the election certify such list as being the list of candidates nominated as required by this charter; and the mayor shall cause said certified list of names and the offices to be filled, designating whether for a full term or unexpired term, to be published in the proclamation calling the election at least eight successive days, excluding Sundays, before the election, in not more than two daily newspapers of general circulation published in the city and county of San Francisco. Said proclamation shall conform in all respects to the general state law governing the conduct of municipal elections, now or hereafter in force, except as herein required.

Form of ballots.

Form of
ballots.

(6) The registrar of voters shall cause the ballots to be printed and bound and numbered as provided for by state law, except as otherwise required in this charter. The ballots shall contain the list of names and the respective offices, as published in the proclamation, and shall be in substantially the form herein provided.

Heading and directions to voters.

Heading
and direc-
tions to
voters.

(a) Primary (or general, or recall, or second recall, as the case may be) municipal election, city and county of San Francisco.

Instructions to Voters: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election and obtain another.

Arrangement of offices on ballot.

(b) The offices to be filled shall be arranged in the following order: Arrangement of offices on ballot.

The mayor, police judges, district attorney, city attorney, assessor, auditor, county clerk, sheriff, treasurer, tax collector, recorder, public administrator, coroner, arranged in one or more columns, and the supervisors in a column or columns separate from the others.

Every nominee on ballot.

(c) The name of every candidate who has been duly and regularly nominated shall be placed on the ballot under the title of the office for which he is a candidate. Every nominee on ballot.

Rotation of candidates' names.

(d) The ballots for the assembly district of the city and county designated by the lowest number shall have the names of each group of candidates for an office or offices arranged in alphabetical order, according to the family name of the candidate. In the assembly district designated by the next highest number, the groups of names shall be the same as in the district designated by the next lower number, save that the last candidate in the group in the preceding district shall be placed at the beginning of the group, the succession of names to be otherwise unchanged, and so on, rotating the names in this order throughout all the assembly districts. Rotation of candidates' names.

In the event that the number of candidates in any group shall exceed the number of assembly districts in the city and county, then the total number of candidates in such group shall be divided by the number of assembly districts and the quotient, if an integral number, or if it be fractional, then the next highest integral number, shall be the number of candidates to be taken from the end and placed at the beginning of such a group in each successive assembly district; the rotation then being in this manner, to wit: if there be fifty-six candidates for supervisors and twenty assembly districts, numbered from twenty-five to forty-five, the fifty-fourth, fifty-fifth and fifty-sixth candidates in the group of the twenty-fifth district will be the first, second and third candidates, respectively, in the group in the twenty-sixth district.

Spaces for name and for voting cross.

(e) The candidate's name shall be printed in brier type and shall be enclosed by lines above and below, a half inch apart. Half-inch squares shall be provided at the right of the name of each candidate wherein to mark the cross. Spaces for name and for voting cross.

Blank spaces for additional candidates.

(f) Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Other requirements of ballot.

(g) All ballots printed shall be precisely of the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible, in each assembly district, to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right hand side for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this charter.

Voting machines.

(h) In the event of the use of voting machines, the ballot shall be arranged on the machines in the same form in each assembly district as provided for the printed ballot.

Candidate's political designation.

(i) If the candidate shall file a statement and shall name therein a political designation of not more than three words, to be printed below his name on the ballot, such designation shall be printed upon the ballot below his name in capitals and lower case nonpareil type. The name and political designation shall be confined to the half-inch space enclosed by the printed lines.

Sample ballots.

7. The registrar of voters shall cause to be printed ballots identical with the ballot to be used in each assembly district at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail to each voter entitled to vote at such election a copy of the ballot to be used in his district, so that all of said sample ballots shall have been mailed at least five whole days before said election.

Votes necessary to elect.

8. In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast at the primary election for all the candidates for that office shall be declared elected; in case there are two or more persons to be elected to an office, as that of supervisors or police judge, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected; *provided, however,* that no person shall be declared elected to any such office at such primary election unless the number of votes received by him shall be greater than one half the number of ballots cast at such election.

General election.

9. The vacancy or vacancies in any office to which the required number of persons have not been elected at the primary election shall be filled at the general election. The candidates not elected at such primary election, equal in number to twice the number to be elected to any given office, or less, if so there be, who receive the highest number of votes for the respective offices at such first election, shall be the only candidates at such general election; *provided*, that if there be any person who, under the provisions of this subdivision, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such general election shall be declared elected to such office.

General election.

Rules governing the general election.

10. All the provisions and conditions above set forth as to the conduct of a primary election, so far as they may be applicable, shall govern the general election, except that notice of election need be published twice only; *and provided, also*, that the same precincts and polling places shall, if possible, be used.

Rules governing the general election.

Failure of person elected to qualify.

11. If a person elected fails to qualify, the office shall be filled as in this charter provided for a vacancy in such office.

Failure of person elected to qualify.

Informalities in election.

12. No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter.

Informalities in election.

CHARTER AMENDMENT NO. 8.

An alternative proposition for the Australian ballot without the party designation, to be voted for separately.

Ballot.

Said alternative proposition shall, if approved by the voters, take the place of paragraph (i) of section 6 of chapter II of article XI of said chapter, reading as follows:

“(i) If the candidate shall file a statement and shall name therein a political designation of not more than three words to be printed below his name on the ballot, such designation shall be printed upon the ballot below his name in capitals and lower case nonpareil type. The name and political designation shall be confined to the half-inch space enclosed by the printed lines.”

Said alternative proposition shall be submitted to the voters for their approval or rejection at the same election at which the amendments to article 11 of the charter are submitted, and upon the ballots shall be printed: “Shall the alternative proposition prohibiting any partisan designation of the candidate on the ballot take the place of subdivision (i) of section 6

of chapter II of article XI, which allows such designation?"
Said alternative proposition is as follows:

"(i) No party name or political designation or descriptive matter concerning the candidate shall appear on the ballot."

CHARTER AMENDMENT NO. 9.

That a new section be added to article XVI thereof, to be numbered section 38a, to read as follows:

Term of
officers.

Section 38a. The term of office of the mayor, county clerk, auditor, district attorney, sheriff, coroner and nine of the eighteen supervisors shall be four years, commencing January 8, 1912, and the term of office of the tax collector, recorder, city attorney, public administrator, treasurer and nine of the eighteen supervisors shall be two years until the eighth day of January, 1914, and thereafter shall be four years.

Thereafter all the terms of the officers herein named shall be four years. The nine supervisors receiving the highest number of votes at the municipal election held in 1911 shall be the supervisors whose terms shall be four years from January 8, 1912, and the terms of the nine supervisors receiving the next highest number of votes at said municipal election shall be two years from January 8, 1912; *provided*, that if it should be impossible to determine the highest number of votes by reason of others having received the same number of votes, then those so tied shall choose by lot the four-year term. At each general municipal election officers shall only be chosen to succeed those whose terms expire in the month of January next following. The provisions of this section shall be deemed to be amendatory of all other provisions in the charter relating to the terms of the officers herein named, whether heretofore existing or contained in sections amended in other respects concurrently with the adoption of this amendment.

CHARTER AMENDMENT NO. 10.

That section 3 of article XVI of said charter be amended to read as follows:

Absence of
officer from
state.

Section 3. No officer of the city and county, except members of the police department acting under orders of the chief thereof, shall absent himself from the state, except by permission of the mayor and the board of supervisors. Violation of this section shall be sufficient cause for the removal of any officer violating the same.

CHARTER AMENDMENT NO. 11.

That a new chapter be added to article VI of said charter, to be known and designated as chapter VIII, to read as follows:

CHAPTER VIII.

TUNNELS, SUBWAYS AND VIADUCTS.

Supervisors may order construction.

SECTION 1. The board of supervisors are hereby empowered to order the construction of any tunnel, subway or viaduct, in,

on, under, or over, any accepted or unaccepted open public street, avenue, lane, alley, place or court, within the city and county, or any other land of the city and county, or in, on, under, or over, any land in which and where the city and county may then have an easement or right of way therefor, and to levy the cost and expenses thereof upon private property, in the manner and under and subject to the proceedings, powers, restrictions and limitations in chapter II and chapter VII of this article provided for street work and street improvement.

Super-
visor- may
order con-
struction.

Purchase of land and right of way.

SEC. 2. The board of supervisors are hereby empowered to authorize the acquisition, by purchase or condemnation, and to acquire by purchase, or to condemn and acquire, any and all land, or any easement or right of way therein, thereon, thereunder or thereover, and any property necessary and convenient for any purpose mentioned in section 1 of this chapter, and to levy the damages, costs and expenses thereof upon private property, in the manner and under and subject to the proceedings, powers, restrictions and limitations in chapter III and chapter VII of this article, provided for the opening, extending, straightening, or closing up, in whole or in part, of any street, avenue, lane, alley, court or place.

Purchase
of land
and right
of way.

City may pay part of cost.

SEC. 3. The board of supervisors may, in its discretion, order that not more than one half of the whole of the costs and expenses of any of the work or acquisitions in sections 1 and 2 of this chapter mentioned, or the damages resulting therefrom, be paid out of the treasury of the city and county from such fund as the board of supervisors may designate. Whenever a part of such cost or expense is so ordered to be paid before the making of an assessment therefor, the board of public works, in making up the assessment provided for such cost and expense, shall first deduct from the whole cost and expense such part thereof as has been ordered to be paid out of the municipal treasury and shall assess the remainder of said cost and expense proportionately upon the lots, parts of lots, and lands in the assessment district or liable to be assessed therefor, and in the manner hereinbefore referred to and provided.

City may
pay part
of cost.

Several companies may use.

SEC. 4. No railroad other than a street railroad shall ever be operated through, in or along any tunnel, subway or viaduct constructed or acquired under the provisions of this charter, and no person, firm or corporation shall ever be granted the exclusive right to operate a street railroad through, in or along such tunnel, subway or viaduct. Two or more lines of street railways operated under different managements, or the city and county in the operation of a municipal railway, may use the same tunnel, subway or viaduct for the entire length thereof and for five consecutive blocks approaching each end thereof, each management paying an equal portion of the ex-

Several
companies
may use.

pense for the construction, maintenance and repair of the tracks and appurtenances used by said railways jointly.

CHARTER AMENDMENT NO. 12.

That a new chapter be added to article VI of said charter, to be known and designated as chapter VIII, to read as follows:

CHAPTER VIII.

TUNNELS, SUBWAYS AND VIADUCTS.

Supervisors may order construction.

Super-
visors may
order con-
struction.

SECTION 1. The board of supervisors are hereby empowered to order the construction of any tunnel, subway or viaduct, in, on, under or over, any open public street, avenue, lane, alley, place or court within the city and county, or any other land of the city and county, or in, on, under or over any land in which and where the city and county may then have an easement or right of way therefor, and to levy the cost and expenses thereof upon private property, in the manner and under and subject to the proceedings, powers, restrictions and limitations in chapter II and chapter VII of this article provided for street work and street improvement.

Purchase of land and right of way.

Purchase
of land
and right
of way.

SEC. 2. The board of supervisors are hereby empowered to authorize the acquisition, by purchase or condemnation, and to acquire by purchase, or to condemn and acquire, any and all land, or any easement or right of way therein, thereon, thereunder or thereover, and any property necessary and convenient for any purpose mentioned in section 1 of this chapter, and to levy the damages, costs and expenses thereof upon private property, in the manner and under and subject to the proceedings, powers, restrictions and limitations in chapter III and chapter VII of this article, provided for the opening, extending, straightening, or closing up, in whole or in part, of any street, avenue, lane, alley, court or place.

City may pay part of cost.

City may
pay part
of cost.

SEC. 3. The board of supervisors may, in its discretion, order that not more than one half of the whole of the costs and expenses of any of the work or acquisitions in sections 1 and 2 of this chapter mentioned, or the damages resulting therefrom, be paid out of the treasury of the city and county from such fund as the board of supervisors may designate. Whenever a part of such cost or expense is so ordered to be paid before the making of an assessment therefor, the board of public works, in making up the assessment provided for such cost and expense, shall first deduct from the whole cost and expense such part thereof as has been ordered to be paid out of the municipal treasury, and shall assess the remainder of said cost and expense proportionately upon the lots, parts of lots, and lands in the assessment district or liable to be assessed therefor, and in the manner hereinbefore referred to and provided.

Several companies may use.

SEC. 4. No railroad other than a street railroad shall ever be operated through, in or along any tunnel, subway or viaduct constructed or acquired under the provisions of this charter, and no person, firm or corporation shall ever be granted the exclusive right to operate a street railroad through, in or along such tunnel, subway or viaduct. Two or more lines of street railways operating under different managements, or the city and county in the operation of a municipal railway, may use the same tunnel, subway or viaduct for the entire length thereof and for five consecutive blocks approaching each end thereof, each management paying an equal portion of the expense for the construction, maintenance and repair of the tracks and appurtenances used by said railways jointly.

Several companies may use.

CHARTER AMENDMENT NO. 14.

That section 5, article I be amended so as to read as follows:

Section 5. No recourse shall be had against the city and county, or any board of officers thereof, for damages or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, avenue, lane, alley, court or place, none of which has been finally accepted by the supervisors of the city and county as by law, or as in this charter provided; nor shall there be any recourse against the city and county, or any board or officer thereof, for damage to person or property suffered or sustained by reason of accident on any such sidewalk, street, avenue, lane, alley, court or place; but in any such case the person or persons on whom the law may have imposed the obligation to repair such defect in any such sidewalk, street or public highway, shall be liable to the party injured for the damage suffered or sustained.

No recourse for damage sustained on streets not accepted.

When any portion of the roadway of a public street in the city and county which has been accepted by the supervisors as provided by law, shall be in such defective condition as to endanger persons or property in the use thereof; or when any public sewer is defective or in want of repair, it shall be the duty of the board of public works to cause any such defect in such roadway or in such sewer to be remedied or repaired. And, if through the official negligence of the said board such defect remains unremedied or unprotected, and in consequence thereof damage or loss to person or property is sustained or suffered, the said board shall be liable to the party injured for the damage sustained; *provided*, that a notice in writing directing attention to the existence of such defect, and specifying the particular street and block thereof whereon or wherein such defect exists, shall have been served upon the said board at least five days before such damage shall have been sustained; *and provided, further*, that there are at such time funds available to the said board for repairing or remedying such defects.

Repairing defects in streets.

That section 16, chapter II, article VI, be amended so as to read as follows:

Section 16. When, in the judgment of the board of public

Requiring
owner to
repair
streets not
accepted.

works, any portion of the roadway of any improved street, avenue, lane, alley, court or place, or any portion of any sidewalk thereof, in the city and county, none of which has been accepted by the supervisors as by law or as in this charter provided, shall be so out of repair or in such condition as to endanger persons or property passing thereon, or so as to interfere with the public convenience in the use thereof, the board is authorized to notify the owner or owners of any lot fronting on said portion of said street, avenue, lane, alley, court or place, or fronting on such portion of said sidewalk so out of repair or in such condition as aforesaid, by a notice in writing to be delivered to him, or his agent, or to any of the persons referred to in section 19 of this chapter (and for the purposes of this section any of such persons shall be deemed the "owner"), requiring such owner to repair, or reconstruct, or improve forthwith, in such manner and with such material as the board may determine and direct, said portion of said street, avenue, lane, alley, court or place, to the center line thereof, or said portion of said sidewalk in front of the lot of which he is the owner.

City may
make
repairs at
owner's
expense.

If said repair, reconstruction or improvement be not begun within five (5) days after notice given as aforesaid, and diligently and without interruption prosecuted to completion, the board may, if it so determine, enter into a contract with any suitable person at the expense of such owner for the doing of the work of the required repair, or reconstruction, or improvement, after the following proceedings as in this section hereinafter provided shall have been taken by the board.

The board shall cause a notice inviting sealed bids for the doing of said required work to be conspicuously posted in its office for three days (legal holidays excepted), together with the specifications for such required work. The said notice shall specify the day and hour when such sealed bids must be delivered to the board, and shall contain a general description of the work to be done, the time within which the work is to be commenced and when to be completed, and the amount of the certified check hereinafter provided for as a guaranty for the faithful performance of the contract, and shall refer to the specifications posted therewith. On the day and at the hour specified in said notice, the board shall assemble and remain in session for at least one hour, and all such bids shall be delivered to the board while it is so in session and within the hour named in the said notice. At the expiration of the hour stated in the said notice within which the bids will be received, the board shall, in open session, open, examine and publicly declare the same, and an abstract of each bid shall be recorded in the minutes of the board by the secretary. The board shall award the contract to the lowest responsible bidder, if in its judgment the bid of such bidder is reasonable and just.

The board may for good cause reject any and all bids, and must reject the bid of any party who has been delinquent or

unfaithful in any former contract awarded to him by the board. Bills may be collected.

No bid shall be considered by the board unless it be accompanied by a check, certified by a responsible bank, payable to the order of the clerk of the supervisors of the city and county, for an amount determined by the board and specified in the said notice inviting bids. Such check shall be held by the board as a guaranty that the bidder to whom the contract has been awarded, as hereinbefore provided, will enter into contract to do said work and faithfully perform such contract.

If said bidder fails or refuses to enter into the contract to do said work as hereinafter provided, or if after having entered into the said contract said bidder fails to faithfully perform the contract, then the said certified check accompanying his bid shall be forfeited to the city and county, and shall be collected and paid into the general fund thereof.

The bidder to whom the contract for the said work has been awarded shall enter into a written contract therefor with the board of public works within five (5) days after the date of the award thereof. Upon the completion of the required repair, reconstruction or improvement by the contractor as aforesaid to the satisfaction of the board, it shall make and deliver to the contractor a certificate to the effect that such repair, reconstruction or improvement has been properly made by said contractor, and that the charges for the same are reasonable and just, and that the board of public works has accepted the same. Upon the issuance of the said certificate the board shall surrender to the contractor the certified check hereinbefore provided for.

Until the sidewalk or the roadway of any improved street, avenue, lane, alley, court or place in the city and county is finally accepted as by law or as in this charter provided, the obligation to repair, reconstruct or improve the same is imposed upon the owner or owners of the lots fronting thereon.

CHARTER AMENDMENT No. 15.

That chapter II of article VI be amended by adding a new section thereto, to be known and designated as section 33, and to read as follows:

Section 33. The methods of procedure in this article provided for the improvement of streets, or for the construction of tunnels, subways or viaducts and appurtenances thereto, and for the assessment of the expense thereof or any portion of such expense upon private property shall not be deemed exclusive, but the board of supervisors by an affirmative vote of not less than two thirds of the members thereof, may by ordinance substitute therefor any method of procedure in any general law of the State of California now in force and effect, or as the same may be amended, or that may hereafter be enacted, providing for any such improvements in municipalities, and levying assessments for the expense or portion thereof upon private property: or the said board may by a

Procedure for construction of tunnels, etc., not exclusive.

like affirmative vote of the members thereof adopt an ordinance which may from time to time be revised or amended, providing a method of procedure for such improvement and assessment; and in such ordinance if said board deems it expedient provision may be made for the payment of any assessment levied in pursuance of the provisions thereof in annual installments covering a term not to exceed ten years upon conditions as to said board may seem reasonable and just, the rate of interest to be paid on such payments not to exceed seven per cent per annum.

CHARTER AMENDMENT NO. 17.

That a new section be added to said charter to be known as section 12 of article XIV, to read as follows:

California Academy of Sciences permitted to erect museum building in Golden Gate Park.

Section 12. The California Academy of Sciences, an institution for the advancement of science and maintenance of a free museum, duly incorporated under the laws of the State of California, is hereby granted permission to erect and maintain in Golden Gate Park a museum building, consisting of one or more structures as it may find necessary for the purposes contemplated, which said building is to become the property of the city and county of San Francisco, but to be used exclusively thereafter by the said California Academy of Sciences, under such proper rules and regulations as it may prescribe, as a free museum, open to the public, and for admission to which no admission fee shall ever be charged. The plans for the proposed museum building and any addition thereto must be approved by the board of park commissioners, and said board of park commissioners is hereby authorized and directed to set apart such portion of Golden Gate Park, convenient to public access and satisfactory to said California Academy of Sciences, as may be necessary for said building, sufficient ground being allotted to secure the safety of the same from fire.

CHARTER AMENDMENT NO. 18.

That section 6 of chapter I of article IX of said charter be amended so as to read as follows:

Qualifications of firemen, mechanics and others.

Qualifications of firemen, mechanics and others.

Section 6. All persons appointed to positions in the department must at the time of their appointment be citizens of the United States, not less than twenty-one nor more than thirty-five years of age, of good character for honesty and sobriety, and able to read and write English; they must have been residents of the city and county at least five years next preceding the date of their appointment, they must pass a medical examination under such rules and regulations as may be prescribed by the commissioners, and must, upon such examination, be found in sound bodily health; *provided, however*, that the age limit herein prescribed shall not apply to engineers and pilots of fireboats, to engineers, mechanics and employees of the auxiliary fire system or of the corporation yard, or to clerks in the office of the commission; but the age of such per-

sons in this proviso named shall, at the time of their appointment, be not less than twenty-one nor more than fifty-five years; and provided, further, that employees and appointees in this proviso named shall not be subject to nor derive any benefit from the provisions of chapter VII of this article relating to firemen's relief fund.

CHARTER AMENDMENT NO. 19.

That chapter 2 of article III of said charter be amended by adding three new sections to be known as sections 7a, 7b and 7c, to read as follows:

City may purchase.

Section 7a. All franchises for street railways or franchises for railways crossing any street granted under this charter shall be subject to the right of the city and county, upon the payment therefor of a fair valuation plus the bonus hereinafter mentioned, to purchase and take over the tangible property and plant including leases of any real property necessary to such plant owned by the grantee of any franchise granted under this charter, his or its successors or assigns and used in the exercise of such franchise. Such valuation shall not include any value of the franchise or right of way through the streets or any earning power of such property. The valuation shall include as part of the costs of the plant, interest on actual investments during the period of construction prior to the commencement of operation. If the purchase be made within ten years from the time the franchise is granted, the city and county shall pay to the grantee, his or its successors or assigns, in addition to the amount of such valuation, a sum or bonus not less than ten per centum nor more than twenty per centum in the discretion of the arbitrators hereinafter provided for, of the actual cost of construction of the road and of the actual cost of all other tangible property owned by the grantee, his successors or assigns, in use, and usable for the purposes for which the franchise was granted. If the purchase be made more than ten years after the granting of the franchise then the said bonus shall be ten per cent. Such valuation shall be made and the proceedings therefor initiated upon call for the same by ordinance passed by the board of supervisors or the electors. On the passage of such an ordinance the mayor shall within thirty days appoint two arbitrators and forthwith notify the owner of said franchise of their appointment by written notice addressed as follows: "To the owner of the franchise for (inserting the name of the franchise)" and left at the office of the company operating or owning the said franchise; and call upon such owner in such notice to appoint within thirty days two arbitrators and notify the mayor of their appointment. Such arbitrators shall meet and appoint a fifth arbitrator and shall make the valuation provided for herein. In the event that such arbitrators shall be unable to agree on a fifth member within ten days from the date of the appointment of the last arbitrator so appointed,

City may purchase franchises for street railways.

they shall request the justices of the supreme court of California to name one of their number to act as such arbitrator. If the said justices refuse, or fail for fifteen days, to appoint one of their number to serve as such fifth arbitrator, then each of the arbitrators theretofore appointed shall propose a person to serve as such fifth arbitrator. The names of the persons so proposed shall be written on slips, and at a time and place designated not less than twenty-four hours in advance by the mayor, one slip shall be drawn by lot by the mayor in open meeting, in the same manner that the names of jurors are drawn from the jury box, and the person whose name is so drawn shall be the fifth member of the board of arbitration. If the arbitrators for the owner of the franchise refuse or neglect for five days to propose such names the mayor shall act as fifth arbitrator. The life of no franchise granted under this charter shall extend beyond thirty days after such notice to the owner of the franchise shall have been served as above, unless he shall have appointed such two arbitrators within such period. If any arbitrator shall die, be declared incompetent, absent himself from the state or otherwise become unable to act on such board, the vacancy shall be filled in the manner in which he was originally appointed. Upon the filing of the decision of said arbitrators, the board of supervisors shall submit to the qualified voters in the manner provided for the acquisition of any public utility, the acquisition of the said franchise, plant and property and the issuance of bonds for payment therefor. If two thirds of the electors voting on the proposition shall approve the same, then and not otherwise, the amount of the valuation so determined and any bonus payable hereunder, shall be paid to the owner of said franchise and railroad as soon as said bonds are sold and the property and plant shall become the property of the city and county. Such bonds may, with the consent of the owner and at the discretion of the board of supervisors, be taken at not less than par by the said owner in payment for said utility. The mayor shall tender such moneys or the said bonds to said owner and unless within ten days thereafter he shall accept the same, and transfer said property to the city and county, the said franchise shall thereupon expire and all liability of said city and county to pay the above money or bonds or any sum whatsoever for such properties shall cease. Upon the acceptance of such money or bonds, the said franchise shall be extinguished.

Wages and hours of employees.

Wages and
hours of
employees.

SEC. 7b. Every franchise shall provide that employees of the person or company or corporation operating a street railroad shall be paid not less than three dollars a day and that eight hours shall be the maximum hours of labor in any calendar day, the same to be completed within ten hours; *provided*, that nothing in this section shall be construed to prohibit overtime employment, wages for such employment to be paid at one and one half times the said rate of wages proportionate to each hour of such extra service.

Penalties.

SEC. 7c. Failure to comply with any of the conditions prescribed by this charter, or any other lawful conditions which may be inserted in the grant of franchise, shall work an immediate forfeiture of the franchise and the road and track constructed thereunder. There shall be no power in the board of supervisors to relieve from such forfeiture or from any such condition. Penalties.

CHARTER AMENDMENT No. 27.

That a new section be added to article XVI, to be numbered section 41, to read as follows:

Section 41. It is hereby expressly provided that all amendments to the charter submitted and adopted concurrently herewith that create new positions or change the designation of any officer or employee, or which increases the compensation of any officer or employee, shall not take effect until July 1, 1911. When amendments go into effect.

CHARTER AMENDMENT No. 28.

That a new section be added to chapter VII of article IX, to be numbered section 10, to read as follows:

Section 10. All firemen who were retired under the provisions of the law prior to January 1, 1900, shall be entitled to receive from the fund in this chapter provided for, the sum of forty-five dollars a month, from and after July 1, 1911. Firemen's pension.

CHARTER AMENDMENT No. 29.

That section 2 of chapter I of article II of said charter be amended to read as follows:

Salaries of supervisors.

Section 2. The board of supervisors shall consist of eighteen members, all of whom shall hold office for two years and be elected from the city and county at large. Each one must be at the time of his election an elector of the city and county, and must have been such for at least five years next preceding his election. Each supervisor shall receive a salary of two hundred dollars a month. Every person who has served as mayor of the city and county, so long as he remains a resident thereof, shall be entitled to a seat in the board of supervisors and to participate in its debates, but shall not be entitled to a vote nor to any compensation. Salaries of supervisors.

Ex-mayor entitled to seat.

CHARTER AMENDMENT No. 35.

That section 1 of chapter VII of article IV of said charter be amended to read as follows:

THE RECORDER.

Qualifications. Term. Salary. Appointees.

Section 1. There shall be a recorder of the city and county who shall be an elector of the city and county at the time of his election and who must have been such for at least five

Qualifica-
tions;
term;
salary; ap-
pointees.

years next preceding such election. He shall be elected by the people and shall hold office for two years. He shall receive an annual salary of four thousand dollars. He may appoint a chief deputy, who shall receive an annual salary of twenty-four hundred dollars; five assistant deputies, who shall each receive an annual salary of eighteen hundred dollars; nine clerks, who shall each receive an annual salary of fifteen hundred dollars; one machinist, who shall receive an annual salary of fifteen hundred dollars; one messenger, who shall receive an annual salary of twelve hundred dollars. He may also appoint as many copyists as he may deem necessary, who shall receive not more than six cents for each one hundred words actually written; but no copyist shall be paid a greater compensation at this rate than amounts in the aggregate to one hundred and twenty-five dollars a month.

CHARTER AMENDMENT NO. 38.

That subdivision 24 of section 1 of chapter II of article II be amended to read as follows:

Hours of
labor.

24. To fix hours of labor or service required of all laborers in the service of the city and county, and to fix their compensation; *provided*, that eight hours shall be the maximum hours of labor in any calendar day, and that the minimum wages of laborers shall be three dollars a day.

That section 1 of chapter III of article II be amended to read as follows:

Contracts
for goods
with lowest
bidder.

Section 1. All contracts for goods, merchandise, stores, supplies, subsistence or printing for the city and county, as well as for all subsistence, supplies, drugs and other necessary articles for hospitals, prisons, public institutions and other departments not otherwise specifically provided for in this charter, must be made by the supervisors, with the lowest bidder offering adequate security, after publication for not less than ten days in the official newspaper; and no purchase thereof or liability therefor shall be made or created except by contract.

Except as otherwise provided in this charter, the board must determine annually what goods, merchandise, stores, supplies, drugs, subsistence and other necessary articles will be needed by the city and county for the ensuing year, and it shall have no power to purchase or to pay for the same unless the provisions in this charter provided as to competitive bidding for supplies are strictly followed, and no contract shall be made for any of the same unless upon such competitive bidding.

All proposals shall be accompanied with a certificate of deposit or certified check on a solvent bank in the city and county of ten per centum of the amount of the bid, payable at sight to the order of the clerk of the supervisors. If the bidder to whom the contract is awarded shall for five days after such award fail or neglect to enter into the contract and file the required bond, the clerk shall draw the money due on such certificate of deposit or check and pay the same into the treasury; and under no circumstances shall the certificate of deposit

or check or the proceeds thereof be returned to such defaulting bidder.

Notices for proposals for furnishing the aforesaid articles shall mention said articles in general, and shall state that the conditions and schedule may be found in the office of the clerk of the board of supervisors; and shall also state that such articles are to be delivered at such times, in such quantities, and in such manner, as the supervisors may designate. Any bidder may bid separately for any article named. The award as to each article shall in all cases be made to the lowest bidder for such article, and where a bid embraces more than one article, the supervisors shall have the right to accept or reject such bid or the bid for any one or more articles embraced therein. In the case of contracts for subsistence of prisoners, the advertisement for proposals shall specify each article required, the quality thereof, the quantity for each person, and the existing and probable number of persons to be supplied. No article or articles provided for in this section shall have been made in any prison. The supervisors shall require bonds with sufficient sureties for the faithful performance of every contract. The clerk of the supervisors shall furnish printed blanks for all such proposals, contracts and bonds.

Bids sealed. All bids shall be sealed and delivered by the bidder to the clerk of the supervisors, and opened by the board at an hour and place to be stated in the advertisement for proposals, in the presence of all bidders who attend, and the bidders may inspect the bids. All bids with alterations or erasures therein shall be rejected. All articles so supplied shall be subject to inspection and rejection by the supervisors and by the person in charge of the office, institution or department for which the same are supplied. Every contract for work to be performed for the city and county must provide that in the performance of the contract eight hours shall be the maximum hours of labor on any calendar day, and that the minimum wages of laborers employed by the contractor in the execution of his contract shall be three dollars a day. Any contract for work to be performed for the city and county which does not comply with the provisions of this section shall be null and void, and any officer who shall sign the same shall be deemed guilty of misfeasance and upon proof of such misfeasance shall be removed from office.

STATE OF CALIFORNIA, }
CITY AND COUNTY OF SAN FRANCISCO. } SS.

This is to certify that we, P. H. McCarthy, mayor of the city and county of San Francisco, and W. R. Hagerty, clerk of the board of supervisors of said city and county, have compared the foregoing proposed and ratified amendments to the charter of the said city and county of San Francisco with the original proposals submitting the same to the electors of said city and county at a special municipal election held on Tuesday, the fifteenth day of November, one thousand nine hundred and ten, and find that the foregoing is a full, true,

correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are and each of them is true.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the same to be authenticated by the seal of said city and county of San Francisco, this fourth day of January, one thousand nine hundred and eleven.

P. H. McCARTHY,
Mayor of the City and County of San Francisco.

[SEAL]

W. R. HAGERTY,
Clerk of the Board of Supervisors of the
City and County of San Francisco.

Now, therefore, be it

Resolved by the senate of the State of California, the assembly thereof concurring (a majority of all of the members elected to each house voting for and concurring therein), That said amendments to the charter of the city and county of San Francisco as proposed to and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same are, and each of them is, hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the charter of the city and county of San Francisco.

CHAPTER 26.

Senate Concurrent Resolution No. 11, approving the charter of the city of San Luis Obispo, in the county of San Luis Obispo, State of California, which was voted for and ratified by the qualified electors of said city at a special municipal election held therein for that purpose on the 12th day of September, 1910.

[Filed with Secretary of State February 23, 1911.]

Charter of
San Luis
Obispo.

WHEREAS, the city of San Luis Obispo, in the county of San Luis Obispo, State of California, is now and at all the times herein referred to was a city containing a population of more than three thousand five hundred and less than ten thousand inhabitants; and

WHEREAS, At an election held in said city on the 11th day of April, 1910, in accordance with law and the provisions of section 8 of article XI of the constitution of the State of California, a board of fifteen (15) freeholders, duly qualified was duly elected in and by said city and by the qualified electors thereof to prepare and propose a charter for said city which said board of fifteen (15) freeholders did, within ninety (90) days next after such election, prepare and propose a charter for said city, which said charter was on the 8th day of July, 1910, signed in duplicate by a majority of the members of said board of fifteen (15) freeholders and was on the 9th day of July, 1910, returned, one (1) copy thereof to the president of the board of trustees of said city (he being the chief executive officer of said city) and the other copy thereof to the county

recorder of the county of San Luis Obispo (within which said city is situated) and filed the same with said county recorder; and

WHEREAS, Such proposed charter was thereafter published in the "Morning Tribune," a daily newspaper printed and published, and of general circulation in said city of San Luis Obispo and the said charter being published as aforesaid for a period of more than twenty (20) days, the first publication thereof being made within twenty (20) days after the completion of said proposed charter; and

WHEREAS, Said charter was within thirty (30) days after the completion of said publication submitted by the board of trustees of the city of San Luis Obispo to the qualified electors of said city at a special election previously, duly, and regularly called and thereafter held in said city on the 12th day of September, 1910; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of the city of San Luis Obispo, voting at said special election voted in favor of the ratification of said charter as proposed as a whole and voted to reject the alternative proposition submitted at said election, which alternative proposition was not chosen by the majority of the qualified electors voting at said election; and

WHEREAS, The board of trustees after canvassing said returns of said special election duly found, determined, and declared that the majority of said qualified electors voting at said special election had voted for ratifying said charter as a whole as above specified; and

WHEREAS, The same is now submitted to the legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment in accordance with the provisions of section 8 of article XI of the constitution of the State of California; and

WHEREAS, Said charter was ratified in the words and figures following, to wit:

CHARTER OF THE CITY OF SAN LUIS OBISPO.

PREPARED AND PROPOSED BY THE BOARD OF FREEHOLDERS ELECTED APRIL 11, 1910, IN PURSUANCE OF THE PROVISIONS OF SECTION 8, ARTICLE XI, OF THE CONSTITUTION OF THE STATE OF CALIFORNIA.

ARTICLE	I.	Name and rights of the city.
ARTICLE	II.	Boundaries.
ARTICLE	III.	Elective officers.
ARTICLE	IV.	The mayor.
ARTICLE	V.	Executive and administrative departments.
ARTICLE	VI.	The council.
ARTICLE	VII.	Powers of the city and of the council.
ARTICLE	VIII.	City clerk.
ARTICLE	IX.	Finance and taxation.
ARTICLE	X.	Public work and supplies.
ARTICLE	XI.	Elections.
ARTICLE	XII.	Recall of elective officers.
ARTICLE	XIII.	The initiative.
ARTICLE	XIV.	The referendum.
ARTICLE	XV.	The public schools.
ARTICLE	XVI.	Franchises.
ARTICLE	XVII.	Miscellaneous.

ARTICLE I.

NAME AND RIGHTS OF THE CITY.

Name of city.

SECTION 1. *Name of city.* The municipal corporation now existing and known as the City of San Luis Obispo shall remain and continue a body politic and corporate in name and in fact, by the name of the City of San Luis Obispo, and by such name shall have perpetual succession.

Rights and liabilities.

SEC. 2. *Rights and liabilities.* The city of San Luis Obispo shall remain vested with and continue to have, hold and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

ARTICLE II.

BOUNDARIES.

Boundaries.

SEC. 3. *Boundaries.* The boundaries of the city of San Luis Obispo shall be as follows:

Commencing at a stone $3\frac{1}{2}'' \times 14'' \times 10''$ on the south boundary of township 30 south range 12 east. M. D. M. 20 chains east of corner to sections 35 and 36,—the southeast corner of the city of San Luis Obispo; thence north on a true line, at 9.15 chains cross a fence bears north 30 deg. east, south 30 deg. west, at 9.30 chains a sycamore 48'' in diameter is 5 links east, at 9.50 chains cross a stream 3 links wide runs south 30 deg. west, at 15.90 chains cross a fence east and west, at 24.50 chains cross a creek runs south 40 deg. west, at 37.60 chains a creek 10 links wide runs southwest from north 10 deg. east, at 50.27 chains cross a fence east and west, at 50.50 chains the Arroyo de Los Laureles 60 links wide water in pools runs southwest, at 54.35 chains intersect the south boundary of Delcissigues' addition at a post in fence bearing north $69\frac{1}{2}$ deg. east, south $69\frac{1}{2}$ deg. west, a laurel tree 30'' in diameter, the southeast corner of said addition bears north 69 deg. 26' east 5.32 chains distant, at 64.10 chains a post on line in fence bearing north 33 deg. west and south 33 deg. east, leave Deleissigues' addition, at 77.30 chains cross a ravine runs south 80 deg. west ascend, at 81.50 chains cross a ravine runs west, at 89.50 chains a stream 8 links wide runs south 80 deg. west ascend spur, at 97.10 chains top of spur descend a post in stone mound, at 107.50 chains a deep ravine runs west enter flat, at 111.25 chains ravine runs southwest, ascend, at 121.00 chains top of spur, at 126.50 chains a ravine runs S. 60 deg. west, at 128.00 chains top of high spur descend, at 134.00 chains a deep ravine runs west, at 140.00 chains to post northeast corner of city, in mound of earth; thence west on a true line along the north boundary of the city, at 5.00 chains cross a fence at foot of steep descent, at 8.00 chains enter valley northwest and southeast, at 11.00 chains enter willows along San Luis creek, at 12.00 chains cross creek 25 links wide runs south 80 deg. west. at 14.00 chains leave willows. a house is $1\frac{1}{2}$ chains north, at

23.00 chains cross a gulch runs south, at 23.08 chains a stone 4" x 14" x 10" in line of a fence bears northeast and southwest on southeast side of road on continuation of Monterey street, at 24.62 chains a fence bears northeast and southwest, leave road, at 26.55 chains a fence bears north and south, corner of fence is 186 links south, at 35.13 chains cross a fence bears north and south, at 39.00 chains a gulch runs south, at 43.80 chains a fence bears north and south, enter Grand avenue, at 45.30 chains a fence bears north and south, leave Grand avenue, at 47.75 chains a gulch runs southeast, at 54.90 chains post in a fence (bears north and south), the corner of a fence bearing east and west is 426 links south. at 56.70 chains top of knoll, at 61.20 chains Mr. A. R. Hathaway's house is 7 chains south, at 65.50 chains a gulch runs southwest, at 80.50 chains a gulch runs south 20 deg. west, at 100.00 chains a gulch runs south, at 104.50 chains to old Garden creek 80 links wide runs south. at 106.15 chains on the west side of road bearing north and south in line of fence a post.—the fence bearing east and west is 5.00 chains south, at 127.00 chains cross Steuner creek 20 links wide runs south 20 deg. east, at 130.50 chains cross a gulch runs north, at 140.00 chains to stone 3" x 14" x 7" northwest corner of the city; thence south on a true line, at 5.20 chains cross a fence bears east and west. Enter Stenner's field, at 16.50 chains cross a ravine runs east, ascend, at 44.75 chains intersect the line between Stenner and Feliz a post, at 47.20 chains top of spur of Cerro Obispo, at 52.00 chains descend, at 64.91 chains intersect the line between J. Y. Feliz and Ventura Fernandez at post in fence (bears east and west) at 89.00 chains cross a gulch runs southeast. at 104.95 chains cross a fence east and west, enter Harford's addition, at 129.30 chains to intersection with line of Laguna Rancho and stone 3½" x 14" x 8" corner to city; thence along Laguna line south 43 deg. 29' east 16.80 chains to intersection with south boundary of township 30 south, range 12 E., M. D. M. at stone 3" x 12" x 9", the southwest corner of the city; thence along the south boundary of the city north 89 deg. 25' east on a true line, at 23.28 chains a post in a fence (bears north and south) on the east line of Harford's addition 350 links north of south line of said addition; at 62.90 chains a post in fence (bears north and south) on the easterly line of W. L. Beebe's land. The south line of Beebe and Phillip's addition is 388 links south, at 83.85 chains a post in a fence (bears northwest and southeast) on westerly line of road on the continuation of Broad street. The southeast corner of C. H. Phillip's land bears southeast 444 links distant. at 103.24 chains a post in a fence (bearing north and south) on the east line of H. S. Rembaugh's land 347 links north of south line of said lands, at 128.00 chains to the southeast corner of the city, the point of beginning. All the posts above mentioned are of redwood 4" x 4" x 4 feet in height, marked "S. T. O. City Limit."

Boundaries.

ARTICLE III.

ELECTIVE OFFICERS.

Elective
officers.

SEC. 4. *The elective officers.* The elective officers of the city shall be a mayor, a city clerk, four councilmen and four school directors.

The council shall consist of the mayor and four councilmen, each of whom, including the mayor, shall have the right to vote on all questions coming before the council.

The board of education shall consist of four school directors and the councilman appointed to be commissioner of finance and revenue, each of whom, including said commissioner, shall have the right to vote on all questions coming before the board.

How
elected.

SEC. 5. *How elected.* The mayor, city clerk, councilmen and school directors shall be elected at the general municipal election on a general ticket from the city at large.

Eligibility
of mayor.

SEC. 6. *Eligibility of mayor, clerk and councilmen.* To be eligible for the office of mayor, city clerk or councilman, a person must be a citizen of the United States and a qualified elector of the State of California and of the city of San Luis Obispo.

Eligibility
of school
directors.

SEC. 7. *Eligibility of school directors.* To be eligible for the office of school director, a person must be a citizen of the United States of the age of twenty-one years and a resident of the city of San Luis Obispo.

Vacancies,
mayor.

SEC. 8. *Vacancies in office of mayor, clerk or councilman.* If a vacancy shall occur in the office of mayor, city clerk, or councilman, the council shall appoint a person to fill such vacancy.

Vacancy,
school
director.

SEC. 9. *Vacancy in office of school director.* If a vacancy shall occur in the office of school director, the board of education shall appoint a person to fill such vacancy.

Terms:
mayor.

SEC. 10. *Terms of office of mayor and clerk.* The mayor and city clerk shall each hold office of a term of two years from and after the 15th day of May after his election, and until his successor is elected and qualified.

Councilmen.

SEC. 11. *Term of office of councilmen.* The councilmen shall hold office for a term of four years from and after the 15th day of May after their election and until their successors are elected and qualified; *provided*, that the councilmen first elected under this charter shall, at their first meeting, so classify themselves by lot that two of them shall hold office for two years and two of them for four years.

School
directors.

At each general municipal election after the first under this charter, there shall be elected two councilmen.

SEC. 12. *Term of office of school directors.* The school directors shall hold office for a term of four years from and after the 15th day of May after their election and until their successors are elected and qualified; *provided*, that the school directors first elected under this charter shall, at their first meeting, so classify themselves by lot that two of them shall hold office for two years and two of them for four years.

At each general municipal election after the first under this charter there shall be elected two school directors.

SEC. 13. *Bonds.* The mayor, city clerk and each councilman shall, before entering upon the duties of his office, give and execute to the city a bond with a surety company as sole surety, the mayor in the penal sum of five thousand dollars, the city clerk in the penal sum of seven thousand five hundred dollars, and each councilman in the penal sum of five thousand dollars. The city council may require an additional bond of any of the above officers if deemed necessary. Bonds.

Every bond shall contain the condition that the principal will well, truly, honestly and faithfully perform the duties of his office. The bonds of the mayor must be approved by the council and the bonds of the city clerk and the several councilmen must be approved by the mayor.

The council shall fix the amount of bonds and the methods of their approval to be required of appointive officers.

The approval of the official bonds must be endorsed thereon and signed by the officer or officers approving the same. All bonds, when approved, shall be filed with the city clerk. All the provisions of any law of this state, relating to official bonds, not inconsistent with this charter, shall be complied with.

SEC. 14. *Oath of office.* Every officer of the city, before entering upon the duties of his office, shall take the oath of office as provided for in the constitution of this state and shall file the same with the city clerk. Oath of office.

SEC. 15. *Salaries.* The mayor shall receive an annual salary of six hundred dollars, payable in equal monthly installments. Salaries.

The city clerk shall receive an annual salary of one thousand five hundred dollars, payable in equal monthly installments.

Each councilman shall receive an annual salary of five hundred dollars, payable in equal monthly installments.

Each school director shall receive two and one half dollars for each regular meeting of the board of education which he shall attend; *provided*, that he shall not receive more than ten dollars in any one month.

SEC. 16. *Administering oaths, subpoenas.* Every elective officer, every chief official and every member of any board or commission provided for in this charter shall have the power to administer oaths and affirmations, and every such officer, board or commission shall have the power to issue subpoenas, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such officer, board or commission. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpoena, or shall refuse to testify before any such officer, board or commission or to answer any questions which any officer, or a majority of such board or commission shall decide to be proper and pertinent, he shall be deemed in contempt, and any such officer, board or commission shall have power to take the proceedings in that behalf provided by the general Administering oaths, subpoenas.

laws of this state. The chief of police must, on request of such officer, or of any member of such board or commission, detail a police officer or police officers to serve such subpoena.

ARTICLE IV.

THE MAYOR.

Duties.

SEC. 17. *General duties.* The mayor shall be the chief executive officer of the city and shall see that all the ordinances thereof are duly enforced. He shall be charged with the general oversight of the several departments of the municipal government. He shall see that all contracts made with the city are faithfully performed.

Mayor pro tempore.

SEC. 18. *Mayor pro tempore.* During the temporary absence or disability of the mayor, the vice-president of the council shall act as mayor *pro tempore*. In case of the temporary absence or disability of both the mayor and vice-president, the council shall elect one of its members to be mayor *pro tempore*. In case of vacancy in the office of the mayor, the vice-president of the council shall act as mayor until such vacancy can be filled as provided in this charter.

Reports.

SEC. 19. *Reports.* The mayor shall annually and from time to time give the council information relative to the affairs of the city and recommend to its consideration such matters as he may deem expedient.

Examination of books.

SEC. 20. *Examination of books.* The mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a competent accountant, who shall examine the books, records and reports of the city clerk and of all officers and employees who receive or disburse city moneys, and the books, records and reports of such other officers and departments as the mayor may direct and make duplicate reports thereof, and present one to the mayor and file one with the city clerk. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employees of the city, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The council shall provide for the payment of the services of such accountant.

Supervision of public utility companies.

SEC. 21. *Supervision of public utility companies.* The mayor shall be charged with the general supervision of all public utility companies in so far as they are subject to municipal control; he shall keep himself fully informed as to their compliance in all respects with the law, and he shall see that all franchises granted by the city are faithfully observed.

The mayor shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and to revoke, cancel and annul all franchises that may have been granted by the city to any person, firm or corporation which have become forfeitable in

whole or in part or which for any reason are illegal and void and not binding upon the city. The city attorney, on demand of the mayor, must institute and prosecute the necessary actions to enforce the provisions of this section.

SEC. 22. *Other duties.* The mayor shall exercise such other powers and perform such other duties as may be prescribed by law and ordinance. Other duties.

ARTICLE V.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

SEC. 23. *Municipal departments.* The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be distributed among and assigned to four departments, as follows:— Municipal departments.

1. Department of finance and revenue.
2. Department of public health and safety.
3. Department of public works.
4. Department of public supplies.

SEC. 24. *Commissioners.* The council at its first regular meeting after the election of its members shall designate by majority vote one councilman to be commissioner of finance and revenue, one to be commissioner of public health and safety, one to be commissioner of public works and one to be commissioner of public supplies. If the council is unable to agree, the mayor shall have authority to make such designation. The council may change such designation, by ordinance or by resolution published for five days, whenever it determines that the public service will be benefited thereby. Each commissioner shall take the active management and control as foreman and director of the affairs of his department, and shall be responsible for the full and complete discharge thereof. Commissioners.

SEC. 25. *Powers and duties.* The council shall determine and assign the duties of the several departments subject to the provisions of section twenty-three. Each department shall be entitled to such salaried employees as may be authorized by the council. The head of each department shall nominate all such employees therein but their appointments shall be made by the council. Each commissioner shall have the power of selecting and employing the day laborers necessary for his department. Any and all employees in any department shall be subject to discharge by the commissioner at the head of that department at any time, except as otherwise provided by this charter. The city council shall determine the number of such employees in any department and shall also have like power of discharging them or any of them, or may require any employee in any department to perform duties in two or more departments, or may make such rules and regulations as they shall deem necessary or proper for the efficient and economical conduct of the business of the city. The salary or wages of any employee of the city shall cease immediately upon his discharge from such employment. Powers and duties.

SEC. 26. *Chief officials.* The chief officials of the city shall

Chief officials.

be city treasurer, attorney, collector, engineer, chief of police, street superintendent, five library trustees and fire chief. They shall be appointed and may be removed by a majority of the council; *provided, however*, that the chief of police and the fire chief shall be nominated by the commissioner of public health and safety, and the street superintendent by the commissioner of public works. The council, at any time when in its judgment the interests of the city so demand, may consolidate and place in charge of one such officer the functions and duties of two or more such officers. The council shall by ordinance prescribe the duties of all the chief officials.

The council shall at the first regular meeting after the election of its members, or as soon thereafter as practicable, proceed to the appointment of the chief officials of the city and the determination of their duties as provided in this section.

Subordinate officers.

SEC. 27. *Subordinate officers and employees.* The council shall have power by ordinance to create and discontinue offices, deputyships, assistantships and employments other than those prescribed in this charter, to provide the modes of filling them, to prescribe the duties pertaining thereto, according to its judgment of the needs of the city, and to determine the mode of removing any such officer, deputy, assistant or employee, except as otherwise provided in this charter.

Compensation.

SEC. 28. *Compensation of officers and employees.* The compensation of all city officers provided for by section twenty-six of this charter, except library trustees, who shall receive no remuneration, shall be by salary to be fixed by the council. The council shall also fix the compensation of all other officers and employees of the city, except as in this charter otherwise provided. No officer, official or employee shall be allowed any fees, perquisites, emoluments, rewards or compensation, aside from the salary or compensation as fixed by the council, but all fees received by him in connection with his official duties shall be paid by him into the city treasury.

Department reports.

SEC. 29. *Department reports.* Each department and commission shall annually on such date as may be fixed by the council, render to the mayor a full report of all the operations of such department or commission for the year.

Publication of reports.

SEC. 30. *Publication of reports.* The council shall provide for the publication of the annual reports of the mayor and of the several departments and commissions.

Councilman to hold no other office.

SEC. 31. *Councilman to hold no other office.* No member of the council, except the commissioner of finance and revenue, who shall be ex officio a member of the board of education, shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys; or be elected or appointed to any office created or the compensation of which is increased by the council while he was a member thereof, until one year after the expiration of the term for which he was elected.

SEC. 32. *Not to be interested in contracts or franchises.* No officer, official or employee shall be directly or indirectly in-

interested in any contract, work or business of the city, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the city. No officer, official or employee shall be interested in, or in the employ of any public service corporation in the city or of any person, firm or corporation having any contract with the city or of any grantee of a franchise granted by the city.

Not to be interested in contracts.

Any contract or agreement made in contravention of this section shall be void. Any violation of the provisions of this section shall be deemed a misdemeanor. The council shall enforce the provisions of this section by appropriate legislation.

SEC. 33. *Political and religious tests.* No appointment to position under the city government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services, and no appointment to or selection for or removal from any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or services.

Political and religious tests.

ARTICLE VI.

THE COUNCIL.

SEC. 34. *General powers.* The council shall be the governing body of the municipality. It shall exercise the corporate powers of the city, and, subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the constitution of the state.

Powers.

SEC. 35. *Presiding officers.* The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its number to be vice-president.

Presiding officers.

SEC. 36. *Meetings.* The council shall provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

Meetings.

SEC. 37. *Meetings to be public.* All legislative sessions of the council, whether regular or special, shall be open to the public.

Meetings to be public.

SEC. 38. *Quorum.* A majority of the members of the council shall constitute a quorum for the transaction of business.

Quorum.

SEC. 39. *Rules of procedure.* The council shall establish rules for its proceedings.

Rules of procedure.

SEC. 40. *Ordinances and resolutions.* (1) The council shall act only by ordinance or resolution.

Ordinances and resolutions.

(2) The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council.

(3) No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the council.

Ordinances
and resolu-
tions.

(4) Every ordinance or resolution, except an ordinance making appropriations, shall be confined to one subject, which shall be clearly expressed in the title, and every ordinance making appropriations shall be confined to the subject of appropriations. If any subject shall be embraced in an ordinance which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in its title.

(5) The enacting clause of all ordinances passed by the council shall be in these words "Be it ordained by the Council of the City of San Luis Obispo as follows:"

(6) To constitute an ordinance a bill must before final action thereon be passed to print and published with the ayes and noes for two days, and, in case of any amendment being made thereto before the final adoption of the ordinance, must in like manner be republished as amended for not less than one day.

(7) No action providing for the appropriation, acquisition, sale or lease of public property; for the levying of any tax or assessments; for the granting of any franchise; for establishing or changing fire limits, or for the imposing of any penalty, shall be taken except by ordinance; *provided*, that such exceptions be observed as may be called for in cases where the council takes action in pursuance of a general law of the state.

(8) When any bill is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the council held not less than one week after the meeting at which such motion was made.

(9) All resolutions and ordinances shall be signed by the mayor and attested by the city clerk.

(10) No ordinance shall be revised, reenacted or amended by reference to its title only; but the ordinance to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

(11) No ordinance nor section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

(12) No bill for the grant of any franchise shall be put upon its final passage within thirty days after its introduction, and no franchise shall be renewed before one year prior to its expiration.

(13) A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing

herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

SEC. 41. *Absent commissioner.* No final action shall be taken in any matter concerning the special department of any absent councilman unless such business has been made a special order of the day by action at a previous meeting of the council, or such action is taken at a regular meeting of the council.

Absent
commissioner.

SEC. 42. *Publication of charter and ordinances.* The council, during the first year after its organization under this charter and from time to time thereafter, shall cause all ordinances at such time in force to be classified under appropriate heads, and, together with or separately from the charter of the city and such provisions of the constitution and laws of the state as the council may deem expedient, to be published in book form.

Publication
of charter
and ordi-
nances.

ARTICLE VII.

POWERS OF THE CITY AND OF THE COUNCIL.

SEC. 43. *General powers of city.* Without denial or disparagement of other powers held under the constitution and laws of the state, the city of San Luis Obispo shall have the right and power:

Powers of
city.

(1) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, schools, kindergartens, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, hospitals, charitable institutions, jails, houses of correction and farm schools, workhouses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, street cleaning, street paving and sprinkling plants, quarries and all other public buildings, places, works and institutions.

(2) To acquire by purchase, condemnation or otherwise and to establish, maintain, equip, own and operate water works, gas works, electric light, heat and power works, within or without the city, and to supply the city and its inhabitants and also persons, firms and corporations outside the city, with water, gas and electricity.

(3) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate telephone and telegraph systems, cable, electric or other railways and transportation service of any kind within or without the city.

(4) To sell gas, water, electric current and all products of any public utility operated by the city.

(5) To acquire by purchase, condemnation or otherwise, within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility or to provide for and effectuate any other public purpose; and to sell, convey, encumber and dispose of the same for the common benefit.

(6) To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable and

Powers of
city.

other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust be unconditional.

(7) To borrow money for any of the purposes for which the city is authorized to provide and for carrying out any of the powers which the city is authorized to enjoy and exercise and to issue bonds therefor; *provided*, that in the procedure for the creation and issuance of such bonded indebtedness the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed.

(8) To raise money by a special tax, in addition to the annual tax levy provided by section fifty-four of this charter. The levy of such tax must be approved by at least two thirds of the qualified electors who vote thereon. At such election the council may be authorized, in cases where public necessity requires the expenditure of any sum so voted before the next succeeding tax levy, to borrow such sum and provide in the next succeeding tax levy for its repayment with interest at not exceeding five per cent per annum. Or the council may be authorized to levy a special tax each year for a period of years not exceeding three years in all, for any permanent municipal improvement, and the money so raised may be expended each year after the same is collected and available.

(9) To sue and defend in all courts and places and in all matters and proceedings.

Direct leg-
islation.

SEC. 44. *Direct legislation.* The qualified voters of the city shall have power through the initiative and otherwise, as provided by this charter and the general laws of the state, to enact appropriate legislation to carry out and enforce any of the above general powers of the city or any of the specified powers of the council.

Powers of
council.

SEC. 45. *Powers of council.* As the legislative organ of the city, the council subject to the provisions and restrictions of this charter, shall have power:

(1) To provide a corporate seal, with appropriate device, to be affixed to all instruments or writings needing authentication.

(2) To prescribe fines, forfeitures and penalties for the violation of any provision of this charter or of any ordinance; but no penalty shall exceed five hundred dollars or six months' imprisonment, or both.

(3) To provide for the summary abatement of any nuisance at the expense of the person or persons creating, causing, committing or maintaining such nuisance.

(4) To organize and maintain police and fire departments, erect the necessary buildings and own all implements and apparatus required therefor.

(5) To establish and maintain a fire alarm and police telegraph or telephone system, and manage and control the same.

(6) To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, gun-cotton, nitroglycerine, fireworks, and other explosive materials and substances.

(7) To regulate the storage of hay, straw, oil and other inflammable and combustible materials.

(8) To regulate the use of steam engines, gas engines, steam boilers and electric motors, and to prohibit their use in such localities as in the judgment of the council would endanger public safety.

(9) To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

(10) To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water or gas and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

(11) To require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

(12) To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stove-pipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible material in unsafe places, and to make provisions to guard against fires.

(13) To regulate the size and construction of the entrances to and exits from all theatres, lecture rooms, halls, schools, churches, and other places for public gathering of every kind, and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles or open places therein.

(14) To regulate the speed of railroad trains, engines and cars passing through the city and the speed of cars of street or interurban railway companies using the public streets of the city, to require railroad companies to station flagmen, place gates or viaducts at all such street crossings as the council may deem proper, to require street cars and local trains to be provided with fenders or other appliances for the better protection of the public; to prohibit the making up of railroad trains on any of the streets, street crossings or street

Powers of council. interscctions of the city; to regulate the speed with which persons may ride or drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the city.

(15) To regulate or prohibit the exhibition or carrying of banners, placards or advertisements, and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate or prevent the flying of banners, flags, or signs across the streets or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets, and to require their removal.

(16) To compel the owner or occupant of buildings or grounds to remove dirt, rubbish and weeds therefrom and from the sidewalk and gutters adjacent thereto; and in his default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant, and to make such expense a lien upon such buildings or grounds.

(17) To regulate, license or prohibit the construction and use of billboards and signs.

(18) To regulate and prevent the running at large of dogs, to provide for the destruction of vicious dogs, and to require the payment of license fees by the owners or persons having possession of dogs, and to impose penalties upon such persons for refusing to pay such license fees.

(19) To prevent or regulate the running at large of any animals, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large.

(20) To prohibit and punish cruelty to animals, and to require the places where they are kept to be maintained in a clean and healthful condition.

(21) To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease.

(22) To regulate or prohibit the operation of all manufactories, occupations or trades which may be of such a nature as to affect the public health or good order of the city or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them; to make regulations for the suppression of disagreeable, offensive and injurious noises and odors.

(23) To provide for and regulate the inspection of all dairies and slaughterhouses that offer for sale or sell any of their products in the city.

(24) To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition. Powers of council.

(25) To regulate the construction, repair and use of sewers, sinks, gutters, wells, cesspools and vaults and to compel the connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done.

(26) To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

(27) To license for purposes of regulation or revenue, or regulation and revenue all and every kind of business not prohibited by law to be transacted or carried on in the city; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise.

(28) To establish stands for hacks, public carriages, express wagons, and other public vehicles for hire, and regulate the charges of such hacks, public carriages, express wagons and other public vehicles, and to require schedules of such charges to be posted in or upon such public vehicles.

(29) To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the keeping and use by dealers of proper weights and measures duly tested and scaled.

(30) To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements; to prevent and prohibit all descriptions of gambling and fraudulent devices and practices, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance and the selling of pools on races, and to authorize the destruction of all instruments used for the purpose of gambling.

(31) To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights and all offensive, immoral, indecent and disorderly conduct and practices in the city.

(32) To levy and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this charter provided.

(33) To order the repaying by the treasurer of any taxes, percentages or costs erroneously or illegally collected.

(34) To fix the fees and charges for all official services not otherwise provided for in this charter.

(35) To provide an urgent necessity fund not exceeding five hundred dollars a year, to be expended under the direction of the mayor.

(36) To provide for the lease of any lands now or hereafter owned by the city, but all leases shall be made at public auction to the highest responsible bidder at the highest monthly rent, after publication of notice thereof for at least one week, stating

Powers of
council.

explicitly the time and conditions of the proposed lease; *provided*, that the council may in its discretion reject any and all bids.

(37) To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

(38) To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

(39) To provide for the execution of all trusts confided to the city.

(40) To establish or change the grade of any street or public place.

(41) To grade or regrade to the official grade, plank or replank, pave or repave, macadamize or remacadamize, gravel or regravell, pile or repile, cap or recap, sewer or resewer, surface or resurface the whole or any part of any street, avenue, lane, alley, court or place within the city, and to lay and construct sidewalks, manholes, culverts, cesspools, gutters, tunnels, curbing and crosswalks, breakwaters, levees, or walls of rock or other material to protect the same and also any other work or improvement within the city; and to order any of the above work to be done in accordance with the general laws of the State of California. Also to provide for the care of shade trees planted therein and to cause shade trees to be planted, set out and cultivated therein. Also to order drainage or sanitary sewers or storm water sewers to be constructed on or through private property.

Whenever, in the judgment of the council or of the people, the cost and expense of any of the foregoing improvements is to be paid by special assessments on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto; *provided, however*, that at least one fourth of the cost and expense of grading or regrading to the official grade, planking or replanking, paving or repaving, macadamizing or remacadamizing, graveling or regravelling, piling or repiling, capping or recapping, surfacing or resurfacing the whole or any part of any street, avenue, lane, alley, court or place within the city, shall be paid by the said city, out of such fund as the council may designate, and no special assessment as aforesaid for any of such work shall be made on private property nor become a lien on the same in amount greater than three fourths of the total cost and expense of such work or improvement; and the council shall, before any assessment for any such work is made up, designate by resolution the proportion of the total cost and expenses of the same to be paid by the municipality, which shall not be less than one fourth thereof, and in making up such assessment there shall be deducted from the whole cost and expenses such part thereof as has been so ordered to be paid out of the municipal treasury, and the remainder of said cost and expenses shall be assessed

proportionately upon the lots, parts of lots and lands liable to be assessed therefor in accordance with the general laws of the said State of California. Powers of council.

(42) To open, extend, widen, straighten or close any street, lane, alley, court or public place within the city, or to order the same to be done in accordance with the general laws of the State of California, and to condemn and acquire any and all property necessary or convenient for that purpose.

Whenever, in the judgment of the council or of the people, the cost and expense of any of the foregoing improvements is to be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto, except that all the duties of the commissioners and secretaries shall be performed by or under the direction of the commissioner of public works of the city, who shall receive no compensation therefor.

(43) To provide for the lighting of the streets, highways, public places, and public buildings and for supplying the city with water for municipal purposes.

(44) Whenever any street or portion of a street shall be abandoned or closed by ordinance, to convey by deed such street or portion of street so abandoned or closed, to the owners of the lands adjacent thereto in such wise as the council shall deem that equity requires.

(45) To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, firm or corporation in the city, for the use of water, heat, light, power, telephone or transportation service, supplied to the city or to the inhabitants thereof, and to prescribe the quality of the service.

(46) To have general supervision and control of the business of all persons, firms or corporations engaged in furnishing water, heat, light, power or telephone service to the city or to the inhabitants thereof, or acting as common carriers of passengers or freight within the city; to keep informed as to their general condition, their capitalization, their franchises and the manner in which their business is managed, conducted and operated, not only with respect to the adequacy, security, and accommodation afforded by their service, but also with respect to their compliance with all provisions of law and of this charter; to prohibit all unjust discriminations and unreasonable preferences in the rates charged or service furnished; to provide that the service rendered and the facilities furnished shall be safe and adequate and in all respects just and reasonable; to order such repairs, improvements, changes or additions as may be necessary to make such service adequate, just and reasonable; and to provide by ordinance for the punishment, by fine or imprisonment, of any person, firm or corporation, or agent, officer, or employee thereof, who shall fail to obey, observe and comply with its orders and regulations in any of the above respects.

Powers of
council.

(47) To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the company.

(48) To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city.

(49) To regulate the size and location of all water pipes, gas pipes, and all other pipes and conduits laid or constructed in the streets and public places, and to require the filing of charts and maps of such pipes and conduits.

(50) To make all rules and regulations governing elections not inconsistent with this charter.

(51) To establish a park commission, and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

(52) To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

(53) To provide for public concerts which shall be free to the public.

(54) To provide that copies of all maps, plats, profiles, field notes, estimates and other memoranda of surveys and other professional work done by the city engineer or other officer of the city shall be filed with the city clerk.

(55) To provide for and regulate the inspection of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

(56) To enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city, or any of the provisions of this charter, and to exercise all powers not in conflict with the constitution of the state, with this charter or with ordinances adopted by the people of the city.

ARTICLE VIII.

CITY CLERK.

Duties.

SEC. 46. *General duties.* The city clerk shall have the custody and be responsible for the corporate seal, and all books, papers, records and archives belonging to the city not in actual use by other officers, or otherwise by special provisions committed to their custody. He shall be clerk of the council and shall keep a complete record of all its proceedings. He shall also perform the duties of assessor. He shall perform such other duties as are or shall be imposed upon him by this charter or by ordinance.

ARTICLE IX.

FINANCE AND TAXATION.

SEC. 47. *Fiscal year.* The fiscal year of the city shall commence upon the first day of July of each year, or at such other time as may be fixed by ordinance. Fiscal year.

SEC. 48. *Tax system.* The council shall by ordinance provide a system for the assessment, levy and collection of all city taxes not inconsistent with the provisions of this charter. Tax system.

The council shall have power to avail itself by ordinance of any law of the State of California now or hereafter in force and comply with the requirements thereof whereby assessments may be made by the assessor of the county in which the city of San Luis Obispo is situated and taxes collected by the tax collector of said county for and on behalf of the city of San Luis Obispo. Other provisions of this charter concerning the assessment, levy and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

SEC. 49. *Department estimates.* On or before the second Monday in May in each year or on such date in each year as shall be fixed by the council, the heads of departments, officers, boards and commissions shall send to the commissioner of finance and revenue a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year. Department estimates.

SEC. 50. *Estimate of commissioner of finance and revenue.* On or before the second Monday in June, in each year, or on such date in each year as shall be fixed by the council, the commissioner of finance and revenue shall submit to the council an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding funded indebtedness of the city, and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation. Estimate of commissioner of finance and revenue.

SEC. 51. *Annual budget.* The council shall meet annually prior to fixing the tax levy and make a budget of the estimated amounts required to pay the expense of conducting the business of the city government for the next ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission as the council may deem advisable. Annual budget.

SEC. 52. *Board of equalization.* The council shall meet at their usual place of holding meetings on the first Monday in August of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day until the second Monday in August. They Board of equalization.

shall have power to hear complaints and to correct, modify, strike out or to raise any assessment; *provided*, that notice shall be given to the party whose assessment is to be raised.

Annual
tax levy.

SEC. 53. *Annual tax levy.* The council must finally adopt, not later than the first Tuesday in September, an ordinance levying upon the assessed valuation of the property in the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. They shall then deliver the assessment roll to the city clerk, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the city clerk as being the assessment roll of said tax.

Limit of
tax levy.

SEC. 54. *Limit of tax levy.* The tax levy authorized by the council for any one year for all municipal purposes, other than for the payment of principal or interest on any bonds of the city, or for school purposes, shall not exceed eighty-five cents on each one hundred dollars' worth of taxable property in said city, except as herein provided.

Tax liens.

SEC. 55. *Tax liens.* All taxes assessed, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; *provided*, that when real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the state when offered for sale for state and county taxes; and the council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter.

Claims
against
city.

SEC. 56. *Claims against city; additional duties of clerk.* Money shall be drawn from the treasury only upon warrants as herein authorized. Every demand against the city from whatever source, including the school department and the free public library when allowed by the council or proper board, shall be signed by the president and secretary or clerk of such body, and a warrant numbered and dated the same as the demand issued and signed by the same officers, and both must, before it can be paid, be presented to the city clerk, who shall satisfy himself whether the money is legally due and its payment authorized by law. If he allow it, he shall endorse upon the warrant the word "allowed," and the date of such allow-

ance, and sign his name thereto. No demand shall be approved, allowed, audited or paid unless it specify each special item, and the date thereof. It shall be the duty of the city clerk to be constantly acquainted with the exact condition of the treasury. He shall, on application of any person indebted to the city, holding money payable into the city treasury or desiring to pay money therein, certify to the treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall charge the treasurer with the amount received. It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and appropriated, and forthwith notify the treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officers, all licenses and other receipts, charging them therewith, and taking their receipt therefor. He shall on the first Monday of each month, or oftener if required, report in writing to the council the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which he shall set forth in a plain and businesslike manner, every money transaction of the city so that he can at any time tell the exact condition of the city's finances, and draw all warrants on the treasury. He shall perform such other duties as may be required of him by this charter or by ordinance.

SEC. 57. *Disposition of money collected.* Every officer collecting or receiving any moneys belonging to or for the use of the city shall settle for the same with the city clerk on or before the last day of each month, or at more frequent intervals as may be directed by the council, and immediately pay all the same into the treasury, on the order of the city clerk, for the benefit of the funds to which such moneys severally belong. When the last day of the month falls upon Sunday or a legal holiday, the said payments shall be made on the next preceding business day. The council may provide, in its discretion, for the deposit of the city moneys in banks in accordance with the state law.

Disposition
of money
collected.

SEC. 58. *Uniform accounts.* The council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the city which receive or disburse moneys.

Uniform
accounts.

ARTICLE X.

PUBLIC WORK AND SUPPLIES.

SEC. 59. *Income from public utilities.* All income derived from the operation and management of any public utility by the city shall be devoted exclusively to the payment of the expenses of operating, maintaining, improving or bettering such public utility, and to the payment of any debts and interest thereon which may have been incurred for the acquiring, improving, operating or maintaining of such utility.

Income
from public
utilities.

SEC. 60. *Form of contracts.* All contracts shall be drawn under the supervision of the city attorney. All contracts must

Form of
contracts.

be in writing, executed in the name of the City of San Luis Obispo by an officer or officers authorized to sign the same, and must be countersigned by the city clerk, who shall number and register the same in a book kept for that purpose.

Public
work to be
done by
contract.

SEC. 61. *Public work to be done by contract.* In the erection, improvement and repair of all public buildings and public works, in all street and sewer work, and in furnishing any supplies and materials for the same, or for any other use by the city, when the expenditure required for the same exceeds the sum of three hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for the work contemplated for five consecutive days in the official newspaper. Such notice shall distinctly and specifically state the work contemplated to be done; *provided, however,* the council may reject any and all bids, if deemed excessive, and readvertise for bids, or may require the commissioner of public works to submit a detailed estimate of what the work may be done for by the department of public works, and if such estimate is lower than the lowest bid, the council may order the work to be done by the department of public works, but the department of public works must not be allowed a larger sum to complete such work than called for by the aforesaid estimate. In case no bid is received, the council may provide for the work to be done by the department of public works.

Contracts
for adver-
tising.

SEC. 62. *Contracts for advertising.* The council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the council shall advertise for five consecutive days, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The council shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the city which is a newspaper of general circulation and has been in existence at the time of the awarding of the contract at least one year; *provided,* that the council may reject any or all bids if found excessive, and advertise for new bids.

The newspaper to which the award of such advertising is made shall be known and designated as the "official newspaper."

Contracts
for light-
ing.

SEC. 63. *Contracts for lighting.* No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for electric light or any illuminating material at a higher rate than the minimum price charged to any other consumer be valid.

Collusion
with
bidder.

SEC. 64. *Collusion with bidder.* Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall wilfully mislead any bidder

in regard to the character of the material or supplies called for, or who shall knowingly accept material or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office.

SEC. 65. *Collusion by bidder.* If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the council shall advertise for a new contract for said work, or provide for such public work to be done by the department of public works, as herein provided. Collusion
by bidder.

SEC. 66. *Certain acts forbidden.* Every officer or employee of the city is forbidden and prohibited from soliciting, accepting or receiving, directly or indirectly, and every public service corporation, person having or contemplating any contract with the city or grantee of a franchise granted by the city, or agent, officer, attorney or employee thereof, is forbidden and prohibited from offering or giving, directly or indirectly, to any such officer or employee, any commodity or service furnished by such public service corporation or owner of a franchise, or any reduction in the rate thereof to which the public generally are not entitled, or any present, gift or gratuity of any kind. A violation of any of the provisions of this section shall be deemed a misdemeanor. Every officer or employee of the city who violates any of the provisions of this section shall be guilty of malfeasance and shall be removed from office. Certain
acts for-
bidden.

ARTICLE XI.

ELECTIONS.

SEC. 67. *General and special municipal elections.* A municipal election shall be held in the city on the first Monday in May in the year 1911, and on the first Monday in April, in 1913, and on the first Monday in April in every second year thereafter, and shall be known as the general municipal election. General
and
special.

All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections.

SEC. 68. *Nomination and election of city officers.* (1) The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as follows and not otherwise: City
officers.

(2) The name of a candidate shall be printed upon the ballot when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

(3) The petition of nomination shall consist of not less than

twenty-five nor more than one hundred individual certificates, which shall read substantially as follows :

PETITION OF NOMINATION.

STATE OF CALIFORNIA,
COUNTY OF SAN LUIS OBISPO, }
CITY OF SAN LUIS OBISPO. } SS.

Petitions. I, the undersigned, do solemnly swear (or affirm) that I am a qualified elector of precinct No. . . . of the city of San Luis Obispo, and I hereby join in a petition for the nomination of whose residence is at No. street, San Luis Obispo, for the office of to be voted for at the municipal election to be held in the city of San Luis Obispo on the day of ; and I further declare that I am not at this time a signer of any other petition nominating any other candidate for the above named office, or, in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office.

Subscribed and sworn to before me this day of ,
.

Notary or verification deputy.

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to at No. street, San Luis Obispo, California.

(4) It shall be the duty of the city clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

(5) Each certificate must be a separate paper. All certificates must be of a uniform size as determined by the city clerk. Each certificate must contain the name of one signer thereto and no more. Each certificate shall contain the name of one candidate and no more. Each signer must be a qualified elector, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, nor, in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in such office. In case an elector has signed two or more conflicting certificates, all such certificates shall be rejected. Each signer must verify his certificate and make oath that the same is true before a notary public or a verification deputy, as provided for in this section. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient.

(6) Verification deputies, under this section, must be qualified electors of the city and shall be appointed by the city clerk upon application in writing signed by not less than five qualified electors of the city. The application shall set forth that the signers thereto desire to procure the necessary signatures of

electors for the nomination of candidates for municipal office at an election therein specified, and that the applicants desire the person or persons whose names and addresses are given, appointed as verification deputies, who shall upon appointment be authorized and empowered to take the oath of verification of the signers of petitions of nomination. Such verification deputies need not use a seal, and shall not have power to take oaths for any other purposes whatsoever, and their appointments shall continue only until all petitions of nomination, under this section shall have been filed by the city clerk. Petitions.

(7) A petition of nomination, consisting of not less than twenty-five nor more than one hundred individual certificates for any one candidate, may be presented to the city clerk not earlier than forty-five days nor later than thirty days before the election. The clerk shall endorse thereon the date upon which the petition was presented to him.

(8) When a petition of nomination is presented for filing to the city clerk, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this section. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition can not be filed, and shall return the petition to the person named as the person to whom the same may be returned in accordance with this section. The petition may then be amended and again presented to the clerk as in the first instance. The clerk shall forthwith proceed to examine the petition as hereinbefore provided. If necessary, the council shall provide extra help to enable the clerk to perform satisfactorily and promptly the duties imposed by this section.

(9) Any signer to a petition of nomination and certificate may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

(10) Any person whose name has been presented under this section as a candidate may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election.

(11) If either the original or the amended petition of nomination be found sufficiently signed as hereinbefore provided, the clerk shall file the same twenty-five days before the date of the election. When a petition of nomination shall have been filed by the clerk it shall not be withdrawn nor added to and no signature shall be revoked thereafter.

(12) The city clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under this section.

Petitions.

(13) Immediately after such petitions are filed, the clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty days before the election certify such list as being the list of candidates nominated as required by the charter of San Luis Obispo, and the council shall cause said certified list of names and the offices to be filled, designating whether for a full term or unexpired term to be published in the proclamation calling the election at least ten successive days before the election in not more than two daily newspapers of general circulation published in the city of San Luis Obispo. Said proclamation shall conform in all respects to the general state law governing the conduct of municipal elections, now or hereafter in force, except as above required.

Ballots.

(14) The city clerk shall cause the ballots to be printed and bound and numbered as provided for by state law except as otherwise required in this charter. The ballots shall contain the list of names and the respective offices, as published in the proclamation and shall be in substantially the following form:

GENERAL (OR SPECIAL) MUNICIPAL ELECTION, CITY OF SAN
LUIS OBISPO.

(Inserting date thereof.)

Instructions to Voters: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make a ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election, and obtain another.

(15) All ballots printed shall be precisely on the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right hand side for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this charter. The names of the candidates for each office shall be arranged in alphabetical order, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

(16) The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

Order of
offices.

(17) The offices to be filled shall be arranged in separate columns in the following order:

“For mayor (if any) vote for one.”

“For city clerk (if any) vote for one.”

“For councilman (if any) vote for (giving number).”

“For school directors (if any) vote for (giving number).”

(18) Half-inch square shall be provided at the right of the name of each candidate wherein to mark the cross.

(19) Half-inch spaces shall be left below the printed names

of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

(20) The clerk shall cause to be printed sample ballots identical with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election.

(21) The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such election shall be declared elected to the office for which they are candidates.

(22) If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as herein provided.

(23) No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter.

SEC. 69. *General election regulations.* (1) The provisions of the state law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections; *provided*, that the council shall meet as a canvassing board and duly canvass the election returns within four days after any municipal election. Election regulations.

(2) In case voting machines shall be used at municipal elections, the council shall have power, by ordinance, to modify the provisions of section sixty-eight so far as may be necessary to adapt them to the use of voting machines.

ARTICLE XII.

RECALL OF ELECTIVE OFFICERS.

SEC. 70. *Procedure relating thereto.* (1) Every incumbent of an elective office, whether elected by popular vote or appointed to fill a vacancy, is subject to recall by the voters of the city. The procedure to effect such removal from office shall be as follows: Procedure relating to recall.

(2) A petition signed by qualified electors equal in number to twenty-five per centum of the entire vote cast for mayor at the last preceding general municipal election at which a mayor was elected, demanding an election of a successor of the officer sought to be removed, shall be addressed to the council and presented to the city clerk. The petition may request such election to be held at a special municipal election or at the next general municipal election. The petition must contain a statement of the reasons for the demand.

(3) The provisions of section sixty-eight respecting the forms and conditions of the petition and the mode of verifica-

Procedure
relating to
recall.

tion and certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

(4) If the officer sought to be removed shall not resign within five days after the petition is filed by the city clerk, and if the petition requests a special election, the council shall cause a special election to be held within forty-five days to determine whether the people will recall said officer, or, if a general municipal election is to occur within sixty days, the council may in its discretion postpone the holding of such election to such general municipal election.

(5) In the published call for the election there shall be printed in not more than two hundred words the reasons for demanding the recall of the officer as set forth in the recall petition, and in not more than two hundred words the officer may justify his course in office.

(6) The officer sought to be removed shall be deemed a candidate, and, unless he resigns, his name shall be printed on the ballot. The nomination of other candidates and the election shall be in accordance with the provisions of section sixty-eight.

(7) The officer sought to be removed shall, if he do not resign, continue to perform the duties of his office until the election, and, if he fail of election, he shall be deemed removed from office.

(8) No recall petition shall be filed against any officer until he has actually held his office for at least three months.

(9) No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such recall or resignation.

(10) The council may by ordinance make such further regulations as may be necessary to carry out the provisions of this section, and to adapt the provisions of section sixty-eight thereto.

ARTICLE XIII.

THE INITIATIVE.

Procedure
relating to
initiative.

SEC. 71. *Procedure relating thereto.* (1) Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city equal in number to the percentage hereinafter required.

(2) The provisions of section sixty-eight of article XI respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

(3) If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty-five per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then the council shall either:

(a) Pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to a referendary vote, under the provisions of article XIV of this charter); or, Procedure relating to initiative.

(b) Within twenty-five days after the clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance without alteration shall be submitted to a vote of the people.

(4) If the petition be signed by electors equal in number to at least ten, but less than twenty-five, per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and said ordinance be not passed by the council as provided in the preceding subdivision, then such ordinance, without alteration, shall be submitted by the council to a vote of the people at the next general municipal election that shall occur at any time after twenty days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

(5) Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election either (a) the council shall cause the ordinance or proposition to be printed and it shall be the duty of the clerk to enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter, at least three days prior to the election, or (b) the council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that each publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballots as first above provided.

(6) The ballots used when voting upon such proposed ordinance shall contain the words "For the Ordinance" (setting forth in full the title thereof and stating the general nature of the proposed ordinance) and "Against the Ordinance," (setting forth in full the title thereof and stating the general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city.

(7) Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this article.

(8) There shall not be held under this article of the charter more than one special election in any period of six months.

(9) The council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general municipal election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed

or amended accordingly. An ordinance proposed by petition, or adopted by a vote of the people, can not be repealed or amended except by a vote of the people.

(10) The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this section, and to adapt the provisions of section sixty-eight of article XI thereto.

ARTICLE XIV.

THE REFERENDUM.

Mode of protesting against ordinances.

SEC. 72. *Mode of protesting against ordinances.* No ordinance passed by the council shall go into effect before thirty days from the time of its final passage except when otherwise required by the general laws of the state or by the provisions of this charter respecting street improvements, and except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a four-fifths vote of the council; *provided*, that no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendum vote herein provided. If during said thirty days a petition signed by qualified electors of the city equal in number to at least ten per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation and it shall be the duty of the council to reconsider such ordinance, and if the same be not entirely repealed, the council shall submit the ordinance, as provided in article XIII of this charter, to the vote of the electors of the city, either at the next general municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The provisions of section sixty-eight of article XI respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

Reference of measures to popular vote.

SEC. 73. *Reference of measures to popular vote.* Any ordinance or measure that the council or the qualified electors of the city shall have authority to enact, the council may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in this charter for ordinances or measures submitted on petition. At any special election called under the provisions of this charter, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for, if said other questions are such as may legally be submitted at such election. If the provisions of two or more

measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

SEC. 74. *Further regulations.* The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article, and to adapt the provisions of section sixty-eight of article XI thereto.

Further regulations.

ARTICLE XV.

THE PUBLIC SCHOOLS.

SEC. 75. *School department.* The school department of the city of San Luis Obispo shall comprise all the schools within the city of San Luis Obispo, the Mission school district, and all territory that is now or may hereafter be annexed for school purposes; and shall be known as "San Luis Obispo School District," which shall succeed to all the obligations, property, rights and privileges of the Mission school district and the San Luis Obispo high school district.

School department.

SEC. 76. *Elections.* All territory included within the limits of the San Luis Obispo school district, but not within the city limits, shall be deemed a part of said city for the purpose of holding the municipal elections, and shall constitute one or more separate precincts, and the qualified electors therein shall vote only for the school directors and on questions submitted to a vote of the people pertaining to school matters; and said outside territory shall be deemed a part of said city for all matters connected with the school department and with the levying and collecting of all taxes for school purposes.

Elections.

SEC. 77. *The board of education.* The board of education shall have entire control and management of the public schools in the city in accordance with the constitution and general laws of the state, and is hereby vested with all the powers and charged with all the duties provided by this charter and by the general laws of the state for city boards of education.

Board of education.

SEC. 78. *President of board.* The board of education shall annually elect one of its own members to be president of the board. He may be removed by the affirmative vote of four members. The president shall have no other vote than his vote as member of the board.

President of board.

SEC. 79. *Meetings.* The board of education shall meet at such times as may be designated by resolution of said board and in the place provided therefor by the council. The board shall provide the manner in which special meetings shall be called.

Meetings.

SEC. 80. *Quorum.* Three members of the board shall constitute a quorum, and the affirmative votes of three members shall be necessary to pass any measure, but a less number than three may adjourn from day to day and compel the attendance of absent members in such manner as the board may prescribe.

Quorum.

SEC. 81. *Rules.* The board of education may determine the rules of its proceedings.

Rules.

SEC. 82. *Meetings to be public.* All meetings of the board of education shall be public.

Meetings to be public.

SEC. 83. *Superintendent of schools.* The board of educa-

Superintendent of schools.
Powers and duties.

tion shall appoint a superintendent of schools and fix his compensation.

SEC. 84. *Powers and duties of superintendent.* The superintendent of schools shall be the executive officer of the board of education and he shall give his full time to the duties of his office. He shall be subject only to the board of education and all orders of the board relating to the direction of the principals, teachers, and janitors shall be given through him. He must examine all plans for the construction or reconstruction of school buildings and report in writing to the board any objections he may find thereto. He shall have supervision of the course of instruction and of the discipline and conduct of the schools. He, or a deputy superintendent, may be required to act as secretary of the board of education.

Teachers.

SEC. 85. *Teachers, how nominated.* The superintendent of schools shall nominate and recommend all teachers and principals for election by the board of education. He shall assign all teachers and principals and make all transfers necessary to the successful operation of the schools.

Election of teachers.

SEC. 86. *Election of teachers.* The board of education shall elect all teachers, but only from a list of candidates nominated and recommended by the superintendent of schools. The board of education may make rules in accordance with which the superintendent must make such nominations and recommendations.

School warrants.

SEC. 87. *School warrants.* Every claim payable out of the school fund shall be filed with the secretary of the board of education, and after it shall have been approved by the board a certificate of such approval shall be endorsed thereon, signed by the president and secretary, and a warrant upon the school fund shall be issued thereon for the payment of such claim. Said warrant shall be signed by the president and countersigned by the secretary and shall specify the purpose for which it is drawn and receive the approval of the city clerk as provided in section fifty-six.

Annual estimates.

SEC. 88. *Annual estimates of expenses.* The board of education shall annually, on such date as shall be fixed by the council, submit in writing to the council a careful estimate of the whole amount of money to be received from the state and county for the support of the public schools in the city, together with a careful estimate of the amounts, specifying in detail the objects thereof, required from the city for the adequate support of the public schools for the ensuing year. The amount estimated to be required from the city shall, subject to the provisions of this charter, be assessed and collected in the annual tax levy. The proceeds of such tax shall be immediately paid into the school fund of the city, to be drawn out only upon the order of the board of education.

ARTICLE XVI.

FRANCHISES.

SEC. 89. *Property rights inalienable.* The rights of the city in and to its streets, highways, parks and all other public

places, except as otherwise provided in this charter, are hereby declared inalienable. Property rights inalienable.

SEC. 90. *Franchise required.* No person, firm or corporation shall ever exercise any franchise or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the constitution of California or of the constitution or laws of the United States, in, upon, over, under and along any street, highway or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article of this charter. Franchise required.

SEC. 91. *Franchises, how granted.* Every franchise or privilege to construct or operate street, suburban or interurban railroads along, upon, over or under any street, highway, or other public place or to lay pipes or conduits or to erect poles or wires or other structures in, upon, over, under or along any street, highway or other public place in the city for the transmission of gas or electricity, or for any purpose whatever, shall be granted upon the conditions in this article provided, and not otherwise. How granted.

SEC. 92. *Manner of granting franchises.* The provisions of the state law relating to the application for, conditions of, and method and manner of granting franchises, in so far as they do not conflict with the provisions of this charter and so far as they may be applicable, shall apply to the granting of all franchises by the city. Manner of granting franchises.

SEC. 93. *Life of franchise.* The maximum length of time for which a franchise or privilege to use the streets, highways or other public places of the city may be granted to any person, firm or corporation shall be thirty-five (35) years. Life of franchise.

SEC. 94. *Service and accommodation.* The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to protect the public from danger and inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience. Service and accommodation.

SEC. 95. *Rates and charges.* The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchises, but in no case shall the value of the franchise of the grantee (exclusive of the amount originally paid to the city for such franchise and of any tax or annual charge) be considered or taken into account in prescribing and regulating such rates, fares, rentals or charges. The grant of every franchise for a street, suburban or interurban railroad shall provide that all United States mail carriers, policemen and firemen of the city shall at all times, while in the actual discharge of their duties, Rates and charges.

be allowed to ride on the cars of such railroad within the boundaries of the city, without paying therefor and with all the rights of other passengers.

Right of
city to
assume
ownership.

SEC. 96. *Right of city to assume ownership.* Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted, or at any time before as stated in the ordinance, the city, at its election and upon the payment of a fair valuation therefor to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee (exclusive of the amount originally paid to the city therefor) be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which the franchise was granted, become the property of the city, without any compensation to the grantee.

No con-
veyance
necessary.

SEC. 97. *No conveyance necessary.* Every ordinance granting any franchise shall further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and property of the grantee shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which it was granted, become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance.

Lease or
assignment
of fran-
chise.

SEC. 98. *Lease or assignment of franchises.* Any franchise granted by the city shall not be leased, assigned or otherwise alienated without the express consent of the city, and no dealings with a lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent; *provided*, that nothing herein shall be construed to prevent the grantee of such franchise from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate objects.

Street
sprinkling,
cleaning
and paving.

SEC. 99. *Street sprinkling, cleaning and paving.* Every grant of any franchise or privilege in, over, under or along any of the streets, highways or public places in the city for railway purposes, shall be subject to the conditions that the person, firm or corporation, exercising or enjoying the same shall sprinkle, clean, keep in repair, and pave and repave so much of said street, highway or other public place as may be occupied by said railway as lies between the rails of each railway track, and between the lines of double track, and for a space of two feet outside of said tracks.

SEC. 100. *Examination of books.* The city of San Luis Obispo, by its city clerk, or accountants authorized by the city

clerk, or by the council, shall have the right at all reasonable times to examine all books, vouchers and records of any person, firm or corporation exercising or enjoying any franchise or privilege granted by the city for the purpose of verifying any of the statements of gross receipts provided for, and for any other purpose whatsoever connected with the duties or privileges of the city or of such person, firm or corporation arising from this charter or from the ordinance granting the franchise, and may audit the same at the end of each year.

Examina-
tion of
books.

SEC. 101. *Annual reports.* Every person, firm or corporation operating any business under a franchise granted under this article, after five years from the granting thereof, shall file annually with the city clerk on such date as shall be fixed by the council a report for the preceding year.

Annual
reports.

Such report shall be in writing, verified by the affidavit of such person or persons, or officer of the corporation, as the council shall direct, and shall contain a statement, in such form and detail as shall from time to time be prescribed by the council of all the gross receipts arising from all the business done by said person, firm or corporation within the city of San Luis Obispo for the year immediately preceding such report. Such report shall contain such further statements as may be required by the council concerning the character and amount of business done and the amount of receipts and expenses connected therewith, and also the amount expended for new construction, repairs and betterments during such year.

SEC. 102. *Payment of gross receipts.* The stipulated percentage of gross receipts shall be paid annually at the time of filing the annual report. Failure to pay such percentage shall work a forfeiture of the franchise. The provisions as to payment of gross receipts shall apply to every person, firm or corporation using or operating the works constructed under such franchise.

Payment
of gross
receipts.

SEC. 103. *Forfeiture.* Every ordinance granting any franchise or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the council shall have power to declare the termination and forfeiture of any such franchise or privilege, the same as though in each instance such power was expressly reserved.

Forfeiture.

SEC. 104. *Franchises not in use forfeited.* All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment of which the grantees thereof have not in good faith commenced to exercise, shall be declared forfeited and invalid, unless such grantees or their assigns shall, within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

Franchises
not in use
forfeited.

ARTICLE XVII.

MISCELLANEOUS.

SEC. 105. *When this charter takes effect.* For the purpose of nominating candidates and electing mayor, city clerk, coun-

When this charter takes effect.

citizens and school directors in accordance with this charter, this charter shall take effect from the time of the approval of the same by the legislature; for all other purposes it shall take effect on the 15th day of May, 1911.

First election.

SEC. 106. *First election.* The board of trustees of the city of San Luis Obispo in office at the time this charter is approved by the legislature shall provide for the holding of the first election of officers under this charter. shall canvass the votes, declare the result and approve the bonds of all officers elected at such election.

Terms of incumbents in office.

SEC. 107. *Terms of incumbents in office.* The members of the board of trustees, the city clerk and the members of the board of education in office at the time of the approval of this charter by the legislature shall continue to hold office and discharge their duties until the election and qualification of the mayor, city clerk, councilmen and school directors, respectively, first elected under this charter.

The term of each of all the other officers in office at the time this charter takes effect shall cease and terminate when the council first elected hereunder shall by resolution so declare.

Ordinances continued in force.

SEC. 108. *Existing ordinances continued in force.* All lawful city ordinances, resolutions and regulations in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

Conduct of legal proceedings.

SEC. 109. *Conduct of legal proceedings.* The city attorney shall prosecute, in behalf of the people, all criminal cases arising from violations of the provisions of this charter and the ordinances of the city, and shall attend to all suits and proceedings in which the city may be legally interested; *provided*, the council shall have control of all litigation of the city and may employ other attorneys to take charge of any litigation or to assist the city attorney therein.

Violation of charter and ordinances.

SEC. 110. *Violation of charter and ordinances.* The violation of any of the provisions of this charter or of any ordinance of the city shall be deemed a misdemeanor, and may be prosecuted by the authorities of the city in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of a provision of this charter or of an ordinance may be imprisoned in the city jail, or, if the council by ordinance shall so prescribe, in the county jail of the county in which the city of San Luis Obispo is situated, in which case the expense of such imprisonment shall be a charge in favor of such county against the city of San Luis Obispo.

CERTIFICATE.

WHEREAS, The city of San Luis Obispo, a city containing a population of more than three thousand and five hundred and less than ten thousand inhabitants, on the eleventh day of April, nineteen hundred and ten, at a general election, and under and in accordance with the provisions of section eight, article eleven of the constitution of the State of California, did elect Geo. H. Andrews, S. D. Ballou, James Blackburn, Forrest

E. Brown, A. L. Dutton, J. F. Hayes, Warren M. John, W. A. Kesler, W. H. Metz, A. McAlister, Howard M. Payne, L. F. Sinsheimer, F. L. Smith, R. M. Smith and W. M. Stover a board of fifteen freeholders to prepare and propose a charter for said city:—

BE IT KNOWN, That in pursuance of said provisions of the constitution and within a period of ninety days after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of San Luis Obispo, and that in submitting and proposing such charter, the board of freeholders, pursuant to said provision of the constitution, also presents therewith for the choice of the voters, and to be voted on separately, without prejudice to the other provisions contained in the charter, an alternative proposition hereinafter stated.

Said alternative proposition shall, if approved by the voters, take the place of section 67 of article XI of the proposed charter, which reads as follows: "A municipal election shall be held in the city on the first Monday in May in the year 1911, and on the first Monday in April in 1913, and on the first Monday in April in every second year thereafter, and shall be known as the general municipal election. All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections"; and also of subdivision 21 of section 68 of article XI of the proposed charter, which reads as follows: "The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such election shall be declared elected to the office for which they are candidates."

Said alternative proposition shall be submitted to the voters for their approval or rejection at the same election at which the charter shall be submitted, and upon the ballots shall be printed, "Shall the alternative proposition, providing for second elections, take the place of section 67 of article XI and subdivision 21 of section 68 of article XI?"

Said alternative proposition is as follows:—

SEC. 67. A municipal election shall be held in the city on the second Monday in April in the year 1911, and on the first Monday in April in 1913, and on the first Monday in April in every second year thereafter, and shall be known as the general municipal election. A second election shall be held, when necessary, as provided in subdivision 21 of section 68, on the third Monday after said general municipal election, and shall be known as the second general municipal election. All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections.

Alternative Proposition.

SEC. 68. (21) In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast for all the candidates for that office shall be declared elected; in case there are two or more persons to be elected to an office, as that of councilman, or school director, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected;

provided, however, that no person shall be declared elected to any office at such first election unless the number of votes received by him shall be greater than one half of the number of ballots cast at such election. If at any election held as above provided there be any office to which the required number of persons was not elected, then as to such office the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill said office. The candidates not elected at such first election, equal in number to twice the number to be elected to any given office, or less if so there be, who receive the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election; *provided,* that if there be any person, who, under the provisions of this subdivision, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such second election shall be declared elected to such office. The said second election, if necessary to be held, shall be held three weeks after the first election. All the provisions and conditions above set forth as to the conduct of an election, so far as they may be applicable, shall govern the second election, except that notice of election need be published twice only; *and provided, also,* that the same precincts and polling places shall, if possible, be used.

IN WITNESS WHEREOF, We have hereunto set our hands and duplicate this 8th day of July, one thousand nine hundred and ten.

WARREN M. JOHN, President.
 HOWARD M. PAYNE, Secretary.
 A. McALISTER.
 F. L. SMITH.
 J. F. HAYES.
 W. A. KESLER.
 JAMES BLACKBURN.
 GEO. H. ANDREWS.
 A. L. DUTTON.
 FORREST E. BROWN.
 W. M. STOVER.
 R. M. SMITH.
 S. D. BALLOU.

Endorsed: Received this 9th day of July, 1910.

E. W. CLARK,
 President of the Board of Trustees of the
 City of San Luis Obispo, California.

Filed July 11th, 1910.

W. J. MILES, City Clerk.

STATE OF CALIFORNIA,
 COUNTY OF SAN LUIS OBISPO, }
 CITY OF SAN LUIS OBISPO. } SS.

I, E. W. CLARK, president of the board of trustees of the city of San Luis Obispo, State of California, do hereby certify that I now am and at all the times herein mentioned was the duly elected, qualified and acting president of said board of trustees of the city of San Luis Obispo;

That Warren M. John, Howard M. Payne, A. McAlister, F. L. Smith, J. F. Hayes, W. A. Kosler, James Blackburn, Geo. H. Andrews, A. L. Dutton, Forrest E. Brown, W. M. Stover, R. M. Smith, S. D. Ballou, L. F. Sinshcimer and W. H. Metz, a majority of whose names appear signed to the foregoing proposed charter and the alternative proposition were and each of them was on the 11th day of April, 1910, duly elected by the qualified voters of said city as a board of freeholders to prepare and propose a charter for said city; that each of the persons so elected was a freeholder and was at the time of said election, and had been continuously for more than five (5) years immediately prior thereto a qualified elector of said city of San Luis Obispo; that said board of freeholders in accordance with law, prepared and proposed a charter and prepared and proposed the foregoing alternative proposition for said city of San Luis Obispo in duplicate; that the foregoing is a full, true and correct copy of said proposed charter for said city of San Luis Obispo, including the said alternative proposition, which were prepared and proposed by said board of freeholders, one copy of which said proposed charter and of said proposed alternative proposition was duly returned to me, as president of the said board of trustees of the city of San Luis Obispo and the other copy thereof was duly returned to and filed with the recorder of the county of San Luis Obispo, all within ninety (90) days after said election, as required by section 8 of article XI of the constitution of this state; that such proposed charter and the said alternative proposition were then published in the "Morning Tribune" (the same being a daily newspaper of general circulation in said city) for more than twenty (20) days and the first publication thereof was made within 20 days after completion of said proposed charter and said alternative proposition; that within thirty (30) days after the publication of said proposed charter and the said alternative proposition as aforesaid and as required by said section 8 of article XI of said constitution, to wit: On the 12th day of September, 1910, said proposed charter and said alternative proposition were submitted at a special election duly held and called therein for the purpose of ratifying or rejecting said proposed charter and the alternative proposition submitted therewith; that by a majority of the votes of the qualified electors voting at said election, said proposed charter was ratified as a whole and said alternative proposition therein contained being voted upon separately was rejected by a majority of such votes; that the returns of said election were duly can-

vassed by the board of trustees of said city of San Luis Obispo, on the 19th day of September, 1910, and the result thereof declared as above set forth; that in all matters and things pertaining to said proposed charter and the said alternative proposition the provisions of section 8 of article XI of the constitution and the laws of the State of California pertaining to the adoption of said proposed charter and of said alternative proposition have in every particular been fully complied with.

IN WITNESS WHEREOF, I hereunto set my hand and cause the corporate seal of said city of San Luis Obispo to be affixed, this 22d day of December, 1910.

E. W. CLARK,

[SEAL.]

President of the Board of Trustees
of the City of San Luis Obispo.

Attest: W. J. MILES.

City Clerk and ex officio Clerk of the Board of
Trustees of the City of San Luis Obispo.

AND WHEREAS, Said proposed charter has been duly presented and submitted to the legislature of the State of California for approval or rejection without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California: now, therefore, be it

Resolved by the senate of the State of California, the assembly thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein). That said charter of the city of San Luis Obispo as presented to, adopted and ratified by the qualified electors of said city be and the same is hereby approved as a whole as and for the charter of the said city of San Luis Obispo.

CHAPTER 27.

Assembly Joint Resolution No. 1, relating to defense of the Pacific seaboard by the national government.

[Filed with Secretary of State February 25, 1911.]

WHEREAS, The defense of the Pacific seaboard by a fleet commensurate with the dignity, affluence and commercial importance of that portion of our country lying along the Pacific ocean, is necessary to the welfare of our country and the maintenance of peace on the Pacific ocean; and

WHEREAS, The maintenance of such a fleet upon the waters of the Pacific would conduce to the establishment of confidence and the preservation of peace among the nations bordering on the Pacific; and

WHEREAS, We deem it to be the duty of the federal government to provide adequately for the protection of the people and states of this great nation; and

WHEREAS, The early completion of the Panama canal imposes upon the United States an additional duty for the main-

tenance of peace and confidence among the nations of the earth in the proper fortification and defense of the canal so as to insure its peaceful and uninterrupted use for the commerce of the nations; therefore, be it

Resolved by the assembly and senate of the State of California, jointly, That our senators in congress be requested and our representatives in congress be requested to use all honorable means necessary to effect the immediate assignment to the waters of the Pacific of ships of war in such numbers and of such power as to place this nation on an equal footing on its western coast with all nations which maintain fleets of ships of war in the Pacific waters. Ships of war for Pacific waters.

Resolved, That the governor of the State of California be and he is hereby directed to transmit a certified copy of these resolutions to the president and speaker, respectively, of the senate and house of representatives of the United States and to each of our senators and representatives in congress.

CHAPTER 28.

Assembly Concurrent Resolution No. 6, approving one certain amendment to the charter of Salinas City, county of Monterey, State of California, voted for and ratified by the qualified electors of said Salinas City, at a regular municipal election held therein on the 7th day of June, 1909.

[Filed with Secretary of State March 1, 1911.]

WHEREAS, Salinas City, a municipal corporation of the county of Monterey, State of California, now is, and was at all of the times herein referred to, a city containing a population of more than three thousand five hundred inhabitants, and has been since the year 1903, and now is, organized and acting under a freeholders' charter, adopted under and pursuant to section 8 of article XI of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special municipal election held therein on Monday, the 12th day of January, 1903, and approved by the legislature of the State of California on the 11th day of February, 1903, (Statutes of 1903, pages 599 to 645, inclusive); and, Amendment to charter of Salinas.

WHEREAS, Pursuant to section 8 of article XI of the constitution of the State of California, there was duly submitted, received and filed with the council of Salinas City, on October 19th, 1908, a petition, duly and regularly signed by fifteen per cent of the qualified voters of Salinas City, requesting that three certain amendments, therein set forth, to the charter of Salinas City, be submitted to the qualified voters of Salinas City for approval; and,

WHEREAS, The city council of said city did, by ordinance No. 84, (new series), which was duly adopted on the first day of March, 1909, and approved by the mayor on the first day of

March, 1909, order the holding of a general municipal election in Salinas City, on the 7th day of June, 1909, which said ordinance, among other matters, set forth the said three proposed amendments to the charter of Salinas City, and provided for their submission to the qualified electors of said city for their ratification at said general election, and provided that the city clerk of Salinas City cause notice by publication in the Salinas Daily Index, a daily newspaper of general circulation, printed, published and circulated in said Salinas City, to be given of said general municipal election, and provided that each notice of said general municipal election contain, among other matters set forth therein, the said three proposed amendments to the charter of said city; and.

WHEREAS, Pursuant to said Ordinance No. 84. (new series), the said city clerk of Salinas City caused notice of said general municipal election, containing and setting forth said three proposed amendments to the charter of Salinas City, to be published in said Salinas Daily Index, for a period commencing on the 22d day of March, 1909, and ending on the 5th day of June, 1909; and.

WHEREAS, Said three proposed amendments were published in said Salinas Daily Index on the 22d day of March, 1909, and continuously thereafter for a period of twenty days, and such publication as aforesaid was made at least forty days before the 7th day of June, 1909, the day fixed for holding said general municipal election; and,

WHEREAS, At said general municipal election, a majority of the qualified electors voting thereon, voted in favor of the ratification of, and did ratify, one of said three proposed amendments, to wit: Amendment number two thereof, and did not ratify numbers one and three of said proposed amendments; and,

WHEREAS, The city council of said city, at a regular meeting thereof, held within five days after said general municipal election for such purpose, as provided by the charter of said city, duly canvassed the returns of said election, and duly found, determined and declared that a majority of such qualified electors voting thereon had voted for and ratified number two of said proposed amendments, and rejected said numbers one and three of said proposed amendments; and,

WHEREAS, Said proposed amendment to said charter, so ratified by a majority of the qualified electors of said city voting at said general municipal election, is in words and figures as follows, to wit:

“AMENDMENT NUMBER TWO.

“That a new article be added to the charter of Salinas City, to be known as article XVIII, which shall read as follows:

“*The Referendum.*

“SECTION 1. No action providing for the sale or lease of any city property exceeding five hundred dollars in value and

no ordinance passed by the council, (except when otherwise required by the general laws of the state or by the provisions of this charter, respecting street improvements, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a vote of five members of the council, and approved by the mayor or the unanimous vote of all members over the mayor's disapproval, but no grant of any franchise shall be construed to be urgency matter), shall go into effect before thirty days from the time of its approval by the mayor or the time of its passage over his veto, as the case may be; and if during said thirty days, a petition signed by electors of the city equal in number to at least ten per cent of the entire vote cast for all candidates for mayor at the last preceding city election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation and it shall be the duty of the council to reconsider such ordinance and if the same is not entirely repealed, the council shall submit the ordinance proposed to the vote of the electors of the city, either at the next general municipal election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. If the provisions of two or more measures approved and adopted at the same election under the provisions of this charter, conflict, then the measure receiving the highest affirmative vote shall control.

Time when
ordinances
go into
effect.

Electors
may
protest.

"SEC. 2. Any measure that the council or the electorate of the city, as herein provided, has authority to adopt, the council may, of its own motion, submit to a vote of its constituent electors at a general or special election.

"SEC. 3. Notice of any such election shall be given in the same manner as notices of other city elections are given."

STATE OF CALIFORNIA, }
COUNTY OF MONTEREY. } SS.

This is to certify, that we, F. A. Abbott, mayor, and John J. Kelly, city clerk, of Salinas City, have compared the foregoing proposed and ratified amendment number two with the same as set forth in said petition submitted, received and filed with the council of Salinas City, pursuant to section 8 of article XI of the constitution of the State of California, on October 19th, 1908, duly and regularly signed by fifteen per cent of the qualified voters of Salinas City, requesting, among other matters, that said proposed and ratified amendment number two be submitted to the qualified electors of Salinas City for approval, and find that the foregoing is a full, true, correct and exact copy thereof.

And we further certify that the facts set forth in the preamble preceding said amendment number two are, and each of them is, true.

IN WITNESS WHEREOF, We have herunto set our hands and caused the official seal of Salinas City to be hereto attached this 7th day of January, 1911.

[SEAL]

F. A. ABBOTT,
Mayor of Salinas City.

Attest: JOHN J. KELLY,
City Clerk of Salinas City.

AND WHEREAS, Said proposed amendment so ratified as heretofore set forth has been duly presented and submitted to the legislature of the State of California, for approval or rejection in accordance with section 8 of article XI of the constitution of the State of California; now, therefore, be it

Resolved, by the assembly of the State of California, the senate thereof concurring, (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), That the said amendment to the charter of said Salinas City hereinabove set forth, as presented and submitted to, and adopted and ratified by, the qualified electors of said city, be, and the same is hereby, approved as a whole for and as an amendment to the charter of Salinas City.

CHAPTER 29.

Assembly Concurrent Resolution No. 10, approving the charter of the city of Monterey, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 12th day of December, 1910.

[Filed with Secretary of State March 2, 1911.]

Charter of
Monterey.

WHEREAS, The city of Monterey, a municipal corporation of the county of Monterey, State of California, now is and was at all times herein referred to, a city containing a population of more than three thousand five hundred, but less than ten thousand inhabitants; and

WHEREAS, At a special election duly held in said city on the 25th day of July, 1910, under and in accordance with law and the provisions of section 8 of article XI of the constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city, by the qualified electors thereof to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety days after said election, prepare and propose a charter for the government of said the city of Monterey; and

WHEREAS, Said charter was on the 13th day of October, 1910, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one copy with the president of the board of trustees of the city of Monterey, and the other copy with the county recorder of

the said county of Monterey and filed in the office of the said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the "Monterey Daily Cypress" a daily newspaper of general circulation in said the city of Monterey, for a period of twenty days and more, the first publication thereof having been made within twenty days after the completion of said proposed charter; and

WHEREAS, Said proposed charter was within thirty days after the completion of said publication submitted by the board of trustees of the city of Monterey to the qualified electors of said city at a special election, previously duly called and therein held on the 12th day of December, 1910; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said the city of Monterey, voting at said special election, voted in favor of the ratification and duly ratified said charter as proposed as a whole; and

WHEREAS, Said board of trustees, after canvassing the returns of said last mentioned special election, duly found and declared that the majority of said qualified electors voting at said special election had voted for and ratified said charter as above specified; and

WHEREAS, The same is now submitted to the legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment in accordance with section 8 of article XI of the constitution of the State of California; and

WHEREAS, Said charter was ratified in the words and figures following, to wit:

CHARTER PREPARED AND PROPOSED FOR THE CITY OF MONTEREY
BY THE BOARD OF FREEHOLDERS, ELECTED ON THE 25TH DAY
OF JULY, A. D. 1910.

CHARTER OF "THE CITY OF MONTEREY."

ARTICLE I.

NAME AND RIGHTS OF THE CITY.

Name of the city.

SECTION 1. The municipal corporation now existing and known as The City of Monterey shall remain and continue a body politic and corporate in name and in fact, by the name of The City of Monterey, and by such name shall have perpetual succession. Name of
the city.

Rights and liabilities.

SEC. 2. The city of Monterey shall remain vested with and continue to have, hold and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality. Rights and
liabilities.

ARTICLE II.

*Boundaries.*Bound-
aries.

SEC. 3. The boundaries of the city of Monterey shall be as follows:

Beginning at a point near Point Aulones on the S. W. shore line of Monterey bay where the same is intersected by the S. E. boundary line of the Point Pinos Rancho; thence following said S. E. line of said rancho S. 58°45' W. 5280 feet; thence leaving said rancho line and running S. 24°10' E. 12,568 feet; thence N. 73°15' E. 7445 feet; thence N. 11°27' W. 2916.5 feet to the S. W. corner of the Del Monte Hotel grounds; thence following the western boundary line of said grounds N. 11° 27' W. 2363.5 feet to the northerly side of the county road; thence along the north side of said road N. 88°03' W. 1458.85 feet; thence N. 89°15' W. 1094 feet; thence N. 0°45' E. 475 feet to the shore line of Monterey bay; thence north into said Monterey bay 1 marine league; thence in a western direction to the intersection of a line drawn north from the place of beginning (the said Point Aulones); thence south to said place of beginning.

ARTICLE III.

ELECTIONS.

*General and special municipal elections.*General
and special
municipal
elections.

SEC. 4. A municipal election shall be held in the city on the second Monday in April, A. D. 1911 and on the second Monday in April every second year thereafter, and shall be known as the general municipal election.

All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections.

*Nomination and election of city officers.*Nomina-
tion and
election of
city
officers.

SEC. 5. The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as follows and not otherwise.

SEC. 6. The name of a candidate shall be printed upon the ballot when a petition and nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

*Form of nomination petition.*Form of
nomination
petition.

SEC. 7. The petition of nomination shall consist of not less than twenty-five nor more than one hundred individual certificates, which shall read substantially as follows:

Individual certificate.

SEC. 8. PETITION OF NOMINATION.

STATE OF CALIFORNIA, }
COUNTY OF MONTEREY, } ss.
CITY OF MONTEREY. }

I, the undersigned, do solemnly swear (or affirm) that I am a qualified elector of precinct No. of the City of

Monterey, and I hereby join in a petition for nomination of Individual certificate.
 whose residence is at No.
 street, Monterey, for the office
 of to be voted for at the municipal
 election to be held in the City of Monterey on the day
 of and I further declare that I
 am not at this time a signer of any other petition for the above
 named office, or in case there are several places to be filled in
 the above named office, that I have not signed more petitions
 than there are places to be filled in the above named office.

Subscribed and sworn to before me, this day of

Notary or verification deputy.

The petition of nomination of which this certificate forms a
 part shall, if found insufficient, be returned to
 at No. street, Monterey, California.

Forms to be supplied by city clerk.

SEC. 9. It shall be the duty of the city clerk to furnish upon Forms to be supplied by city clerk.
 application a reasonable number of forms of individual certifi-
 cates of the above character.

Requirements of certificate.

SEC. 10. Each certificate must be a separate paper. All Requirements of certificate.
 certificates must be of a uniform size as determined by the
 city clerk. Each certificate must contain the name of the
 signer thereto and no more. Each signer must be a qualified
 elector, must not at the time of signing a certificate have his
 name signed to any other certificate for any other candidate
 for the same office, nor in case there are several places to be
 filled in the same office, signed to more certificates for candi-
 dates for that office than there are places to be filled in such
 office. In case an elector has signed two or more conflicting cer-
 tificates, all such certificates shall be rejected. Each signer must
 verify his certificate and make oath that the same is true before
 a notary public or a verification deputy, as provided for in this
 article. Each certificate shall further contain the name and
 address of the person to whom the petition is to be returned in
 case said petition is found insufficient.

Verification deputies.

SEC. 11. Verification deputies, under this article, must be Verifica-
 tion deputies.
 qualified electors of the city and shall be appointed by the city
 clerk upon application in writing signed by not less than five
 qualified electors of the city. The application shall set forth
 that the signers thereto desire to procure the necessary sig-
 natures of electors for the nomination of candidates for municip-
 al office at an election therein specified and that the applicants
 desire the person or persons whose names and addresses are
 given, appointed as verification deputies, who shall upon ap-
 pointment be authorized and empowered to take the oath of

verification of the signers of petitions of nomination. Such verification deputies need not use a seal, and shall not have power to take oaths for any other purpose whatsoever, and their appointments shall continue only until all petitions of nomination, under this article, shall have been filed by the city clerk.

Date of presenting petition.

Date of
presenting
petition.

SEC. 12. A petition of nomination, consisting of not less than twenty-five nor more than one hundred individual certificates for any one candidate, may be presented to the city clerk not earlier than forty-five days nor later than thirty days before the election. The clerk shall endorse thereon the date upon which the petition was presented to him.

Examination of petitions by city clerk.

Examina-
tion of
petitions
by city
clerk.

SEC. 13. When a petition of nomination is presented for filing to the city clerk, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this article. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition can not be filed, and shall return the petition to the person named as the person to whom the same may be returned in accordance with this article. The petition may then be amended and again presented to the clerk as in the first instance. The clerk shall forthwith proceed to examine the petition as hereinbefore provided. If necessary the council shall provide extra help to enable the clerk to perform satisfactorily and promptly the duties imposed by this article.

Withdrawal of signature.

With-
drawal of
signature.

SEC. 14. Any signer to a petition of nomination and certificate may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Withdrawal of candidate.

With-
drawal of
candidate.

SEC. 15. Any person whose name has been presented under this article as a candidate may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty-five days prior to such election.

Filing of petitions.

Filing of
petitions.

SEC. 16. If either the original or amended petition of nomination be found sufficiently signed as hereinbefore provided, the clerk shall file the same twenty-five days before the date of election. When a petition of nomination shall have been filed

by the clerk, it shall not be withdrawn, nor added to, and no signature shall be revoked thereafter.

Preservation of petitions.

SEC. 17. The city clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under this article. Preservation of petitions.

Election proclamation.

SEC. 18. Immediately after such petitions are filed, the clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty-five days before the election certify such list as being the list of candidates nominated as required by the charter of the city of Monterey, and the council shall cause said certified list of names and the offices to be filled, designating whether for a full term or unexpired term to be published in the proclamation calling the election at least six successive days before the election in not less than one daily newspaper of general circulation published in the city of Monterey. Said proclamation shall conform in all respects to the general state law governing the conduct of municipal elections, now or hereafter in force, except as above required. Election proclamation.

Form of ballots.

SEC. 19. The city clerk shall cause the ballots to be printed and bound and numbered as provided for by the state law, except as otherwise required in this charter. The ballots shall contain the list of names and the respective offices, as published in the proclamation, and shall be in substantially the following form: Form of ballots.

SEC. 20.

GENERAL (OR SPECIAL) MUNICIPAL ELECTION, THE CITY OF
MONTEREY.

(Inserting date thereof)

Instructions to Voters: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election, and obtain another.

Requirements of ballot.

SEC. 21. All ballots printed shall be precisely on the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the name of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right hand side, for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this charter. The names of the candidates for each office shall be arranged in alphabetical order, and nothing on the ballot shall be indica- Requirements of ballot.

tive of the source of the candidacy or of the support of any candidate.

Every nominee to be on ballot.

Every
nominee
to be on
ballot.

SEC. 22. The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

Arrangement of offices on ballot.

Arrange-
ment of
offices on
ballot.

SEC. 23. The offices to be filled shall be arranged in separate columns, in the following order:

“For mayor (if any) vote for one.”

“For councilman (if any) vote for (giving number).”

Space for voting cross.

Space for
voting
cross.

SEC. 24. Half-inch square shall be provided at the right of the name of each candidate wherein to mark the cross.

Blank space for additional candidates.

Blank
space for
additional
candi-
dates.

SEC. 25. Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Sample ballots.

Sample
ballots.

SEC. 26. The clerk shall cause to be printed sample ballots identical with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election.

Vote necessary for election.

Vote neces-
sary for
election.

SEC. 27. The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such election shall be declared elected to the office for which they are candidates.

Failure of person elected to qualify.

Failure of
person
elected to
qualify

SEC. 28. If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as herein provided.

Informalities in election.

Informal-
ities in
election.

SEC. 29. No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter.

General election regulations.

General
election
regula-
tions.

SEC. 30. The provisions of the state law in force at the time of holding any city election relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns and all other particulars in respect

to the management of elections, so far as they may be applicable; shall govern all municipal elections: *provided*, that the council shall meet as a canvassing board and duly canvass the election returns within four days after a municipal election.

ARTICLE IV.

INITIATIVE, REFERENDUM AND RECALL.

Initiative. Procedure relating thereto.

SEC. 31. (1) Any proposed ordinance may be submitted to the council by a petition signed by registered voters of the city equal in number to the percentages hereinafter required.

Initiative:
procedure
relating
thereto.

(2) The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature, his place of residence, giving the street and number.

(3) One of the signers of such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed.

(4) Within ten days from the date of filing such petition the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay.

(5) If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty per cent of the entire vote cast for all candidates for mayor at the last preceding general election at which a mayor was elected, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special election, then the council shall either:

(a) Pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to a referendary vote under the provisions of section 32 of this charter), but if the ordinance shall fail of passage by the council, then, within five days after determination that said ordinance shall have so failed of final adoption, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people; or,

(b) Forthwith after the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said

ordinance, without alteration, shall be submitted to a vote of the people.

(6) If the petition be signed by electors equal in number to at least ten per cent but less than fifteen per cent of the entire vote cast for all candidates for mayor at the last preceding general election at which a mayor was elected, then such ordinance, without alteration, shall be submitted by the council to a vote of the people at the next general municipal election that shall occur at any time after thirty days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

(7) The ballots used when voting upon said proposed ordinance shall contain the words "For the Ordinance" (stating the nature of the proposed ordinance) and "Against the Ordinance" (stating general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a binding and valid ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people can not be repealed or amended except by a vote of the people.

(8) Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; *provided*, that there shall not be held under this section of the charter, more than one special election within a period of six months.

(9) The council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general municipal election; and should such propositions, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election, the city clerk shall cause the ordinance or proposition to be printed, and he shall inclose a printed copy thereof in an envelope with a sample ballot, and mail the same to each voter, at least ten days prior to the election, but the city council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition, and of the sample ballot as first above provided.

The referendum.

The refer-
endum.

SEC. 32. No ordinance passed by the city council (except when otherwise required by the general laws of the state or by the provisions of this charter, respecting street improvements, and except an ordinance for the immediate preservation of the public peace, health, or safety, which contains a statement of its urgency, and is passed by two thirds vote of the council, but no grant of any franchise shall be construed to be an urgency

measure, but all franchises shall be subject to the referendary vote herein provided), shall go into effect before thirty days from the time of its final passage and its approval by the mayor; and if during said thirty days a petition signed by electors of the city equal in number to at least twenty-five per cent of the entire vote cast for all candidates for mayor at the last preceding general election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance, and if the same is not entirely repealed, the council shall submit the ordinance as is provided in section 31 of this charter, to the vote of the electors of the city, either at the next general election or at a special municipal election to be called for that purpose, and such ordinances shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said section 31, except as to the percentage of signers, and be examined and certified by the clerk in all respects as is therein provided.

The recall.

SEC. 33. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The recall. The procedure to effect the removal of an incumbent of an elective office shall be as follows:

(1) A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding the election of a successor of the person sought to be removed, shall be filed with the city clerk; *provided*, that the petition sent to the council shall contain a general statement of the grounds for which the removal is sought.

(2) The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed.

(3) Within ten days from the date of filing such petition the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors and, if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination.

(4) If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate.

The recall. (5) The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect.

(6) If the petition shall be found to be sufficient the clerk shall submit the same to the council without delay.

(7) If the petition shall be found to be sufficient the city council shall order, and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

(8) The city council shall make, or cause to be made, publication of notice and all arrangements for holding of such election; and the same shall be conducted, returned, and the result thereof declared, in all respects as are other city elections.

(9) The successor of any officer so removed shall hold office during the unexpired term of his predecessor.

(10) Any person sought to be removed may be a candidate to succeed himself and, unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election the candidate receiving the highest number of votes shall be declared elected.

(11) At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor.

(12) In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant.

(13) If the incumbent receives the highest number of votes he shall continue in office.

SEC. 34. If any special election be ordered held and conducted, it shall be ordered, held and conducted (except as to the date thereof) and the result thereof made known and declared, in the same manner as herein provided for other elections.

ARTICLE V.

ELECTIVE OFFICERS.

SEC. 35. The elective officers of the city of Monterey shall be a mayor and four councilmen.

The council shall consist of the mayor and four councilmen, each of whom, including the mayor shall have the right to vote on all questions coming before the council.

Elected at large.

Elected at large.

SEC. 36. The mayor and councilmen shall be elected at the general municipal election on a general ticket from the city at large.

Eligibility of mayor and councilmen.

SEC. 37. To be eligible for the office of mayor or councilman, a person must be a citizen of the United States and a

qualified elector of the State of California, and of the city of Monterey for at least three years next preceding his election.

Eligibility of mayor and councilmen.

Vacancy in council.

SEC. 38. If a vacancy shall occur in the office of mayor or councilman, the council shall forthwith appoint a person to fill such vacancy. Said appointee shall possess such qualifications for eligibility as are set forth in section 37 of this article and shall hold office until his successor is duly elected and qualified. Such successor shall be chosen at the next general municipal election, or at the first succeeding special municipal election called for any other officer, which election shall not take place less than forty (40) days after such vacancy occurs. The person so elected shall hold office for the unexpired term.

Vacancy in council.

Mayor's term of office.

SEC. 39. The mayor shall hold office for a term of two years from and after the first Monday in May after his election, and until his successor is elected and qualified; *provided*, that a mayor shall be elected at the first municipal election held under this charter, and said mayor shall take office on the first day of July succeeding his election and his term of office shall cease and determine upon the election and qualification of the mayor elected at the general municipal election in 1913.

Mayor's term of office.

Councilmen's term of office.

SEC. 40. The councilmen shall hold office for a term of four years from and after the first Monday in May after their election and until their successors are elected and qualified; *provided*, that four councilmen shall be elected at the first general municipal election held under this charter and shall take office on the first day of July succeeding their election; *and provided, further*, that the councilmen first elected under this charter shall so classify themselves by lot that the terms of two of said councilmen shall cease and determine upon the election and qualification of the two councilmen elected at the general municipal election in 1913, and that the term of office of the other two of said councilmen elected at the first general municipal election held under this charter shall cease and determine upon the election and qualification of the two councilmen elected at the general municipal election in 1915. At each general municipal election after the first, held under this charter, there shall be elected two councilmen and a mayor.

Councilmen's term of office.

Official bonds.

SEC. 41. The council shall fix the amount of the bonds and the methods of their approval to be required of appointive officers.

Official bonds.

The approval of the official bonds must be endorsed thereon and signed by the officer or officers approving the same. All bonds, except the clerk's bond, which shall be filed with the mayor, when approved, shall be filed with the city clerk. All

the provisions of any law of this state, relating to officials' bonds, not inconsistent with this charter, shall be complied with.

Oath of office.

Oath of office.

SEC. 42. Every officer of the city, before entering upon the duties of his office, shall take the oath of office as provided for in the constitution of this state, and shall file the same with the city clerk.

Compensation of mayor and councilmen.

Compensation of mayor and councilmen.

SEC. 43. The mayor shall receive a compensation of two hundred and fifty (250.00) dollars per annum and the councilmen shall receive a compensation of two hundred (200.00) dollars per annum each, unless the electors by ordinance proposed and adopted shall otherwise provide.

Administering oaths, subpoenas.

Administering oaths, subpoenas.

SEC. 44. Every elective officer, every chief official and every member of any board or commission provided for in this charter, or by ordinance, adopted according to the provisions of this charter, shall have the power to administer oaths and affirmations, and every such board or commission shall have power to issue subpoenas, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such board or commission. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpoena, or shall refuse to testify before any such board or commission, or to answer any question which a majority of such board or commission shall decide to be proper or pertinent, he shall be deemed in contempt, and any such board or commission shall have the power to take the proceedings in that behalf provided by the general laws of this state. The chief of police must, on request of any member of such board or commission, detail a police officer or police officers to serve such subpoena.

TITLE MAYOR.

The chief executive.

The chief executive.

SEC. 45. The mayor shall be the chief executive officer of the city and shall see that all the ordinances thereof are duly enforced. He shall be charged with the general oversight of the several departments of the municipal government. He shall see that all contracts made with the city are faithfully performed.

Mayor pro tempore.

Mayor pro tempore.

SEC. 46. During the temporary absence or disability of the mayor the vice-president of the council shall act as mayor *pro tempore*. In case of the temporary absence or disability of both the mayor and vice-president, the council shall elect one of its members to be mayor *pro tempore*. In case of vacancy in the office of the mayor the vice-president of the council shall act as mayor until such vacancy can be filled as provided in this charter.

Mayor's reports.

SEC. 47. The mayor shall annually and from time to time give the council information relative to the affairs of the city and recommend to its consideration such matters as he may deem expedient.

Mayor's reports.

Mayor to have city's books examined.

SEC. 48. The mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a certified public accountant, who shall examine, at least once each year the books, records and reports of the auditor and of all officers and employees who receive, or disburse city moneys, and the books, records and reports of such other officers and departments as the mayor may direct, and make triplicate reports thereof, and present one each to the mayor and auditor and file one with the city clerk. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employees of the city, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The council shall provide for the payment of the services of such accountant, and fix the time at which such report shall be made and filed.

Mayor to have city's books examined.

Supervision of public utility companies.

SEC. 49. The mayor shall be charged with the general supervision of all public utility companies in so far as they are subject to municipal control; he shall keep himself fully informed as to their compliance in all respects with the law, and he shall see that all franchises granted by the city are faithfully observed.

Supervision of public utility companies.

The mayor may on his own motion, and must upon a resolution passed by the council directing him to do so, cause to be instituted on behalf of the city, such actions or proceedings as may be necessary to revoke, cancel or annul all franchises that may have been granted by the city which have been forfeited in whole or in part, or which for any reason may be irregular and void and not binding upon the city, and the city attorney, upon demand of the mayor, must institute and prosecute the suits or actions required to enforce the provisions of this section. Each mayor taking office under this charter shall cause a careful investigation to be made of the exact condition of all franchises theretofore granted by the city, and of the respective rights and obligations of the parties, and the performance of the same, and shall report the results thereof in his next annual message or report, and he may report thereon at such other and different times as he may deem proper.

Powers and duties prescribed by ordinance.

SEC. 50. The mayor shall exercise such other powers and perform such other duties as may be prescribed by law, or by ordinance, or by resolution of the council.

Powers and duties prescribed by ordinance.

THE COUNCIL.

The council, the governing body.

The council, the governing body.

SEC. 51. All powers herein granted to and vested in the city of Monterey shall, except as herein otherwise provided, be exercised by a council to be designated the council of the city of Monterey. Said council shall be the governing body of the city, and, subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the constitution of the state.

President and vice-president.

President and vice-president.

SEC. 52. The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its number to be vice-president.

Meetings of council.

Meetings of council.

SEC. 53. The council shall, by ordinance, provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

Meetings to be public.

Meetings to be public.

SEC. 54. All legislative sessions of the council, whether regular or special shall be open to the public.

Quorum.

Quorum.

SEC. 55. A majority of the council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and postpone the consideration of pending business in like manner.

Rules of proceeding.

Rules of proceeding.

SEC. 56. The council shall determine its own rules of procedure, may punish its members for disorderly conduct and compel their attendance at the council meetings.

Ordinances and resolutions.

Ordinances and resolutions.

SEC. 57. (1) The council shall act only by ordinance or resolution.

Ayes and noes.

Ayes and noes.

(2) The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council. Upon the request of any member, the ayes and noes shall be taken and recorded on any vote. Every member, when present must vote.

Majority vote of council.

Majority vote of council.

(3) No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the council.

Title.

Title.

(4) Every ordinance shall be preceded by a brief title which shall indicate the subject and purport thereof.

Enacting clause of ordinances.

(5) The ordaining clause of all ordinances adopted by the council shall be, "The Council of the City of Monterey do ordain as follows," and the ordaining clause of all ordinances adopted in accordance with the provisions of section 31 of article IV shall be, "The People of the City of Monterey do ordain as follows".

Enacting clause of ordinances.

Requirements of ordinances.

(6) No ordinance shall be passed by the council on the day of its introduction nor within five days thereafter nor at any other time than at a regular meeting, nor until its publication at least once in full in the official newspaper of the city of Monterey at least three days before its adoption; and in case of amendment being made thereto before the final adoption of the ordinance, it must in like manner be republished in full as amended at least one day before its adoption as amended.

Requirements of ordinances.

Ordinance required in certain cases.

(7) No action providing for any specific improvement or the appropriation or expenditure of any public money, except a sum less than two hundred dollars; for the appropriation, acquisition, sale or lease of public property; for the levying of any tax or assessments; for the granting of any franchise; for establishing or changing fire limits; or for the imposing of any penalty; shall be taken except by ordinance; *provided*, that such exceptions be observed as may be called for in cases where the council takes action in pursuance of a general law of the state.

Ordinance required in certain cases.

Reconsideration.

(8) When any ordinance is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the council, held not less than one week after the meeting at which such motion was made.

Reconsideration.

Signing and attesting.

(9) All ordinances shall be signed by the mayor and attested by the city clerk.

Signing and attesting.

Revision and amendment.

(10) No ordinance shall be revised, reenacted or amended by reference to its title only; but the ordinance to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

Revision and amendment.

Repeal.

(11) No ordinance nor section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

Repeal.

Record of city ordinances.

(12) A true and correct copy of all ordinances shall be

Record of
city ordi-
nances.

kept and certified to by the city clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

Protection of absent commissioner.

Protection
of absent
commis-
sioner.

SEC. 58. No final action shall be taken in any matter concerning the special department of any absent councilman unless such business has been made special order of the day by action at a previous meeting of the council or such action is taken at a regular meeting of the council.

When offices become vacant.

When
offices
become
vacant.

SEC. 59. An elective office becomes vacant when the incumbent thereof dies, resigns, is removed from office under recall proceedings as provided in section 33 of article IV, is adjudged insane, convicted of felony, or of an offense involving a violation of his official duties, or ceases to be a resident of the city, or neglects to qualify within the time prescribed by the provisions of this charter, or shall have been absent from the state without leave for more than sixty consecutive days, or fails to attend the meetings of the body of which he is a member for a like period without being excused therefrom by said body.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

The four municipal departments.

The four
municipal
depart-
ments.

SEC. 60. The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be distributed among and assigned to four departments, as follows:

1. Department of finance and revenue.
2. Department of public health and safety.
3. Department of public works.
4. Department of public supplies.

Council to assign duties to the departments.

Council to
assign
duties to
the depart-
ments.

SEC. 61. The council shall determine and assign the duties of the several departments, subject to the provisions of the preceding section; shall prescribe the powers and duties of officers and employees; may assign particular officers and employees to one or more of the departments; may require an officer or employee to perform duties in two or more departments, and may make such other rules and regulations, not inconsistent with this charter, as may be necessary or proper for the efficient and economical conduct of the business of the city.

The four commissioners.

SEC. 62. The council at its first regular meeting after the election of its members, shall designate by majority vote one

councilman to be commissioner of finance and revenue, one to be commissioner of public health and safety, one to be commissioner of public works and one to be commissioner of public supplies. If the council is unable to agree, the mayor shall have authority to make such designation. The council may change such designation, whenever it determines that the public service will be benefited thereby.

The four
commis-
sioners.

The chief officials.

SEC. 63. The chief officials of the city shall be city clerk, auditor, assessor, treasurer, police judge, collector, attorney, engineer, chief of police, fire chief, street superintendent, building inspector, sewer inspector, health officer and five library trustees. They shall be appointed and may be removed by a majority vote of the council. The council, at any time when in its judgment the interests of the city so demand, may consolidate and place in the charge of one such officer the functions and duties of two or more such officers. The council shall by ordinance or by resolution prescribe the duties of all the chief officials.

The chief
officials.

The council shall at the first regular meeting after the election of its members, or as soon thereafter as practicable, proceed to the appointment of the chief officials of the city and the determination of their duties, as provided in this section.

Subordinate officers and employees.

SEC. 64. The council shall have power by ordinance, or by resolution, to create and discontinue offices, deputyships, assistantships, boards and commissions and employments other than those prescribed in this charter, to provide the modes of filling them, to prescribe the duties pertaining thereto according to its judgment of the needs of the city, and to determine the mode of removing any such officer, deputy, assistant or employee, except as otherwise provided in this charter.

Subordi-
nate
officers and
employees.

Compensation of officers and employees.

SEC. 65. The compensation of all city officers, except library trustees, who shall receive no remuneration, shall be by salary to be fixed by ordinance. The council shall also fix the compensation of all other officers and employees of the city except as in this charter otherwise provided. No officer or employee shall be allowed any fee, perquisites, emoluments, rewards or compensation, aside from the salary or compensation as fixed by the council, but all fees received by him in connection with his official duties shall be paid by him into the city treasury.

Compensation of
officers and
employees.

Reports of departments.

SEC. 66. Each department and commission shall annually, on such date as may be fixed by the council, render to the mayor a full report of all operations of such department or commission for the year.

Reports of
depart-
ments.

Reports to be published.

Reports to be published.

SEC. 67. The council shall provide for the publication of the annual reports of the mayor and the several departments and commissions.

Councilman to hold no other office.

Councilman to hold no other office.

SEC. 68. No member of the council shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys; or be elected or appointed to any office created or the compensation of which is increased by the council, while he was a member thereof, until one year after the expiration of the term for which he was elected.

No member of the council during the term for which he shall have been elected shall be eligible to fill a vacancy in the office of mayor.

Officers not to be interested in contracts or franchises.

Officers not to be interested in contracts or franchises.

SEC. 69. No officer or employee of the city shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city, or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the city. No officer or employee of the city shall be in the employ of any public service corporation in the city or of any person having any contract with the city or of any grantee of a franchise granted by the city. Any contract or agreement made in contravention of this section shall be void. Any violation of the provisions of this section by such officer or employee of the city shall be deemed a misdemeanor.

Political and religious tests.

Political and religious tests.

SEC. 70. No appointment to position under the city government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services, and no appointment to or selection for or removal from any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or services.

ARTICLE VI.

POWERS OF THE CITY AND OF THE COUNCIL.

General powers of the city.

General powers of the city.

SEC. 71. Without denial or disparagement of other powers held under the constitution and laws of the state, the city of Monterey shall have the right and power:

Public buildings, works and institutions.

(1) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate libraries, reading

rooms, art galleries, museums, life-saving stations, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, charitable institutions, jails, houses of correction, work-houses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, street cleaning and sprinkling plants, quarries, wharves, docks, waterways, canals, and all other public buildings, places, works and institutions, breakwaters and piers.

Public buildings, works and institutions.

Water, light, heat and power.

(2) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate waterworks, gas works, electric light, heat and power works, within or without the city, and to supply the city and its inhabitants and also persons, firms and corporations outside the city, with water, gas and electricity.

Water, light, heat and power.

Telephone, telegraph and transportation.

(3) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate telephone and telegraph systems, cable, electric or other railways, ferries and transportation service of any kind.

Telephone, telegraph and transportation.

Sale of products of public utilities.

(4) To sell gas, water, electric current and all products of any public utility operated by the city.

Sale of products of public utilities.

Land for public purposes.

(5) To acquire by purchase, condemnation or otherwise, within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility or to provide for and effectuate any other public purpose; and to sell, convey, encumber and dispose of the same for the common benefit.

Land for public purposes.

Lease of public utilities.

(6) To lease to corporations or individuals for the purpose of maintenance and operation any public utility owned by the city.

Lease of public utilities.

Bequests and donations.

(7) To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable and other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust be unconditional.

Bequests and donations.

Borrowing money, bonds.

(8) To borrow money for any of the purposes for which the city is authorized to provide and for carrying out any of the powers which the city is authorized to enjoy and exercise and to issue bonds therefor; *provided*, that in the procedure for the creation and issuance of such bonded indebtedness the general

Borrowing money, bonds.

laws of the State of California in force at the time such proceedings are taken shall be observed and followed.

Special tax.

Special tax.

(9) To raise money by special tax, in addition to the tax levies provided for in sections 81, 82, 83 and 117 of this charter; to authorize such special tax, the provisions of section 31 of article IV relating to the initiative, or of section 32 of article IV relating to the referendum, shall be followed, and the levy of such tax must be approved by at least two thirds of the qualified electors who vote thereon. At such election the council may be authorized, in cases where public necessity requires the expenditure of any sum so voted before the next succeeding tax levy, to borrow such sum and provide in the next succeeding tax levy for its repayment with interest at not exceeding five per cent per annum. Or the council may be authorized to levy a special tax each year for a period of years not exceeding three years in all, for any permanent municipal improvement, and the money so raised may be expended each year after the same is collected and available.

Joint ownership of water supply.

Joint ownership of water supply.

(10) To join with one or more cities incorporated under the constitution and laws of the state in order to acquire and develop jointly a source or sources of water supply for municipal and domestic purposes and to construct the works necessary for their joint and several purposes and needs, and to unite with such cities in bond issues therefor.

Sue and defend.

Sue and defend.

(11) To sue and defend in all courts and places and in all matters and proceedings.

Direct legislation by people.

Direct legislation by people.

SEC. 72. The qualified voters of the city shall have power through the initiative and otherwise, as provided by this charter and the general laws of this state, to enact appropriate legislation to carry out and enforce any of the above general powers of the city or any of the specified powers of the council.

Powers of the council enumerated.

Powers of the council enumerated.

SEC. 73. As the legislative organ of the city, the council, subject to the provisions and restrictions of this charter, shall have power:

Official seal.

Official seal.

(1) To provide a corporate seal, with appropriate device, to be affixed to all instruments or writings needing authentication.

Violation of charter and ordinances.

Violation of charter and ordinances.

(2) To prescribe fines, forfeitures and penalties for the violation of any provision of this charter or of any ordinance of the city; but no penalty shall exceed three hundred dollars or ninety days' imprisonment, or both.

Nuisances.

(3) To provide for the summary abatement of any nuisance at the expense of the person or persons creating, causing, committing or maintaining such nuisance. Nuisances.

Police and fire departments.

(4) To organize and maintain police and fire departments, erect the necessary buildings and own all implements and apparatus required therefor. Police and fire departments.

Police and fire alarm systems.

(5) To establish and maintain a fire alarm and police telegraph or telephone system, and manage and control the same, and to appoint a superintendent thereof. Police and fire alarm systems.

Explosives.

(6) To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, gun-cotton, nitroglycerine, fireworks and other explosive materials and substances. Explosives.

Inflammable materials.

(7) To regulate the storage of hay, straw, oil and other inflammable and combustible materials. Inflammable materials.

Engines and boilers.

(8) To regulate the use of steam engines, gas engines, steam boilers, and electric motors, and to prohibit their use in such localities as in the judgment of the council would endanger public safety. Engines and boilers.

Fire limits.

(9) To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing building within such fire limits. Fire limits.

Building regulations.

(10) To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water or gas and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations. Building regulations.

*Fire escapes.*Fire
escapes.

(11) To require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

*Precaution against fires.*Precaution
against
fires.

(12) To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building or place in the city; to regulate the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible material in unsafe places, and to make provisions to guard against fires.

*Provisions for safety in theatres, halls, etc.*Provisions
for safety
in theatres,
halls, etc.

(13) To regulate the size and construction of the entrances to and exits from all theatres, lecture rooms, halls, schools, churches, and other places for public gathering of every kind and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles or open places therein.

*Provision for safety in streets.*Provision
for safety
in streets.

(14) To regulate the speed of railroad trains, engines and cars passing through the city and the speed of cars of street or interurban railway companies using the public streets of the city, to require railroad companies to station flagmen, place gates or viaducts at all such street crossings as the council may deem proper, to require street cars and local trains to be provided with fenders or other appliances for the better protection of the public; to prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the city; to regulate the speed with which persons may ride or drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the city.

*Improper use of streets.*Improper
use of
streets.

(15) To regulate or prohibit the exhibition or carrying of banners, placards, or advertisements, and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate and prevent the flying of banners, flags or other signs across the streets or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets, and to require their removal.

*Weeds and rubbish on sidewalks.*Weeds and
rubbish on
sidewalks.

(16) To compel the owner or occupant of buildings or grounds to remove dirt, rubbish and weeds from the sidewalk immediately in front thereof and in his default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant, and to make such expense a lien upon such buildings or grounds.

Billboards and signs.

(17) To regulate, license or prohibit the construction and use of billboards and signs. Billboards and signs.

Dogs.

(18) To regulate and prevent the running at large of dogs; to prohibit the exhibition of dog fights or any wilful pitting of dogs to fight; to provide for the destruction of vicious dogs, and to require the payment of license fees by the owners or persons having possession of dogs, and to impose penalties upon such persons for refusing to pay such license fees. Dogs.

Public pound; cruelty to animals.

(19) To prevent or regulate the running at large of any animals and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large; to prohibit and punish cruelty to animals, and to require the places where they are kept to be maintained in a clean and healthful condition. Public pound; cruelty to animals.

Indigent sick.

(20) To provide for the care of the indigent sick and helpless in said city. Indigent sick.

Preservation of health.

(21) To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious, or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease. Preservation of health.

Dangerous and offensive occupations; disagreeable noises.

(22) To regulate or prohibit the operation of all manufacturing, occupations or trades which may be of such nature as to affect the public health or good order of the city or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them; to make regulations for the suppression of disagreeable, offensive and injurious noises or odors. Dangerous and offensive occupations; disagreeable noises.

Inspection of food products.

(23) To provide for and regulate the inspection by the health officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent bringing into the city or having or keeping within Inspection of food products.

the city any such unsound, spoiled, adulterated or unwholesome products.

Dairies.

Dairies. (24) To provide for and regulate the inspection of all dairies within or without the city that offer for sale or sell any of their products in the city.

Lodging, tenement and apartment houses.

Lodging, tenement and apartment houses. (25) To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition.

Sewer connections.

Sewer connections. (26) To regulate the construction, repair and use of sewers, sinks, gutters, wells, cesspools, and vaults and to compel the connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done.

Garbage.

Garbage. (27) To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

Licensing businesses.

Licensing businesses. (28) To license for purposes of regulation or revenue, or both regulation and revenue, all and every kind of business not prohibited by law to be transacted or carried on in the city; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise.

Regulation of public vehicles.

Regulation of public vehicles. (29) To establish stands for hacks, public carriages, express wagons, and other public vehicles for hire, and regulate the charges of such hacks, public carriages, express wagons and other public vehicles, and to require schedules of such charges to be posted in or upon such public vehicles.

Inspection of meters, weights and measures.

Inspection of meters, weights and measures. (30) To provide for the inspection of all water meters, gas meters, and electric meters and of weights and measures used in the city, and to enforce such regulations as may be necessary to insure their accuracy.

Public shows. Gambling.

Public shows; gambling. (31) To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements; to prevent and prohibit all descriptions of gambling and fraudulent devices and practices, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance and the selling of pools on races, and to authorize the destruction of all instruments used for the purpose of gambling.

Public order and decency.

(32) To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights and all offensive, immoral, indecent and disorderly conduct and practices in the city. Public order and decency.

Taxation.

(33) To levy and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this charter provided. Taxation.

Erroneously collected taxes.

(34) To order the repaying by the treasurer of any taxes, percentages or costs erroneously or illegally collected. Erroneously collected taxes.

Fees.

(35) To fix the fees and charges for all official services not otherwise provided for in this charter. Fees.

Mayor's urgency fund.

(36) To provide an urgent necessity fund not exceeding five hundred dollars a year, to be expended under the direction of the mayor. Mayor's urgency fund.

Lease of lands owned by the city.

(37) To provide for the lease of any lands now or hereafter owned by the city, but all leases shall be made at public auction to the highest responsible bidder at the highest monthly rent, after publication of notice thereof for at least one week, stating explicitly the time and conditions of the proposed lease; *provided*, that the council may in its discretion reject any and all bids. Lease of lands owned by the city.

Purchase of property under execution.

(38) To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs. Purchase of property under execution.

Sale of useless personal property.

(39) To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city. Sale of useless personal property.

Trusts.

(40) To provide for the execution of all trusts confided to the city. Trusts.

Street grades.

(41) To establish or change the grade of any street or public place. Street grades.

Street work.

(42) To order the whole or any part of any street, avenue, lane, alley, court or place within the city of Monterey to be graded, or regraded to the official grade, planked or replanked, Street work.

paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, sewerred or resewerred, and to order sidewalks, manholes, culverts, cess-pools, gutters, tunnels, curbing and crosswalks to be constructed therein, and to order breakwaters, levees or walls of rock or other material to protect the same and also any other work or improvement therein; to provide for the care of shade trees planted therein and to cause shade trees to be planted, set out and cultivated therein; and also to order drainage or sanitary sewers or storm water sewers to be constructed on or through private property.

Whenever, in the judgment of the council, or of the people, the cost and expense of any of the foregoing improvements is to be paid by special assessments on private property, the general laws of the State of California in force at the time of the improvement shall govern and control and all proceedings shall be in conformity thereto.

Street opening.

Street
opening.

(43) To order the opening, extending, widening, straightening or closing of any street, lane, alley, court or public place within the city or over tide lands and lands covered by the waters of Monterey bay within the city, and to condemn and acquire any and all property necessary or convenient for that purpose.

Whenever, in the judgment of the council or of the people the cost and expense of any of the foregoing improvements is to be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto, except that all the duties of the commissioners shall be performed by or under the direction of the commissioner of public works of the city, who shall receive no compensation therefor.

Light and water.

Light and
water.

(44) To provide for the lighting of the streets, highways, public places and public buildings and for supplying the city with water for municipal purposes.

Boulevards.

Boule-
wards.

(45) To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad and to regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by popular vote, as provided in sections 31 and 32, article IV.

Closed or abandoned streets.

(46) Whenever any street or portion of a street shall be

abandoned or closed by ordinance, to convey by deed such street or portion of street so abandoned or closed to the party or parties who may be entitled thereto. Closed or abandoned streets.

Water front and wharves.

(47) To improve, keep in repair and control the water front of the city; to fix the rates of wharfage, dockage and tolls, and provide for the collection thereof; to license, regulate and control the landing, anchorage and moorage of steamboats, sailing vessels, rafts, tug boats, and all other water craft within the jurisdiction of the city. Water front and wharves.

Regulation of public utility rates.

(48) To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, firm or corporation in the city, for the use of water, heat, light, power or telephone service, supplied to the city or to the inhabitants thereof, and to prescribe the quality of the service. Regulation of public utility rates.

Regulation of street railroads.

(49) To regulate street railroads, their tracks and cars, to compel the owners of two or more such street railroads using the same street for any distance not exceeding ten blocks, to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between them. Regulation of street railroads.

Railroads to keep streets in repair.

(50) To require every owner or lessee of railroads in said city to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the owner or lessee. Railroads to keep streets in repair.

Spur tracks.

(51) To permit the laying down of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories or other business industries and enterprises with any line of railroads that may be built along the water front or with any other lines of railroad which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof; and also for the purpose of excavating and filling in a street or portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer. Spur tracks.

Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the council.

Regulation of poles and wires.

(52) To cause the removal and placing underground of all

Regulation
of poles
and wires.

telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city.

Size and location of pipes.

Size and
location
of pipes.

(53) To regulate the size and location of all water pipes, gas pipes, and all other pipes and conduits laid or constructed in the streets and public places, and to require the filing of charts and maps of such pipes and conduits.

Elections.

Elections.

(54) To make all rules and regulations governing elections not inconsistent with this charter or the constitution of California.

Civil service commission.

Civil
service
commission.

(55) To establish a bureau of civil service and to appoint a commission, to serve without compensation, to administer the same under rules and regulations to be made by the council. Such commission shall, among other things, provide for the classification of all employments in the administrative service of the city not excepted by the provisions of this charter, by the council, or by the people, for open, competitive and free examinations as to fitness, for an eligible list from which vacancies shall be filled, for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record.

Civic art commission.

Civic art
commission.

(56) To establish a civic art commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Park commission.

Park com-
mission.

(57) To establish a park commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Playground commission.

Play-
ground
commission.

(58) To establish a playground commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Commission of public charities.

Commis-
sion of
public
charities.

(59) To establish a commission of public charities and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Municipal ownership.

Municipal
ownership.

(60) To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

Museum commission.

(61) To establish a museum commission and to appoint

commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Museum
commission-
sion.

Additional powers.

(62) To enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city or any of the provisions of this charter, and to exercise all other needful powers for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not.

Additional
powers.

This grant of power is to be liberally construed for the purpose of securing the well being of the municipality and its inhabitants.

Publication of charter and ordinances.

SEC. 74. The council, during the first year after its organization under this charter, and from time to time thereafter, shall cause all ordinances at such time in force to be classified under appropriate heads, and together with, or separately from, the charter of the city and such provisions of the constitution and laws of the state as the council may deem expedient, to be published in book form.

Publca-
tion of
charter
and ordi-
nances.

ARTICLE VII.

FINANCE AND TAXATION.

The fiscal year.

SEC. 75. The fiscal year of the city shall commence on the first day of July of each year, or at such other time as may be fixed by ordinance.

The fiscal
year.

Tax system.

SEC. 76. The council shall by ordinance provide a system for the assessment, levy and collection of all city taxes not inconsistent with the provisions of this charter.

Tax
system.

The council shall have power to avail itself by ordinance of any law of the State of California, now or hereafter in force, and comply with the requirements thereof whereby assessments may be made by the assessor of the county in which the city of Monterey is situated and taxes collected by the tax collector of said county for and on behalf of the city of Monterey.

Other provisions of this charter concerning the assessment, levy and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

Department estimates of annual requirements.

SEC. 77. On such date in each year as shall be fixed by the council, the heads of departments, offices, boards and commissions, shall send to the commissioner of finance and revenue a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year.

Depart-
ment esti-
mates of
annual
require-
ments.

Annual estimate of city's requirements and revenue.

Annual estimate of city's requirements and revenue.

SEC. 78. On such date in each year as shall be fixed by the council, the commissioner of finance and revenue shall submit to the council an estimate of the probable expenditure of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking fund for the outstanding funded indebtedness of the city, and the wants of all the departments, of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue exclusive of taxes upon property and the probable amount required to be levied and raised by taxation.

Annual budget.

Annual budget.

SEC. 79. The council shall meet annually prior to fixing the tax levy, and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government, for the next ensuing fiscal year. The budget shall be prepared to such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission as the council may deem advisable.

Board of equalization.

Board of equalization.

SEC. 80. The council shall meet at their usual place of holding meeting on the second Monday in August of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session by adjournment from day to day until all the returns of the assessor shall have been rectified and assessments equalized. They shall have power to hear complaints and to correct, modify, strike out, or to raise any assessment; *provided*, that notice shall be given to the party whose assessment is to be raised.

Annual tax levy.

Annual tax levy.

SEC. 81. The council must finally adopt, not later than its first regular meeting in September, an ordinance levying upon the assessed valuation of the property in the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. They shall then deliver the assessment roll to the auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax.

Limit of tax levy.

Limit of tax levy.

SEC. 82. The tax levy authorized by the council to meet the municipal expenses for each fiscal year shall not exceed, except as in this charter provided, the rate of one dollar on each one hundred dollars of the assessed valuation of all real

and personal property within the city. Such levy shall be placed in the general fund, which may be apportioned by the council, except as otherwise provided in this charter.

Bond, library and promotion tax.

SEC. 83. The council shall have power to levy and collect taxes in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city; to levy not less than ten cents on each one hundred dollars of the assessed value of all real and personal property within the city for the support and maintenance of free public libraries and reading rooms and to levy not more than five cents on each one hundred dollars of the assessed value of all real and personal property within the city for music, entertainment and promotion.

Bond,
library and
promotion
tax.

Tax liens.

SEC. 84. All taxes and assessments levied, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; *provided*, that when real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the state when offered for sale for state and county taxes; and the council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter.

Tax liens.

Duties of the auditor.

SEC. 85. Money shall be drawn from the treasury only upon warrants as herein authorized. Every demand against the city, from whatever source, including the free public library, when allowed by the council or proper board, shall be signed by the president and clerk of such body, and a warrant, numbered and dated the same as the demand issued and signed by the same officers, and both must, before it can be paid, be presented to the auditor, who shall satisfy himself whether the money is legally due and its payment authorized by law. If he allow it, he shall endorse upon the warrant the word "allowed" and the date of such allowance, and sign his name thereto.

Duties
of the
auditor.

No demand shall be approved, allowed, audited or paid unless it specify each special item, and the date thereof. It shall be the duty of the auditor to be constantly acquainted with the exact condition of the treasury. He shall, on application of any person, indebted to the city, holding money

payable into the city treasury or desiring to pay money therein, certify to the treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall charge the treasurer with the amount received. It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and appropriated, and forthwith notify the treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officer, all licenses and other receipts, charging them therewith, and taking their receipt therefor. He shall at the first regular meeting of each month, or oftener if required, report in writing to the council the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which he shall set forth in a plain and businesslike manner, every money transaction of the city so that he can at any time tell the exact condition of the city's finances, and draw all warrants on the treasury. He shall perform such other duties as may be required of him by this charter or by ordinance.

Disposition of money collected.

Disposition
of money
collected.

SEC. 86. Every officer collecting or receiving any moneys belonging to or for the use of the city shall on the day of the receipt thereof settle for the same with the auditor and immediately pay all the same into the treasury, on the order of the auditor, for the benefit of the funds to which such moneys severally belong. The council may provide, in its discretion, for the deposit of the city moneys in banks in accordance with the state law.

Uniform accounts and reports.

Uniform
accounts
and re-
ports.

SEC. 87. The council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the city which receive or disburse moneys. Whenever an act shall be passed by the state legislature calling for uniform municipal reports, the city authorities shall be governed thereby.

ARTICLE VIII.

PUBLIC WORK AND SUPPLIES.

Form of contracts.

Form of
contracts.

SEC. 88. All contracts shall be drawn under the supervision of the city attorney. All contracts must be in writing, executed in the name of the city of Monterey by an officer or officers authorized to sign the same, and must be countersigned by the auditor, who shall number and register the same in a book kept for that purpose.

Progressive payments on contracts.

Progressive
payment
on
contracts.

SEC. 89. Any contract may provide for progressive payments, if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in

amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

Public work to be done by contract.

SEC. 90. In the erection, improvement or repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays or water front, or in or about embankments or other works for protection against overflow and erosion, and in furnishing any supplies and materials for the same, or for any other use by the city, when the expenditure required for the same exceeds the sum of five hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for the work contemplated for five consecutive days in the official newspaper. Such notice shall distinctly and specifically state the work contemplated to be done; *provided, however,* the council may reject any and all bids, if deemed excessive, and readvertise for bids, or provide for the work to be done by the department of public works. In case no bid is received, the council may likewise provide for the work to be done by the department of public works.

Public work to be done by contract.

Contracts for official advertising.

SEC. 91. The council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the council shall advertise for five consecutive days, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The council shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the city which is a newspaper of general circulation and has been in existence at the time of the awarding of the contract at least one year; *provided,* that the council may reject any or all bids if found excessive and advertise for new bids.

Contracts for official advertising.

The newspaper to which the award of such advertising is made shall be known and designated as the "official newspaper."

Contracts for lighting.

SEC. 92. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for electric light or any illumination material at a higher rate than the minimum price charged to any other consumer be valid.

Contracts for lighting.

Contracts for water.

SEC. 93. No contract for supplying water for the use of the municipality in any of its departments shall be valid wherein the minimum rates exceed those charged to other consumers.

Contracts for water.

Hours of labor.

Hours of labor.

SEC. 94. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the city and its officers, or by a contractor or subcontractor, shall be eight hours during any one calendar day.

Collusion with bidder.

Collusion with bidder.

SEC. 95. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office.

Collusion by bidder.

Collusion by bidder.

SEC. 96. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the council shall advertise for a new contract for said work, or provide for such public work to be done by the department of public works.

ARTICLE IX.

FRANCHISES.

Property rights of the city inalienable.

Property rights of the city inalienable.

SEC. 97. The rights of the city in and to its water front, wharf property, land under water, public landings, wharves, docks, streets, highways, parks and all other public places, except as otherwise provided in this charter, are hereby declared inalienable.

No use of streets without a franchise.

No use of streets without a franchise.

SEC. 98. No person, firm or corporation shall ever exercise any franchise or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the constitution of California or of the constitution or the laws of the United States, in, upon, over, under and along any street, highway or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article of this charter.

Franchise to the streets.

SEC. 99. Every franchise or privilege to construct or oper-

ate street, suburban or interurban railroads along, upon, over or under any street, highway, or any other public place or to lay pipes or conduits or to erect poles or wires or other structures in, upon, over, under or along any street, highway or other public place in the city for the transmission of gas or electricity, or for any purpose whatever, shall be granted upon the conditions in this article provided, and not otherwise.

Franchise
to the
streets.

Application for franchise.

SEC. 100. (1) An applicant for a franchise or privilege shall file with the council an application therefor, and thereupon the council shall, if it propose to grant the same, advertise the fact of said application, together with a statement, that it is proposed to grant the same, in the official newspaper of the city. The publication of such advertisement must run for six successive days and must be completed not less than twenty and no more than thirty days before any further action can be taken on such application.

Applica-
tion for
franchise.

Conditions of grant.

(2) The advertisement must state the character of the franchise or privilege it is proposed to be granted, and if it be a street, suburban or interurban railroad, the route to be traversed; that sealed bids therefor will be opened at a stated time and place, and that the franchise will be awarded to the bidder offering to pay to the city during the life of the franchise the highest percentage of the gross receipts received from the use, operation or possession of the franchise; *provided*, that such percentage be not less than two percent of such gross annual receipts, but no percentage shall be required to be paid for the first five years succeeding the date of the franchise.

Conditions
of grant.

Bidding for the franchise.

SEC. 101. (1) At the time of opening the sealed bids, any responsible person, firm or corporation, present in person, or represented may bid for such franchise or privilege not less than one fourth of one per cent of the gross annual receipts above the highest sealed bid therefor, and such bid so made may be raised not less than one fourth of one per cent of the gross annual receipts by any other responsible bidder, and such bidding may continue until finally such franchise shall be struck off, sold and awarded by the council to the person, firm or corporation offering the highest percentage of the gross annual receipts arising from the use, operation or possession of such franchise; *provided*, that if, in the judgment of the council no adequate or responsible bid has been made, the council may withdraw such franchise from sale or advertise for new bids.

Bidding
for the
franchise.

Deposit as guarantee of good faith.

(2) Every application and bid for franchise under this article shall be accompanied by a cash deposit of two thousand dollars or a certified check therefor as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to

Deposit as
guarantee
of good
faith.

pay all expenses connected with such application and the granting of such franchise.

Upon the franchise being awarded, all deposits made by unsuccessful bidders shall be returned. The deposit of the successful bidder shall be retained until the filing and approval of the surety bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, shall be returned.

Free competition in bidding.

Free competition in bidding.

(3) No clause or condition of any kind shall be inserted in any franchise or grant offered or sold under the terms of this article which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale which shall in anywise favor one person, firm or corporation as against another in bidding for the purchase thereof.

Bond.

Bond.

(4) The successful bidder for any franchise or privilege awarded under this article shall file a bond running to the city to be approved by the council, in the penal sum by it to be prescribed and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond.

Such bond shall be filed with the council within five days after such franchise is awarded, and within thirty days after the filing and approval of such bond such franchise shall by the council be granted by ordinance to the person, firm or corporation, to whom it shall have been struck off, sold or awarded, and in case such bond shall not be so filed, the award of such franchise shall be set aside and any money deposited in connection with the awarding of the franchise shall be forfeited and the franchise shall, in the discretion of the council, be re-advertised and again offered for sale in the same manner and under the same restrictions as hereinbefore provided.

Life of franchise.

Life of franchise.

SEC. 102. The maximum length of time for which a franchise or privilege to use the streets, highways, waters or other public places of the city may be granted to any person, firm or corporation shall be fifty years.

Beginning and completion of work.

Beginning and completion of work.

SEC. 103. Work under any franchise granted in accordance with the terms of this article shall be commenced in good faith within not more than four months from the date of the final passage of the ordinance granting such franchise and if not so commenced within said time, said franchise shall be

forfeited. Work under any franchise so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, which time shall be not more than three years from the date of the final passage of the ordinance granting said franchise, and if not so completed within said time, said franchise shall be forfeited; *provided*, that if good cause be shown, the council may, by resolution, extend the time for completion thereof not exceeding three months.

Service and accommodation.

SEC. 104. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodations of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and assure their comfort and convenience.

Service
and accom-
modation.

Rates and charges.

SEC. 105. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise. The grant of every franchise for a street, suburban or interurban railroad shall provide that all United States mail carriers and all official policemen and firemen of the city shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the city, without paying therefor and with all the rights of other passengers.

Rates and
charges.

Right of city to assume ownership.

SEC. 106. Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted or at any time before as stated in the ordinance, the city, at its election and upon the payment of a fair valuation therefor to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which the franchise was granted, become the property of the city, without any compensation to the grantee.

Right of
city to
assume
ownership.

No conveyance necessary for the city's ownership.

SEC. 107. Every ordinance granting any franchise shall further provide that upon the payment by the city of a fair

No conveyance necessary for the city's ownership.

valuation in the manner provided in the ordinance, the plant and property of the grantee shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which it was granted, become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of city by virtue of the grant and without the execution of any instrument or conveyance.

Lease or assignment of franchise.

Lease or assignment of franchise.

SEC. 108. Any franchise granted by the city shall not be leased, assigned or otherwise alienated without the express consent of the city, and no dealings with a lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent; *provided*, that nothing herein shall be construed to prevent the grantee of such franchise from including in it a mortgage or trust deed executed for the purpose of obtaining money for corporate objects.

Street sprinkling, cleaning and paving.

Street sprinkling, cleaning and paving.

SEC. 109. Every grant of any franchise or privilege, in, over, under or along any of the streets, highways, or public places in the city for railroad purposes, shall be subject to the conditions that the person, firm or corporation, exercising or enjoying the same shall sprinkle, clean, keep in repair, and pave and repave so much of said street, highway or other public place as may be occupied by said railway as lies between the rails of each railway track and between the lines of double track, and for a space of two feet outside of said tracks.

Examination of company's books. Audit.

Examination of company's books; audit.

SEC. 110. The city of Monterey, by its auditor, deputy auditor, or accountants authorized by the auditor, or by the council shall have the right at all reasonable times to examine all the books, vouchers and records of any person, firm or corporation exercising or enjoying any franchise or privilege granted by the city, for the purpose of verifying any of the statements of gross receipts provided for, and for any other purpose whatsoever connected with the duties or privileges of the city or of such person, firm or corporation arising from this charter or from the ordinance granting the franchise, and may audit the same at the end of each year.

Annual reports of company.

Annual reports of company.

SEC. 111. Every person, firm or corporation operating any business under franchise granted under this article shall file annually with the city auditor on such date as shall be fixed by the council a report for the preceding year.

Such report shall be in writing, verified by the affidavit of such person or persons or officer of the corporation, as the

council shall direct, and shall contain a statement, in such form and detail as shall from time to time be prescribed by the council of all gross receipts arising from all the business done by said person, firm or corporation within the city of Monterey for the year immediately preceding such report. Such reports shall contain such further statements as may be required by the council concerning the character and amount of business done and the amount of receipts and expenses connected therewith, and also the amount expended for new construction, repairs, and betterment during such year.

Payment of gross receipts.

SEC. 112. The stipulated percentage of gross receipts shall be paid annually at the time of filing the annual report. Failure to pay such percentage at the time of filing such annual report shall work a forfeiture of the franchise. The provisions as to payment of gross receipts shall apply to every person, firm or corporation using or operating the works constructed under such franchise.

Payment
of gross
receipts.

Forfeiture for non-compliance.

SEC. 113. Every ordinance granting any franchise or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the council shall have power to declare the termination and forfeiture of any such franchise or privilege, the same as though in each instance such power was expressly reserved.

Forfeiture
for non-
compliance.

Reservation for belt lines.

SEC. 114. No exclusive right or privilege shall ever be granted by the city or council in, to or upon the bed of the bay of Monterey, beyond the line of mean low tide; nor shall any structure be erected thereon so as to prevent the construction and operation of belt lines of railroads along the water front; and any franchise or permit for a railroad track in, over or upon the bed of the bay of Monterey shall be subject to the right of any other railroad or railroad company to use the same upon payment of a reasonable compensation therefor.

Reserva-
tion for
belt lines.

Franchise not in use forfeited.

SEC. 115. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment or which the grantees thereof have not in good faith commenced to exercise, shall be declared forfeited and invalid, unless such grantees or their assigns shall within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

Franchise
not in use
forfeited.

ARTICLE X.

LIBRARY COMMISSION.

Five commissioners appointed by mayor.

SEC. 116. The public library of the city shall be under the control and management of a board of commissioners, consist-

Five commissioners appointed by mayor.

ing of five members, who shall be appointed by the mayor, subject to the confirmation of a majority of the council. They shall be chosen from the citizens at large without regard to sex or political opinions but with reference to their fitness for said office and no member of the city council shall be a member of said board. The members of this commission shall serve for two years and without compensation and during their term of office must have a continuous residence in said city.

Tax for maintaining library.

Tax for maintaining library.

SEC. 117. The city council may, at the request of the board of library commissioners, in making the annual tax levy, and as a part thereof, if the maintenance of the library is not otherwise provided for, levy a sum of not less than ten cents on the one hundred dollars assessed valuation for the purpose of maintaining said library and reading rooms and purchasing books, journals, periodicals and other supplies therefor.

Providing for donations and bequests.

Providing for donations and bequests.

SEC. 118. If payment into the city treasury of any money or property derived by donation or bequest would be inconsistent with the conditions or terms of such donation or bequest, the board shall provide for the safety and preservation of the same and the application thereof to the use of such library in accordance with the terms or conditions of such donation or bequests.

Property for support of library. Suits.

Property for support of library: suits.

SEC. 119. The title to all property, real and personal, now owned or hereafter acquired by purchase, donation, bequest or otherwise, for the purpose of said library, when not inconsistent with the terms of its acquisition, shall vest and be and remain in said city, and in the name of said city may be used for or defended by action at law or otherwise.

Meetings. Secretary.

Meetings; secretary.

SEC. 120. The board shall meet at least once each month and a majority shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. It shall elect one of its members secretary and it shall be his duty to keep a full record of all the meetings of the board and of all its business transactions. He shall serve for one year and until his successor has been appointed and has qualified.

Powers of board.

Powers of board.

SEC. 121. The board shall have power:

(1) To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the library, reading room and all the property belonging thereto;

(2) To administer any trust declared or created for such library or reading rooms, and to provide memorial tablets and niches to perpetuate the memory of any persons who make donations or bequests thereto;

(3) To purchase books, journals and publications and other

supplies and personal property for the use of the library out of the funds provided for such purposes by the council;

(4) To appoint a librarian and such other employees as may be necessary to properly conduct the said library and the reading rooms connected therewith, to prescribe their duties and the limits of their authority;

(5) To do all that may be necessary to be done to carry out in full all the provisions of this charter relating to said library.

Compensation of library employees. Funds.

SEC. 122. The compensation of the librarian and of all the library employees shall be such as may be fixed by the board and shall be paid from the funds provided for the support of the library, subject only to the general provisions of this charter regulating the payment of moneys from the public funds.

Compensation of library employees; funds.

Protection of library. Impose penalties.

SEC. 123. The council shall pass proper ordinances for the protection of the public library and property belonging thereto, and imposing penalties upon persons injuring the same or unlawfully obtaining or detaining books or other property from such library.

Protection of library; impose penalties.

ARTICLE XI.

POLICE COURT.

Creating court.

SEC. 124. There is hereby created in and for the city of Monterey a court which shall be known as the police court of Monterey.

Creating court.

Judge thereof.

SEC. 125. Said court shall consist of one judge, who shall be appointed by the council, and shall serve during its pleasure and shall receive such compensation as the city council shall determine.

Judge thereof.

Exclusive jurisdiction.

SEC. 126. Said court shall have exclusive jurisdiction:

First—In all prosecutions for the violation of city ordinances.

Second—In all actions for the recovery of any fine, penalty, or forfeiture and the enforcement of any obligation or liability prescribed or created by the city ordinances and which the sum sued for does not exceed three hundred dollars.

Exclusive jurisdiction.

Concurrent jurisdiction.

SEC. 127. Within the city limits said court shall have concurrent and coordinate jurisdiction with township justice courts on all matters and things in which justice courts now or may hereafter have jurisdiction. And the judge of said police court shall have as aforesaid like authority, power, and jurisdiction as the justices of said justice courts.

Concurrent jurisdiction.

Appeals.

Appeals.

SEC. 128. Appeals may be taken to the superior court of the State of California in and for the county of Monterey from the judgment and order of said police court in all cases in which appeals are now or may hereafter be provided by law to be taken to said superior court from said justice court and police court.

Pleading and practice.

Pleading and practice.

SEC. 129. In all pleading in and appeals from said police court, the pleading, practice and procedure and laws now applicable or that may hereafter be made applicable to said justice or police court are hereby adopted and made applicable to said police court.

Fines. Reports.

Fines; reports.

SEC. 130. All fines and other moneys received or collected by the judge of said police court for or on account of the city of Monterey shall immediately be paid into the city treasury. He shall make monthly reports to the mayor, together with proper vouchers and receipts for all moneys received and paid into the treasury.

Undetermined proceedings in recorder's court.

Undetermined proceedings in recorder's court.

SEC. 131. All actions and proceedings pending and undetermined in the recorder's court of Monterey shall be proceeded with, heard, tried and determined in said police court hereby provided for before said judge the same as if said action or proceeding had been originally commenced in said police court.

Records of court.

Records of court.

SEC. 132. The judge of the police court shall keep a record of the proceedings of the police court in all matters and cases before said court. Separate dockets shall be kept for civil and criminal cases.

Court room. Business.

Court room; business.

SEC. 133. The city shall furnish for said court a suitable court room and office and the necessary dockets and all blanks and other books and stationery necessary for the transaction of its business and the said court shall always be open for the transaction of business, except on Sundays and other non-judicial days.

Additional powers.

Additional powers.

SEC. 134. The judge of the police court shall have power to administer oaths, take and certify affidavits in the same manner and with like effect as justices of the peace.

Seal.

Seal.

SEC. 135. He shall have and use a seal on which shall be engraved the arms of the state and the words, "Police Court City of Monterey."

Chief of police—powers and duties.

SEC. 136. The chief of police of the city of Monterey shall execute and return all processes issuing from the police court and all orders of the police judge. The chief of police shall enforce the execution of all the laws and ordinances within the jurisdiction of the city, or for the suppression of any riot, public tumult, disturbance of the peace or resistance against the laws or public authority, or in the lawful exercise of their function. He shall have the powers that are now or may be hereafter conferred upon sheriffs by the laws of this state, and shall in all respects be entitled to the same protection and his lawful orders shall be executed by deputies, policemen and watchmen of the city of Monterey and every citizen shall also lend aid when required for the arrest of offenders in the maintenance of public order. It shall be the duty of the chief of police to prosecute, before the police judge, all breaches or violations or non-compliance with any city ordinance or law within the jurisdiction of the police judge which have come to his knowledge. The chief of police shall have charge of the city prison and prisoners and of any chain gang that may be established by the council. He shall devote his entire time to the duties of his office and subject to such rules and regulations as the council may prescribe. He shall remove any member of the police force for disobedience of any law or order, for violation of any of the rules or regulations of the police department, and for neglect of duty or conduct unbecoming a member of the police force. He shall immediately file with the mayor written charges specifying the grounds upon which such suspension or removal is made.

Chief of
police;
powers
and duties.

In addition to the duties in this charter specified the chief of police shall discharge all the duties required of him by ordinance of the city, or resolution of the council, or by law, or any provisions of this charter.

ARTICLE XII.

MISCELLANEOUS.

When this charter takes effect.

SEC. 137. For the purpose of nominating the candidates and electing the mayor and councilmen in accordance with this charter, this charter shall take effect from the time of the approval of the same by the legislature; for all other purposes it shall take effect on the 1st day of July, 1911.

When this
charter
takes
effect.

First election under this charter.

SEC. 138. The board of trustees of the city of Monterey, in office at the time of the approval of this charter by the legislature, shall provide for the holding of the first election under this charter, shall canvass the votes and declare the result.

First elec-
tion under
this
charter.

Terms of incumbent in office.

SEC. 139. The members of the board of trustees and all other elective officers of the city of Monterey, in office at the time of the approval of this charter by the legislature, shall continue

Terms of
incumbent
in office.

to hold office and discharge their duties until the election and qualification of the mayor and councilmen, respectively, first elected under this charter.

The term of each of all the other officers in office at the time this charter takes effect shall cease and terminate when the council first elected hereunder shall by resolution so declare.

Existing ordinances to continue in force.

Existing
ordinances
to continue
in force.

SEC. 140. All lawful city ordinances, resolutions and regulations in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

Conduct of legal proceedings.

Conduct of
legal pro-
ceedings.

SEC. 141. The city attorney shall be the prosecuting attorney in behalf of the people in all criminal cases arising from violations of the provisions of this charter and the ordinances of the city and shall attend to all suits and proceedings in which the city may be legally interested; *provided*, the council shall have control of all litigation of the city, and may employ other attorneys to take charge of any litigation or to assist the city attorney therein.

Violation of charter and ordinances.

Violation
of charter
and ordi-
nances.

SEC. 142. The violation of any provision of this charter, or of any ordinance of the city, shall be deemed a misdemeanor, and may be prosecuted by the authorities of the city in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for a violation of a provision of this charter, or of any ordinance, may be imprisoned in the city jail or of the county jail in which the city of Monterey is situated, in which case the expense of such imprisonment shall be a charge in favor of such county against the city of Monterey.

Meaning of words.

Meaning
of words.

SEC. 143. The word "city" wherever it occurs in this charter, means the city of Monterey, and every commissioner, commission, department, board, officer or employee, wherever mentioned in this charter, means the commissioner, commission, department, board, officer or employee, as the case may be, of the city of Monterey. The word "council" when used in this charter means the council of the city of Monterey.

Certificates of election issued by clerk.

Certificates
of election
issued by
clerk.

SEC. 144. After the result of an election is declared, or when an appointment is made, the city clerk, under his hand and official seal, shall issue a certificate therefor and serve the same by registered mail through the United States post office in the city of Monterey, addressed to the person or persons so elected or appointed.

Provisions for election.

SEC. 145. If for any reason, the first general municipal

election is not held on the day herein provided for, the validity of this charter and of such election is not affected thereby, and the board of trustees of the city of Monterey then in office must provide for the holding of such election as soon as possible thereafter.

Provisions
for elec-
tion.

Amendments.

SEC. 146. This charter may be amended at intervals of not less than two years by proposals therefor, submitted by the council to the qualified electors of the city at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in the city and ratified by a majority of the electors voting thereon, and approved by the legislature as provided in the constitution of the State of California. Whenever twenty per cent of the qualified electors of the city shall petition the council to submit any proposed amendment or amendments to this charter to the qualified electors thereof for approval the council must submit the same. In submitting any such amendment or amendments to the charter any alternative article or proposition may be presented for the choice of the electors and may be voted on separately without prejudice to the others.

Amend-
ments.

Form of petition.

SEC. 147. The petition provided for in section 146 must be made, presented and certified to in the manner and form required for petitions in section 31, article IV of this charter.

Form of
petition.

Proceedings relative to amendments.

SEC. 148. The council must make all necessary provisions for submitting proposed amendments to the electors and shall canvass the votes in the same manner as in other elections.

Proceed-
ings rela-
tive to
amend-
ments.

Ballots.

SEC. 149. The ballots used at such elections shall contain the words, "For the Amendment" and "Against the Amendment" (stating the nature of the proposed amendment).

Ballots.

WHEREAS, The city of Monterey, a city containing a population of more than three thousand five hundred, and less than ten thousand, inhabitants, on the 25th day of July, A. D. 1910, at a special election, and under and in accordance with the provisions of section eight, article eleven of the constitution of the State of California, did elect W. E. Parker, F. A. Botsch, George D. Clark, C. P. Carmody, C. F. French, Frank Hellam, Paul Hess, F. M. Hilby, E. E. James, F. A. Lang, J. K. Oliver, Shelley Pickles, H. J. Schaufele, B. F. Wright and C. R. Few a board of fifteen freeholders to prepare and propose a charter for said city,

WHEREFORE, Be it known, that pursuant to said provisions of the constitution of the State of California and within a period of ninety days after said special election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Monterey.

IN WITNESS WHEREOF, We have hereunto set our hands in duplicate this 13th day of October, A. D. 1910.

W. E. PARKER, President.
 C. R. FEW, Secretary.
 F. A. BOTSCH.
 GEO. D. CLARK.
 C. P. CARMODY.
 C. F. FRENCH.
 FRANK HELLAM.
 F. M. HILBY.
 E. E. JAMES.
 F. A. LANG.
 J. K. OLIVER.
 SHELLEY PICKLES.
 H. J. SCHAUFELE.
 B. F. WRIGHT.

Attest: C. R. FEW, Secretary.

Received this 13th day of October, 1910.

[SEAL] WILL JACKS,
 President of the Board of Trustees
 of the City of Monterey.

Filed this 13th day of October, 1910.

GEO. S. GOULD, JR.,
 City Clerk.

STATE OF CALIFORNIA, }
 COUNTY OF MONTEREY, } SS.
 CITY OF MONTEREY. }

I, GEO. S. GOULD, JR., city clerk in and for the city of Monterey, hereby certify that the board of trustees of said city, did, by resolution No. 1071, order the foregoing charter published in the manner and form required by law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the city of Monterey, this 14th day of October, 1910.

[SEAL] GEO. S. GOULD, JR.,
 City Clerk.

MEMORANDUM.

The first publication of the foregoing proposed charter was made in the Monterey Daily Cypress, a daily newspaper of general circulation, on Saturday, October 22, 1910, pursuant to resolution No. 1071, adopted by the board of trustees of the city of Monterey on the 13th day of October, 1910, and by direction of the president of said board of trustees and the city clerk of said city.

STATE OF CALIFORNIA, }
 COUNTY OF MONTEREY, } SS.
 CITY OF MONTEREY. }

I, WILL JACKS, president of the board of trustees of the city of Monterey, State of California, and Geo. S. Gould, Jr., clerk of said board, do hereby certify that the board of freeholders, whose names appear signed to the foregoing proposed charter, were on the 25th day of July, 1910, at a special munic-

ipal election held in said the city of Monterey on said day, duly elected by the qualified electors of said city to prepare and propose a charter for said city; that each of said freeholders has been a qualified elector and freeholder in said city for more than five years previous to said election; that the foregoing is a true copy of said charter prepared and returned to the president of said board of trustees within ninety days after said election, as required by section eight of article eleven of the constitution of the State of California; that said proposed charter was then published in the "Monterey Daily Cypress" which then was a daily newspaper of general circulation in said city, and that publication was made for more than twenty days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter; that within thirty days after the publication of said charter, as required in said section eight of said article eleven, to wit, on the 12th day of December, 1910, said charter was submitted at a special election duly called and held therein for the purpose of ratifying or rejecting said proposed charter; that by a majority of the votes of the qualified electors voting at said special election said proposed charter was ratified as a whole; that the returns of said election was duly canvassed by the board of trustees of said the city of Monterey on the 19th day of December, 1910, and the result thereof declared as above set forth; and that in all matters and things pertaining to said proposed charter, all provisions of said section of the constitution and the laws of the State of California, pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the corporate seal of said the city of Monterey to be affixed this 30th day of December, 1910.

[SEAL.]

WILL JACKS,
President of the Board of Trustees
of the City of Monterey.

GEO. S. GOULD, JR.,
Clerk of said Board of Trustees
and said the City of Monterey.

AND, WHEREAS, Said proposed charter, so ratified, has been duly presented and submitted to the legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California; now, therefore, be it

Resolved by the assembly of the State of California, the senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), That said charter of the city of Monterey, as presented to, adopted and ratified by the qualified electors of said city, be, and the same is hereby, approved as a whole as and for the charter of the city of Monterey.

CHAPTER 30.

Assembly Concurrent Resolution No. 12, approving an amendment to the charter of the city of Sacramento, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the second day of November, 1909.

[Filed with Secretary of State March 2, 1911.]

Amend-
ment to
Sacra-
mento
charter.

WHEREAS, The city of Sacramento, in the county of Sacramento, State of California, contains a population of more than thirty-five hundred inhabitants and has been ever since the year 1893 and is now organized and acting as a municipal corporation under a freeholders' charter adopted under and by virtue of section 8 of article XI of the constitution of the state; and

WHEREAS, On the second day of November, 1909, after due notice given and proceedings had, an amendment to section 8 of said charter of the city of Sacramento was submitted to and voted upon by the qualified electors of said city, and at said election the said amendment was ratified by a majority of the electors of said city voting thereon and was thereafter upon the canvass of the votes thereon made by the board of trustees of said city on the 8th day of November, 1909, duly declared to have been ratified by the electors of said city, which said section 8 as so amended reads as follows:

Board of
trustees.

"Section 8. The board of trustees shall consist of nine (9) members, one member from each ward, and he shall be a resident of such ward. The trustee from each ward shall be elected by the qualified voters of the city and each such elector shall be entitled to vote on the election of each trustee. The trustees in office on the last day of December, 1911, shall go out of office at noon on the first Monday after the first day of January, 1912. At the general municipal election to be held on the first Tuesday after the first Monday in November, 1911, a full board of nine (9) trustees shall be elected. Of the trustees thus elected, those who are residents of the first, third, fifth, seventh and ninth wards shall hold office for two years only and those who are residents of the second, fourth, sixth and eighth wards shall hold office for four years. At each election thereafter, members of the board of trustees shall be elected to succeed those whose terms are about to expire and the trustees thus elected shall hold office for four years."

Now, therefore, be it

Resolved by the assembly of the State of California, the senate thereof concurring, (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein). That the said amendment to the city charter of the city of Sacramento hereinbefore set forth, as presented and submitted to and adopted and ratified by the said electors of said city, be, and the same is, hereby approved for and as an amendment to the city charter of said city of Sacramento.

PROPOSED AMENDMENT TO THE CITY CHARTER.

1. That section 8 of said charter be amended so as to read as follows:

"Section 8. The board of trustees shall consist of nine (9) members, one member from each ward, and he shall be a resident of such ward. The trustee from each ward shall be elected by the qualified voters of the city and each such elector shall be entitled to vote on the election of each trustee. The trustees in office on the last day of December, 1911, shall go out of office at noon on the first Monday after the first day of January, 1912. At the general municipal election to be held on the first Tuesday after the first Monday in November, 1911, a full board of nine (9) trustees shall be elected. Of the trustees thus elected, those who are residents of the first, third, fifth, seventh and ninth wards shall hold office for two years only and those who are residents of the second, fourth, sixth and eighth wards shall hold office for four years. At each election thereafter, members of the board of trustees shall be elected to succeed those whose terms are about to expire and the trustees thus elected shall hold office for four years."

Board of trustees.

OFFICE OF THE CITY CLERK,
CITY OF SACRAMENTO, STATE OF CALIFORNIA.

I, M. J. Desmond, city clerk of the city of Sacramento, and ex officio clerk of the board of trustees of said city, do hereby certify that said city is and at all of the times herein mentioned was a city containing a population of more than ten thousand inhabitants, governed by a charter framed for its own government by a board of fifteen freeholders, who were elected for that purpose, and which charter was duly ratified by the electors of said city and thereafter duly approved by the legislature of the State of California.

I further certify that the above and foregoing amendment to section 8 of said charter of the city of Sacramento was upon petition to the legislative authority of said city, by more than fifteen per cent of the qualified voters thereof and after due notice given by a proposal therefor submitted by said legislative authority, to wit: the board of trustees of the city of Sacramento, to the qualified electors thereof at a general election held in said city on the second day of November, 1909, and at said election said amendment was ratified by a majority of the electors of said city voting thereon, and said amendment was upon the canvass of the votes thereon made by the board of trustees of said city on the eighth day of November, 1909, duly declared by said board to have been ratified by the electors of said city.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said city of Sacramento this 31st day of January, 1911.

[SEAL]

M. J. DESMOND,
City Clerk of the City of Sacramento and ex officio
Clerk of the Board of Trustees of said City.

CHAPTER 31.

Senate Joint Resolution No. 1, relative to requesting congress to call a convention for the purpose of submitting an amendment to the constitution of the United States calling for the election of United States senators by the direct vote of the people.

[Filed with Secretary of State March 3, 1911.]

WHEREAS, The legislatures of twenty-seven states have recently at various times adopted memorials and resolutions favoring the election of United States senators by popular vote; and

WHEREAS, The national house of representatives has on four separate occasions within recent years adopted resolutions in favor of the proposed change in the method of electing United States senators, which were rejected by the senate; and

WHEREAS, Article five of the constitution of the United States provides that congress, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, and believing there is a general desire upon the part of the citizens of the State of California that the United States senators should be elected by a direct vote of the people; therefore, be it

Election
of United
States
senators
by popular
vote.

Resolved, That the legislature of the State of California favors the adoption of an amendment to the constitution of the United States which shall provide for the election of United States senators by popular vote, and joins with the other states of the Union in respectfully requesting that a convention be called for the purpose of proposing an amendment to the constitution of the United States, as provided for in article five of said constitution, which amendment shall provide for a change in the present method of electing United States senators, so that they can be chosen in each state by a direct vote of the people.

Resolved, That a copy of this joint resolution and application to congress for the calling of a convention be sent to the secretary of state of each state of the United States, and that a similar copy be sent to the president of the United States senate and the speaker of the house of representatives.

CHAPTER 32.

Senate Joint Resolution No. 10, relative to the establishment of a parcels post.

[Filed with Secretary of State March 3, 1911.]

WHEREAS, The establishment of a parcels post would be an inestimable benefit to the State of California and an incalculable stimulus to trade, both domestic and foreign, throughout the whole of the United States; and

WHEREAS, It has been found possible for the American ex-

press companies to unite in giving to the British post office a flat rate of twenty-four cents on parcels up to eleven pounds for all distances between New York and San Francisco, thus proving the economic practicability of such desired parcels post; be it

Resolved, That the senate and assembly of the State of California hereby join in requesting our representatives in the senate and house of representatives at Washington to do their utmost to forward such legislation as may insure the establishment of a parcels post at rates not to exceed those accorded by American express companies to the foreigner, viz: twenty-four cents for packages up to eleven pounds; and be it further

Establishment of a parcels post.

Resolved, That a copy of these resolutions be forthwith transmitted by the secretary of the senate to the president of the senate of the United States and the speaker of the house of representatives of the United States, and a copy hereof to each member of congress from the State of California.

CHAPTER 33.

Senate Joint Resolution No. 16, relative to the cession by the United States to the State of California of certain lands adjacent to Deadman's Island, in the county of Los Angeles, State of California.

[Filed with Secretary of State March 3, 1911.]

WHEREAS, By an act of the legislature of the State of California entitled "An act relinquishing to the United States of America the title of this state to certain lands," approved March 9th, 1897, the State of California granted all its right and title in and to the parcels of land extending from high water mark out to three hundred yards below low water mark, lying adjacent and contiguous to such lands of the United States in the State of California as lie upon tidal waters and are held, occupied or reserved for military purposes or defense, lying adjacent and contiguous to any island, the title to which is in the United States, or which island is reserved by the United States for any military or naval purpose or for defense, were granted, released and ceded to the United States of America under certain terms, conditions and reservations expressed in said act; and

WHEREAS, The title to Deadman's Island, a certain island situate in the waters of the Pacific ocean, and being within the boundaries of the city of Los Angeles, in Los Angeles county, State of California, is in the United States, and by said act there was granted to the United States a certain tract of land consisting of tide and submerged land surrounding said island, which said tract of land is bounded by a line distant three hundred yards out beyond low water mark at all points where the boundaries of said island touch high water mark; and

WHEREAS, Said Deadman's Island is situated on the easterly side of the main entrance channel to that portion of Los

Angeles harbor formerly known as the inner harbor of San Pedro, and the said tract of land surrounding said island and so granted to the United States includes a certain parcel of submerged land situated in the city of Los Angeles, in the county of Los Angeles, State of California, more particularly described as follows:

Beginning at the point of intersection of the northerly boundary line of said tract of land so granted to the United States with the harbor line established by the United States on the westerly side of said channel said point being at or near station number sixteen of said harbor line; thence southeasterly along said harbor line to station ZZ thereof; thence continuing southeasterly from said station ZZ of said harbor line in a straight line to the point of intersection of the southerly boundary line of said tract of land so granted to the United States, with the said harbor line, which said last mentioned point is at or near station number fifteen of said harbor line; thence northwesterly, northerly and northeasterly along the westerly boundary line of said tract of land to the point of beginning; and

WHEREAS, Said parcel of land above described is one thousand eight hundred and seventy-five feet, more or less, in length along the said channel and adjacent thereto, and has a maximum width of three hundred and sixty feet, more or less, and contains approximately eleven acres of land; and said parcel of land lies adjacent to other tide and submerged lands wholly under public ownership and control, lying on the westerly side of said channel; and

WHEREAS, The said city of Los Angeles has incurred a bonded indebtedness of three million dollars for the purpose of developing and improving said Los Angeles harbor, including that portion of the lands and waters thereof adjacent to said parcel of land, by the construction of docks, wharves and warehouses upon the water front of said city, the same to be owned and operated by said city, by the operating and construction of public streets and highways to the navigable waters of said harbor, and by the construction of slips, canals and other waterways, and it is now proposed to expend the proceeds of said bonds for said purposes; and said parcel of land is so situated that it is urgently required for the construction and maintenance of public docks, wharves, slips and other commercial appliances appurtenant thereto for the accommodation of commerce in said Los Angeles harbor, and for the purpose of providing the necessary frontage for and access to the same upon and from said channel and the other navigable waters of said harbor; and the use of said parcel of land for said purposes is necessary in order that the said lands adjacent to said channel on the westerly side thereof may be adequately used for the purposes aforesaid, in order to properly develop and improve said harbor for commercial purposes; and

WHEREAS, Said parcel of land, by reason of its location and irregular shape, is not required or suitable for any of the

purposes specified in said act, and the United States has never used and does not now use the same for any of said purposes, or for any other purpose. Now, therefore, be it

Resolved by the senate and assembly of the State of California, jointly, That the legislature of the State of California memorializes the congress of the United States to cede to the State of California that certain parcel of land situate in the city of Los Angeles, county of Los Angeles, State of California, hereinbefore referred to and more particularly described as follows:

Asking
congress to
cede cer-
tain lands
in Los
Angeles
to state.

Beginning at the point of intersection of the northerly boundary line of said tract of land so granted to the United States with the harbor line established by the United States on the westerly side of said channel, said point being at or near station number sixteen of said harbor line; thence southeast-ly along said harbor line to station ZZ thereof; thence con- tinuing southeasterly from said station ZZ of said harbor line in a straight line to the point of intersection of the southerly boundary line of said tract of land so granted to the United States, with the said harbor line, which said last mentioned point is at or near station number fifteen of said harbor line; thence northwesterly, northerly and northeasterly along the westerly boundary line of said tract of land to the point of beginning;

For use for the construction and maintenance of public docks, slips and wharves, and other commercial appliances appurtenant thereto, for the accommodation of commerce in said Los Angeles harbor; and that the government of the United States and the secretary of war be requested not to use said parcel of land for any of the purposes specified in said act, or for any other purpose; and be it further

Resolved, That the State of California will accept the cession and transfer from the government of the United States of said parcel of land last above described, to be held for public purposes, to wit: For the construction and maintenance of public docks, slips and wharves, and other commercial appliances appurtenant thereto, for the accommodation of commerce in Los Angeles harbor: and be it further

Resolved, That the State of California hereby offers to grant and relinquish to the United States its right and title to such other lands in, upon or adjacent to the waters of said harbor, in addition to the lands heretofore granted to the United States, as shall be selected by the United States for military purposes or defense, or for such other purposes as the government of the United States may require; and be it further

Resolved, That upon the passage of this resolution, the secretary of the senate be directed to forward a copy thereof to the secretary of war and to the senators and representatives of the State of California, in congress, requesting them to present the resolution to the senate and house of representatives.

CHAPTER 34.

Senate Joint Resolution No. 18, relative to the rights of San Francisco and the cities surrounding San Francisco bay in and to the use of the waters of Tuolumne river for domestic and municipal purposes.

[Filed with Secretary of State March 3, 1911.]

WHEREAS, The cities surrounding and adjacent to the bay of San Francisco began as early as the year 1871 to plan for and seek out an adequate and available source of supply of pure mountain water for their municipal and domestic needs; and

WHEREAS, After careful investigation and as a result of almost continuous effort from the year 1871 until the present time, these municipalities, by their own action and by that of the city of San Francisco as representative of all, have selected and secured the Hetch Hetchy and Lake Eleanor reservoir sites as the most adequate and feasible sources of supply; and

WHEREAS, These reservoirs are capable of storing pure mountain water, from the uninhabited and barren granite water sheds of the high Sierra in quantities sufficient for the present and future needs of these large and rapidly growing cities; and

WHEREAS, The honorable secretary of the interior, being by the honorable attorney general of the United States first regularly advised that such action on his part would be legal and valid, granted to the city of San Francisco for itself and as representative of said municipalities full reservoir rights at Hetch Hetchy and at Lake Eleanor, and by reason of and based upon this grant San Francisco has purchased at a cost of over five hundred and sixty-five thousand dollars all private lands and water rights in these reservoirs and owns under patent more than one half the area of each reservoir, and is about completing incidental purchases of additional privately held rights and lands for six hundred and thirty-six thousand dollars; and

WHEREAS, The Hetch Hetchy and Lake Eleanor sources of supply were approved and a bond issue of forty-five million dollars for their development authorized by the city of San Francisco by a vote of more than twenty to one; and

WHEREAS, Certain well meaning people, misled by great private interests which would be adversely affected by municipal ownership of such water supply, have actively attacked the grant of the Hetch Hetchy reservoir site; and

WHEREAS, The present secretary of the interior, under pressure of these acts, has threatened to attempt to revoke the grant of the Hetch Hetchy site; and

WHEREAS, Such official action is tending to encourage and entrench more strongly the forces of private and corporate greed in their opposition to the development by the municipalities of this necessity of municipal existence, and will, if effected, increase the burden of taxation which must fall upon the citizens of these municipalities by the enforced purchase of rights to

water supplies already granted to these private corporations; and

WHEREAS, This action seriously impairs the market value of the said municipal bonds and discourages the purchase thereof, thereby impairing the credit and standing of said municipality; now, therefore, be it

Resolved by the senate and assembly, jointly, That it is the sense of the legislature of this state that the rights of the said city and county of San Francisco and the incidental rights of neighboring cities in and to the use of said waters and reservoir sites should be protected and confirmed, and that the said city and county should be permitted to develop its proposed water supply with the coöperation and support of the federal authorities; and be it further

San Francisco's right to waters of Hetch Hetchy defended.

Resolved, That the president of the United States is hereby petitioned to withdraw all opposition by the executive departments to the full enjoyment of such rights and to permit the development of said water supply under the terms of the grant of the secretary of the interior dated May 11, 1908; and be it further

Resolved, That the secretary of the senate be, and he hereby is, instructed to forward a copy of this resolution to the president of the United States.

CHAPTER 35.

Senate Joint Resolution No. 8, relative to national forests situated within the State of California and requesting the war department of the United States to station and maintain federal troops in such national forests during certain months.

[Filed with Secretary of State March 3, 1911.]

WHEREAS, There are situated within the State of California great national forests comprising in area over twenty-seven million acres; and

WHEREAS, The protection and preservation of these forests is of great benefit to the citizens of this state and of the whole United States; and

WHEREAS, Each year during the months of July, August and September, forest fires threaten partial or total destruction of these forests; and

WHEREAS, These forests are not sufficiently protected from fire during such months; now, therefore, be it

Resolved by the senate of the State of California and the assembly, jointly, That the war department of the United States be and it hereby is requested to station federal troops in the national forests within the State of California during the months of July, August and September each year for the purpose of preventing and fighting forest fires and protecting such national forests; and be it further

Protecting national forests in California.

Resolved, That a copy of this joint resolution be sent to the head of the war department of the United States.

CHAPTER 36.

Senate Constitutional Amendment No. 26, a resolution to propose to the people of the State of California an amendment to the constitution of the State of California, by adding a new section to article VI thereof, to be numbered section 4½, relating to appeals in criminal cases.

[Filed with Secretary of State March 7, 1911.]

Constitutional amendment.

The legislature of the State of California, at its regular session commencing on the second day of January, in the year one thousand nine hundred and eleven, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the constitution of the State of California by adding a new section to article VI thereof, to be numbered section 4½, to read as follows:

Setting aside judgment in criminal cases.

Section 4½. No judgment shall be set aside, or new trial granted in any criminal case on the ground of misdirection of the jury or the improper admission or rejection of evidence, or for error as to any matter of pleading or procedure, unless, after an examination of the entire cause including the evidence, the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice.

CHAPTER 37.

Senate Constitutional Amendment No. 2, a resolution proposing to the people of the State of California an amendment to section 11 article XI of the constitution of the State of California.

[Filed with Secretary of State March 7, 1911.]

Constitutional amendment.

The legislature of the State of California at its regular session, commencing on the second day of January, in the year nineteen hundred and eleven, two thirds of the members elected to the senate and assembly voting therefor, hereby proposes to the people of the State of California that section fourteen (14) of article eleven (XI) of the constitution of the State of California, be amended to read as follows:

Inspection of merchandise.

Section 14. The legislature may by general and uniform laws provide for the inspection, measurement and graduation of merchandise, manufactured articles and commodities, and may provide for the appointment of such officers as may be necessary for such inspection, measurement and graduation.

CHAPTER 38.

Senate Joint Resolution No. 21, relative to recognition of American passports by foreign nations.

[Filed with Secretary of State March 7, 1911.]

WHEREAS, There is now pending in the congress of the United States a resolution demanding the universal recognition by all nations of American passports so that there shall be no discrimination by any foreign power against any American citizen holding an American passport by reason of his race or creed; now, therefore, be it

Resolved by the senate and assembly, jointly; That our senators be instructed and our representatives requested to use their best efforts to secure the adoption of this resolution so that all American citizens, without regard to their religion, may be on an equal footing when seeking to enter foreign countries and in possession of an American passport; and be it further

Recogni-
tion of
American
passports.

Resolved, That the secretary of the senate be instructed to send this resolution to the speaker of the house of representatives, the president of the senate and the president of the United States by wire as soon as it shall be adopted by both houses of the legislature.

CHAPTER 39.

Assembly Concurrent Resolution No. 24, approving the charter of the city of Petaluma, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 14th day of February, 1911.

[Filed with Secretary of State March 8, 1911.]

WHEREAS, The city of Petaluma, a municipal corporation of the county of Sonoma, State of California, now is and was at all times herein referred to a city containing a population of more than three thousand five hundred inhabitants; and

Charter of
Petaluma.

WHEREAS, At a special election duly held in said city on the 30th day of August, 1910, under and in accordance with law and the provisions of section 8 of article XI of the constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city by the qualified electors thereof, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety (90) days after said election, prepare and propose a charter for the government of said city of Petaluma; and

WHEREAS, Said charter was on the 26th day of November, 1910, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one copy with the president of the board of trustees of said city

of Petaluma, and the other copy with the county recorder of the said county of Sonoma and filed in the office of the said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the "Petaluma Courier," being a daily newspaper of general circulation in said city of Petaluma, and the said charter being published as aforesaid for a period of more than thirty (30) days, the first publication thereof being made within twenty (20) days after the completion of said charter; and

WHEREAS, Said proposed charter was within not less than thirty (30) days after the completion of said publication submitted by the board of trustees of the city of Petaluma to the qualified electors of said city of Petaluma at a special election, previously duly called and therein held on the 14th day of February, 1911; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said city of Petaluma, voting at said special election, voted in favor of the ratification of said charter as proposed as a whole; and

WHEREAS, Said charter was ratified in the words and figures following, to wit:

CHARTER PREPARED AND PROPOSED FOR THE
CITY OF PETALUMA BY THE BOARD OF FREE-
HOLDERS ELECTED ON THE THIRTIETH DAY
OF AUGUST, A. D. 1910.

- Article 1—Name and rights of the city.
- Article 2—Boundaries.
- Article 3—Powers of the city.
- Article 4—Elections.
- Article 5—Mayor.
- Article 6—The council.
- Article 7—City officers and duties.
- Article 8—Judicial department and police court.
- Article 9—Educational department.
- Article 10—Free public library.
- Article 11—Revenue and taxation.
- Article 12—Public works and supplies.
- Article 13—Franchise.
- Article 14—Recall.
- Article 15—The initiative.
- Article 16—The referendum.
- Article 17—General provisions.
- Article 18—Amendments.

ARTICLE 1.

NAME, RIGHTS AND LIABILITIES OF THE CITY.

Name of the city.

Name of
the city.

SECTION 1. The municipal corporation, now existing and known as the city of Petaluma, shall remain and continue a body politic and corporate in name and in fact, by the name of "City of Petaluma" and by that name have perpetual succession.

Rights and liabilities.

SEC. 2. The city of Petaluma shall remain vested with, and continue to have, hold, and enjoy, all property, rights

of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality. All ordinances of said city, not in conflict with this charter, shall be continued in force until amended or repealed and all proceedings providing for any public improvement pending and uncompleted shall be continued in accordance with the law under which such proceedings were commenced.

Rights and
liabilities.

ARTICLE 2.

BOUNDARIES.

SECTION 1. The boundaries of the city of Petaluma are as follows: The mathematical center of the city of Petaluma, shall be a point on the westerly property line of Main street, which point is one foot northerly from the southerly curb line of Western avenue, said point being the southwesterly corner of Main and English streets, as said streets are marked and designated on the Stratton map of the city of Petaluma.

The boundaries of the said city of Petaluma shall be described as follows: Beginning at a point which shall be $\frac{3}{4}$ of a mile due south from said mathematical center; running thence due east $\frac{3}{4}$ of a mile; thence due north, $1\frac{1}{2}$ mile to a granite monument; thence due west, $1\frac{1}{2}$ mile to a granite monument; thence due south, $1\frac{1}{2}$ mile to an iron monument, said monument being an iron bar two inches in diameter and about four feet long, driven about six inches below the surface of the ground, from which monument the stub of an oak tree bears S. 68 W. $52\frac{1}{2}$ feet distant. And thence due east $\frac{3}{4}$ mile to the place of beginning, including an area within said limits of two and one fourth square miles.

ARTICLE 3.

POWERS OF THE CITY.

SECTION 1. Without denial or disparagement of other powers held under the constitution and laws of the state, the city of Petaluma shall have the right and power:

Perpetual succession.

SEC. 2. To have perpetual succession.

Perpetual
succession.

Official seal.

SEC. 3. To provide a corporate seal, with appropriate device to be affixed to all instruments or writings needing authentication.

Official
seal.

Sue and defend.

SEC. 4. To sue and defend in all courts and places and in all matters and proceedings.

Sue and
defend.

Property for public purposes.

SEC. 5. To purchase, receive, have, take, lease, use, and enjoy property of every kind and description, both within and

Property
for public
purposes.

without the limits of said city, and to control and dispose of the same for the public benefit.

Bequests and donations.

Bequests
and dona-
tions

SEC. 6. To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable or for other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease, or otherwise dispose of the same, in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust, be unconditional.

Public works, buildings and institutions.

Public
works,
buildings
and insti-
tutions.

SEC. 7. To acquire by purchase, condemnation, or otherwise, and to establish, maintain, equip, own and operate, libraries, reading rooms, art galleries, museums, such schools and kindergartens as are not provided for in the public school system of the state, public hitching racks and hitching and automobile enclosures, aviation landings, parks, playgrounds, places of recreation, gymnasiums, theaters, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, hospitals, charitable institutions, infirmaries, jails, houses of correction, and farm schools, workhouses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, street cleaning and street sprinkling plants, wharves, waterways, canals, and all other public buildings, places, works, and institutions.

Telephone, telegraph and transportation.

Telephone,
telegraph
and trans-
portation.

SEC. 8. To acquire by purchase, condemnation or otherwise and to establish, maintain and equip, own and operate telephone and telegraph systems, cable and electric or other railways and transportation service of any and every kind.

Water, light, heat and power.

Water,
light, heat
and power.

SEC. 9. To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate water works, gas works, electric light, heat and power works, within and without the city, and to supply the city and its inhabitants and also persons, firms, or corporations outside the city, with water, gas, heat and electricity.

Sale of products of public utility.

Sale of
products
of public
utility.

SEC. 10. To sell gas, water, electric current and all products of any public utility operated by the city.

Land for public utilities.

Land for
public
utilities.

SEC. 11. To acquire by purchase, condemnation, suit, or otherwise within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility, or to provide for and effectuate any other public purpose; and to sell, convey, and dispose of the same for the public benefit.

Leases of property.

SEC. 12. To lease to corporations or individuals, for the

purpose of maintenance and operation of any public utility owned by the city, and to provide for the lease of any lands now or hereafter owned by the city, except lands donated, purchased, acquired, or used for public parks.

Leases of property.

Joint ownership of water supply.

SEC. 13. To join with one or more cities or irrigation districts incorporated or organized under the constitution and laws of the state, in order to acquire and develop jointly the source or sources of water supply for municipal and domestic purposes, and to construct or join in constructing the works necessary for their joint and several purposes and needs, and to unite with such organizations in bond issue therefor; to enter into contracts of any kind and every nature with persons, firms or corporations to effectuate the acquisition and development of such source or sources of water supply and the distribution, sale or disposal of such water.

Joint ownership of water supply.

Trusts.

SEC. 14. To provide for the execution of all trusts confided to the city.

Trusts.

Eminent domain.

SEC. 15. To exercise the right of eminent domain, for the purpose of acquiring real and personal property of every kind for any public use.

Eminent domain.

Municipal ownership.

SEC. 16. To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

Municipal ownership.

To borrow money.

SEC. 17. To borrow money for any of the purposes for which the city is authorized to provide, and for carrying out any of the powers which the city is authorized to enjoy and exercise, and to issue bonds therefor; *provided*, that in the procedure for the creation and issuance of such bonded indebtedness the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed; *provided*, that the aggregate indebtedness of the city shall not exceed ten per cent of the city's assessed valuation.

To borrow money.

Special tax.

SEC. 18. To raise money by special tax, in addition to the annual tax levy provided in article 11, section 1 of this charter. To authorize such special tax, the provisions of article 15 relating to the initiative, or of article 16 relating to the referendum, shall be followed, and the levy of such tax must be approved by at least two thirds of the qualified electors who vote thereon. At such election, the council may be authorized, in cases where public necessity requires the expenditure of any sum so voted before the next succeeding tax levy, to issue warrants therefor and provide in the next succeeding tax levy for their payment with interest at not exceeding five per cent per annum. Or the council may be authorized to levy a special tax each year for a

Special tax.

period of years not exceeding three years in all, for any permanent municipal improvement each year after the same is collected and available.

Police power.

Police power.

SEC. 19. To exercise police powers and make all necessary police and sanitary regulations, and to adopt ordinances and prescribe penalties for the violation thereof.

Improvement of streams.

Improvement of streams.

SEC. 20. To improve the rivers, streams, inlets and channels flowing through the city or adjoining the same; to widen, straighten and deepen the channels thereof, and to remove obstructions therefrom; to control and improve the water front of the city; to construct and maintain embankments and other works to protect the city from overflow; and to acquire, own, construct, maintain and operate on any lands bordering on any navigable river, creek, or slough within the limits of the city or contiguous thereto, wharves, chutes, piers, or bath houses.

Grading and opening streets.

Grading and opening streets.

SEC. 21. The council shall have the power by ordinance which shall not be in conflict with any street [state] law now on the statutes of the State of California or which in the future will be placed on the statutes of this state and such ordinance may embrace all the powers as are granted by any state law now in existence or which shall be in the future in existence:

To establish and change the grade and lay out, open, extend, widen, change, pave, repave, or otherwise improve all public streets and highways and public places, construct sewers, drains and culverts, to plant trees, construct parking, and to remove shrubs and weeds, or cause objectionable shrubs and weeds or any manner of uncleanness or obstruction to be removed and compel the owner of the property to pay for such removal, to levy special assessments to defray the whole or any part of the cost of such works or improvements. Also to provide for the repair, cleaning, and sprinkling of such streets and public places.

Fire department.

Fire department.

SEC. 22. To equip and maintain a fire department and to make all necessary regulations for the prevention of fires.

Permits to use streets.

Permits to use streets.

SEC. 23. To grant permits to use the streets or public property revocable at any time without notice; *provided*, that no street shall be closed or any building erected thereon.

Regulation of rates.

Regulation of rates.

SEC. 24. To regulate and establish rates and charges to be imposed and collected by any person or persons, corporation or firm, for commodities or services rendered under or in connection with any franchise, permit or license heretofore or hereafter granted by the town or city or other authority.

Violation of charters and ordinances.

SEC. 25. To prescribe fines, forfeitures, and penalties for the violation of any provision of this charter or of any ordinance; but no penalty shall exceed a fine of five hundred dollars or six months' imprisonment, or both.

Violation of charters and ordinances.

Nuisances.

SEC. 26. To declare what constitutes a nuisance and to provide for the summary abatement of any nuisance at the expense of the persons creating, causing, committing or maintaining such nuisances.

Nuisances.

Rewards.

SEC. 27. To offer rewards not exceeding two hundred and fifty dollars in any one instance for the apprehension and conviction of any person who may have committed a felony in the city, and to authorize the payment thereof.

Rewards.

Engines and boilers.

SEC. 28. To regulate the use of steam engines, gas engines, cupola furnaces, steam boilers, electric motors, motor cycles, automobiles, and flying devices, and to prohibit their use in such localities as in the judgment of the council would endanger public safety.

Engines and boilers.

Fire limits.

SEC. 29. To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

Fire limits.

Building regulations.

SEC. 30. To regulate the construction and location of, and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in, and the method of construction of foundations and foundation walls, the materials, manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water or gas, and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

Building regulations.

Fire escapes.

SEC. 31. To require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

Fire escapes.

Precautions against fires.

Precautions
against
fires.

SEC. 32. To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate or prohibit the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible material in unsafe places, and to make provisions to guard against fires.

Provisions for safety in theatres, halls, etc.

Provisions
for safety
in theatres,
halls, etc.

SEC. 33. To regulate the size and construction of the entrances to and exits from all theatres, lecture rooms, halls, schools, churches and other places for public gathering of every kind and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles, or open places therein.

Provisions for safety in streets.

Provisions
for safety
in streets.

SEC. 34. To regulate the speed of railroad trains, engines, and cars passing through the city and the speed of cars of street or interurban railway companies using the public streets of the city; to require railroad companies to station flagmen, place gates, or viaducts at all such street crossings as the council may deem proper; to require street cars and local trains to be public; to prohibit the making up of railroad trains on any of the street crossings or street intersections of the city; to regulate the speed with which persons may ride or drive or propel bicycles, motor cycles, automobiles, or other vehicles along or upon any of the streets or highways of the city.

Improper use of streets.

Improper
use of
streets.

SEC. 35. To regulate or prohibit the exhibition or carrying of banners, placards, or advertisements, and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate and prevent the flying of banners, flags or signs across the streets or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets, and to require their removal.

Weeds and rubbish on sidewalks.

Weeds and
rubbish on
sidewalks.

SEC. 36. To compel the owner or occupant of buildings or grounds to remove dirt, rubbish and weeds therefrom and from the alley and sidewalk thereof and in his default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant, and to make such expense a lien upon such buildings or grounds.

Billboards and signs.

Billboards
and signs.

SEC. 37. To regulate, license or prohibit the construction and use of billboards and signs.

Public pound.

SEC. 38. To prevent or regulate the running at large of any animals, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large. Public pound.

Preservation of health.

SEC. 39. To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease. Preservation of health.

Dangerous and offensive occupations; disagreeable noises.

SEC. 40. To regulate or prohibit the operation of all manufacturing, occupations or trades which may be of such a nature as to affect the public health or good order of the city or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons who may permit the same to be violated in any building or upon any premises owned or controlled by them; to make regulations for the suppression of disagreeable, offensive and injurious noises. Dangerous and offensive occupations; disagreeable noises.

Inspection of food products.

SEC. 41. To provide for and regulate the inspection by the health officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent the bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products. Inspection of food products.

Dairies.

SEC. 42. To provide for the regulation and inspection of all dairies, slaughterhouses and creameries that offer for sale any of their products in the city. Dairies.

Lodging, tenement and apartment houses.

SEC. 43. To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition. Lodging, tenement and apartment houses.

Sewer connections.

SEC. 44. To regulate the construction, repair, and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done. Sewer connections.

Garbage.

Garbage. SEC. 45. To provide for the treatment of and the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, offal, rubbish and waste matter.

Licensing business.

Licensing business. SEC. 46. To license for purpose of regulation and revenue all and every kind of business not prohibited by law to be transacted or carried on in the city, and all shows, exhibitions and lawful games carried on therein; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise.

Weights and measures.

Weights and measures. SEC. 47. To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed.

Taxation.

Taxation. SEC. 48. To levy and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this charter provided.

Erroneously collected taxes.

Erroneously collected taxes. SEC. 49. To order the paying by the treasurer of any taxes, percentages or costs erroneously or illegally collected.

Fees.

Fees. SEC. 50. To fix the fees and charges for all official services not otherwise provided for in this charter.

Purchase of property under execution.

Purchase of property under execution. SEC. 51. To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

Sale of useless personal property.

Sale of useless personal property. SEC. 52. To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

Street grades.

Street grades. SEC. 53. To establish or change the grade of any street or public place.

Light and water.

Light and water. SEC. 54. To provide for the lighting of the streets, highways, public places, and public buildings and for supplying the city with water for municipal purposes.

Boulevards.

Boulevards. SEC. 55. To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad and to regulate and prevent heavy teaming thereon;

and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall ever be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by popular vote, as provided in article 15 or article 16 of this charter.

Regulation of public utility rates.

SEC. 56. To fix and determine by ordinance in the month of February of each year, and to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, firm or corporation in the city for the use of water, heat, light, power or telephonic service, supplied to the city or the inhabitants thereof, and to prescribe the quality of the service.

Regulation
of public
utility
rates.

Regulation of street railroads.

SEC. 57. To regulate street railroads, their tracks and cars, to compel the owners of two or more such street railroads using the same street to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between them.

Regulation
of street
railroads.

Railroads to keep streets in repair.

SEC. 58. To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the track occupied by the company, and to sprinkle the same.

Railroads
to keep
streets in
repair.

Spur tracks.

SEC. 59. To permit the laying down of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories, or other business industries and enterprises with any line of railroads which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks not to be used as a main line or a part thereof; and also for the purpose of excavating and filling in a street or a portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer. Such tracks must be laid level with the street and must be operated under such restriction as not to interfere with the use of the street by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the council.

Spur
tracks.

Regulation of poles and wires.

SEC. 60. To cause the removal and placing under ground of all telephone, telegraph, electric light or other wires within the city or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city.

Regulation
of poles
and wires.

Size and location of pipes.

Size and location of pipes.

SEC. 61. To regulate the size and location of all water pipes, gas pipes, and all other pipes and conduits laid or constructed in the streets and public places, and to require the filing of charts and maps of such pipes and conduits.

Elections.

Elections.

SEC. 62. To make all rules and regulations governing elections not inconsistent with this charter.

Park commission.

Park commission.

SEC. 63. To establish a park commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

National independence.

National independence.

SEC. 64. To allow not to exceed three hundred dollars in any one year for the celebration of the anniversary of our national independence.

Entertainment and promotion.

Entertainment and promotion.

SEC. 65. May expend such sum as the council shall deem proper for entertainment and promotion from the revenue of the city.

General grant of power.

General grant of power.

SEC. 66. To exercise such other powers as are now or may be hereafter granted by the legislature to the municipalities within the state, unless the exercise of such powers is contrary to the provisions of this charter; to exercise all other needful powers for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not; and to enact appropriate legislation and do or perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city or of any of the provisions of this charter.

City water front.

City water front.

SEC. 67. Said city of Petaluma shall have no power to sell, dispose of or convey any portion of any water front but may rent or lease such water front for a term not exceeding five years.

General laws followed.

General laws followed.

SEC. 68. In the absence of any procedure for carrying out or effectuating any granted or implied power or authority, the general law of this state where applicable and where not inconsistent with any express provision of this charter shall prevail and shall be followed.

Direct legislation by the people.

Direct legislation by the people.

SEC. 69. The qualified voters of the city shall have power through the initiative and otherwise, as provided by this charter and the general laws of the state, to enact appropriate legislation to carry out and enforce any of the general or implied powers of the city.

River improvement.

SEC. 70. To acquire by purchase or otherwise and own, operate and control all machinery and all appliances necessary for the improvement of the river. River improvement.

Liberal construction.

SEC. 71. Lastly, this grant of power is to be liberally construed for the purpose of securing the well being of the municipality and its inhabitants. Liberal construction.

ARTICLE 4.

ELECTIONS.

SECTION 1. Elections to be held in said city, for the purpose of electing officers of said city, and for all other purposes, are to be of two kinds: general municipal elections and special municipal elections.

The first general election under this charter shall be held on the second Tuesday of April, 1911, and the second general election shall be held on the second Tuesday of June, 1913, and all other general municipal elections shall be held on the second Tuesday of June of each second year thereafter.

All general and special municipal elections of said city are to be held in accordance with the provisions of the law of the state governing the holding of general elections.

The conduct and carrying on of all city elections shall be under the control of the council and the mayor. The council shall by ordinance make provision for the holding of all city elections, and may district and subdivide the municipality into municipal election precincts for the holding of municipal elections and change or alter such precincts and redistrict the municipality for such elections as often as circumstances may require; *provided*, no change is made in the boundaries of the election precincts; they shall remain as fixed for the election of state and county officers at the last general election preceding the municipal election.

Remuneration.

SEC. 2. The remuneration of the election officers at municipal elections shall be fixed by the council. Remuneration.

Follow general law.

SEC. 3. The provisions of the general laws of the state governing the elections for state and county officers, not inconsistent with the revisions of this charter, shall govern city elections in matters of which no provision is made in this charter and the city council and city clerk respectively shall exercise the powers and perform the duties conferred or imposed by such laws on boards of supervisors and county clerks concerning elections. Follow general law.

Returns.

SEC. 4. The election returns from each municipal election precinct shall be filed with the city clerk, who shall immedi-

Returns.

ately place them in the safe or vault in the city clerk's office, and no person shall be permitted to handle, inspect, examine, or in any manner interfere with the same until canvassed by the city council. After having been canvassed, they shall be sealed up and kept by the city clerk for six months, and no person shall have access to them, except on the order of a court of competent jurisdiction.

On the first Monday after the election and at their usual time and place of meeting, the city council shall meet and canvass the returns and declare the results.

Certificate of election.

Certificate of election.

SEC. 5. After the result of an election is declared, or when an appointment is made, the city clerk under his hand and official seal, shall issue a certificate therefor and serve the same personally or by depositing such certificate with the postage prepaid, in the United States post office in Petaluma, addressed to the person elected or appointed, and such person must within ten days after receiving such certificate, file his official bond, if a bond is required of him by this charter or the ordinances of the city, and take and subscribe to the oath of office required of him by this charter, which oath must be filed with the city clerk.

All elective officers shall take office at twelve o'clock, noon, on the first Monday in July after the result of the election shall have been officially declared, and shall hold office for such term as in this charter provided and until the election and qualification of their successors; *provided*, that the first officers elected under this charter who are to serve for two years shall take office on the third Monday of April, 1911, and hold office until the first Monday in July, 1913, and those who are to serve under this charter for four years shall hold office from the third Monday of April, 1911, until the first Monday in July, 1915; *provided*, that the first council under this charter at their first meeting shall so classify themselves by lot that three of their members shall go out of office on the first Monday in July, 1913, and thereafter three members of the council shall be elected for a term of four years at each general municipal election.

ARTICLE 5.

Mayor.

Mayor.

SECTION 1. The chief executive officer of the city of Petaluma shall be the mayor. He shall be elected at each regular municipal election and shall hold office for a term of two years and until his successor is elected and qualified. He shall be not less than thirty years of age, and must be a resident of the city five years immediately preceding his election.

SEC. 2. The mayor shall be the presiding officer of the council. He may call special meetings of the council, and must do so upon the request, in writing, of a majority of its members. He shall sign the minutes of each of its meetings after they have been entered in the journal by the city clerk and approved

by the council; and he shall have the right to be present at Mayor. the meetings of all of its standing and special committees.

SEC. 3. The mayor shall see that the laws of the state of California, the provisions of this charter and the ordinances of the city of Petaluma are strictly enforced and duly observed within said city. He shall take all measures necessary for the preservation of public order and the suppression of mobs, riots, tumults, for which purpose he may use the police force and, in case such force is inefficient, may call upon the governor of the state for military aid.

SEC. 4. The mayor shall diligently observe the official conduct of all officers and employees of the city and note the manner in which they perform their duties, especially in the collection, administration and disbursement of public funds and property. The books, records and official papers of all departments, boards, officers and employees of the city shall, at all times, be open to his inspection and examination and he shall use special care to see that such books, records and documents are kept in proper and legal form. He shall have general supervision of all departments, public institutions and offices of the city and shall see that they are lawfully, economically, honestly administered and conducted. He shall employ a competent person or persons, expert in matters of bookkeeping and accounts, to examine the books, records, condition, and affairs of every department, board or officer, and report fully thereon, in writing, to him at least once in every year, and to enforce such examinations. Any person refusing to submit to or permit such examination, or purposely delaying or impeding the same, must be suspended from the office by the mayor; and may be removed as for malfeasance in office, and he shall submit the report to the city council at the next meeting.

SEC. 5. When any defalcation, wilful neglect of duty or other official misconduct by, or on the part of any officer or employee of the city (except a councilman) shall come to the knowledge of the mayor, he shall have the power to suspend such officer or person from his office or employment and report the matter, with such charges as he may deem proper, to the council at its next meeting.

SEC. 6. The mayor shall see that all contracts and agreements with the city are faithfully kept and performed, and to that end he shall, with consent of the council, cause legal proceedings to be instituted and prosecuted, in the name of the city of Petaluma, against all persons failing, in whole or in part, to fulfill their agreements with said city.

SEC. 7. The mayor shall have power to administer oaths and affirmations and take affidavits and depositions in all matters relating to the business of the city.

SEC. 8. The mayor shall sign all conveyances made by the city of Petaluma and all contracts to which it is a party and shall acknowledge the execution of all instruments executed by said city that require acknowledgment and shall sign all warrants ordered drawn by the council.

SEC. 9. When, by reason of absence from the city or from any other cause, the mayor is temporarily unable to perform the duties of his office the vice-president of the council shall act as mayor during such temporary absence or disability. When a vacancy occurs in the office of the mayor, the council shall appoint some duly qualified person to fill such vacancy, who shall hold office during the remainder of the unexpired term. The mayor shall exercise such other powers and perform such other duties as may be prescribed or conferred in this charter, by law, or the ordinances of the city.

ARTICLE 6.

The council the governing body.

The council, the governing body.

SECTION 1. All powers herein granted to and vested in the city of Petaluma shall, except as herein otherwise provided, be exercised by a council to be designated the council of the city of Petaluma. Said council shall be the governing body of the city, and, subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the constitution of the state. The council shall consist of the mayor and six councilmen.

President and vice-president.

President and vice-president.

SEC. 2. The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its number to be vice-president.

Meetings of council.

Meetings of council.

SEC. 3. The council shall, by ordinance, provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

Meetings to be public.

Meetings to be public.

SEC. 4. All legislative sessions of the council, whether regular or special, shall be open to the public.

Quorum.

Quorum.

SEC. 5. A majority of the council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and postpone the consideration of pending business in like manner.

Rules and proceeding.

Rules and proceedings.

SEC. 6. The council shall determine its own rules of procedure, may punish its members for disorderly conduct and compel their attendance at the council meetings.

Ordinances and resolutions.

Ordinances and resolutions.

SEC. 7. The council shall act only by ordinance or resolution.

Ayes and noes.

SEC. 8. The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal

of the proceedings of the council. Upon the request of any member, the ayes and noes shall be taken and recorded on any vote. Every member, when present, must vote.

Ayes and
noes.

Majority vote of council.

SEC. 9. No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least four members of the council.

Majority
vote of
council.

Title.

SEC. 10. Every ordinance shall be preceded by a brief title which shall indicate the subject and purpose thereof.

Title.

Enacting clause of ordinances.

SEC. 11. The ordaining clause of all ordinances adopted by the council shall be, "The Council of the City of Petaluma do ordain as follows:" and the ordaining clause of all ordinances adopted in accordance with the provisions of article 15 shall be, "The People of the City of Petaluma do ordain as follows:"

Enacting
clause of
ordinances.

Requirements of ordinances.

SEC. 12. No ordinance shall be passed by the council on the day of its introduction nor within five days thereafter nor at any other time than at a regular meeting, nor until its publication at least once in full in the official newspaper of the city of Petaluma at least three days before its adoption; or at the discretion of the council to be posted at least in three public places, and in case of amendment being made thereto before the final adoption of the ordinance, it must in like manner be republished in full as amended at least one day before its adoption as amended. All city ordinances must be codified.

Require-
ments of
ordinances.

Ordinance required in certain cases.

SEC. 13. No action providing for any specific improvement or the appropriation or expenditure of any public money, except a sum less than two hundred dollars; for the appropriation, acquisition, sale or lease of public property; for the levying of any tax or assessment; for the granting of any franchise; for establishment or changing fire limits; or for the imposing of any penalty, shall be taken except by ordinance; provided, that such exceptions be observed as may be called for in cases where the council takes action in pursuance of a general law of the state.

Ordinance
required
in certain
cases.

Reconsideration.

SEC. 14. When any ordinance is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the council, held not less than one week after the meeting at which such motion was made.

Recon-
sideration.

Signing and attesting.

SEC. 15. All ordinances shall be signed by the mayor and attested by the city clerk.

Signing
and at-
testing.

*Revision and amendment.*Revision
and amend-
ment.

SEC. 16. No ordinance shall be revised, reenacted or amended by reference to its title only; but the ordinance to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

Repeal.

Repeal.

SEC. 17. No ordinance or section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

*Record of city ordinances.*Record of
city ordi-
nances.

SEC. 18. A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinance shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

*Protection of absent councilman.*Protection
of absent
council-
man.

SEC. 19. No final action shall be taken in any matter concerning the special department of any absent councilman unless such business has been made a special order of the day by action at a previous meeting of the council, or such action is taken at a regular meeting of the council.

*When offices become vacant.*When
offices
become
vacant.

SEC. 20. An elective office becomes vacant when the incumbent thereof dies, resigns, is removed from office under recall proceedings as provided in section 7 of article 14, is adjudged insane, convicted of a felony, or of an offense involving a violation of his official duties, or ceases to be a resident of the city, or neglects to qualify within the time prescribed by the provisions of this charter, or shall have been absent from the state without leave for more than sixty consecutive days, or fails to attend the meetings of the body of which he is a member for a like period without being excused therefrom by said body.

*Persons imprisoned.*Persons
im-
prisoned.

SEC. 21. The council may cause any person or persons imprisoned for the violation of any state law or city ordinance to labor on the streets or property of the city.

*Vacancy in council.*Vacancy
in council.

SEC. 22. If a vacancy shall occur in the office of mayor or councilman, the council shall forthwith appoint a person to fill such vacancy; *provided*, the appointee shall receive the affirmative votes of at least four members of the council.

ARTICLE 7.

CITY OFFICIALS.

SECTION 1. The city officials of the city shall be mayor, city clerk, auditor, assessor, treasurer, tax and license collector, chief of police, police judge, superintendent of streets, to be elected at the general city election for a term of two years; six councilmen, five members of board of education, five library trustees, to be elected at the general city election for a term of four years; three park commissioners, five members of the board of health, five fire commissioners, city engineer, city attorney and chief of the fire department, shall be appointed by the council; said appointed officers may be removed at any time, by five affirmative votes of the council.

SEC. 2. The council shall have power by ordinance, or by resolution, to create and discontinue offices, deputyships, assistantships, boards and commissions, and employments other than those prescribed in this charter, to provide the modes of filling them, to prescribe the duties pertaining thereto, according to its judgment of the needs of the city, and to determine the mode of removing any such officer, deputy, assistant or employee, except as otherwise provided in this charter.

Consolidation.

SEC. 3. Whenever the public interest may require, the council may consolidate the following offices: Consolidation.

- (a) Clerk and auditor.
- (b) City engineer and superintendent of streets.
- (c) Tax and license collector and assessor.
- (d) Treasurer and tax and license collector.

Until the council shall by ordinance otherwise provide, the office of the city clerk and auditor and the office of assessor and tax and license collector are hereby consolidated.

City clerk.

SEC. 4. The city clerk shall have the custody of and be responsible for the corporate seal, and all books, papers, records and archives belonging to the city not in actual use by the other officers or elsewhere by special provision committed to their custody. He shall be present at each meeting of the council, and keep a full true record of all the proceedings of the council and of the board of equalization. The proceedings of the council shall be kept in a book, marked "Records of the City Council." The proceedings of the board of equalization shall be kept in a separate book, marked "Records of the Board of Equalization." He shall also keep a book marked "City Ordinances," into which he shall copy all city ordinances, with his certificate annexed to said copy, stating the foregoing ordinance is a true and correct copy of an ordinance of such city, and giving the number and title of said ordinance, and stating that the same has been published or posted according to law. Said record copy, with said certificate, shall be prima facie evidence of the contents of the City clerk.

City clerk. ordinance and of the passage and publication of the same, and shall be admissible as such evidence in any court or proceeding. Said records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. He may appoint a deputy, for whose acts he and his bondsmen shall be responsible; and he and his deputy shall have power to administer oaths and affirmations, to take affidavits and depositions to be used in any court or proceeding in the state, and to certify the same. He and his deputy shall take all necessary affidavits to demands against the city, and certify the same without charge. He shall draw and sign all warrants upon the treasury, except as otherwise in this charter provided, specifying thereon the fund upon which said warrants are drawn. Every demand must, before it can be paid, be verified by the oath of the claimant, or some one in his behalf and be presented to the clerk. Before approving the same he shall satisfy himself that the claim is unpaid. After such examination he shall approve or reject the claim, in whole or in part, and endorse on such demand his approval or rejection over his signature, together with the date thereof. If it be approved, the fund out of which it is to be paid shall be designated. If the claim, or any part of it, be rejected, the city clerk shall return it with his reasons for rejecting it, then if it be allowed by a majority vote of all members of the council or other body authorizing it, it shall be passed in the same manner as if it had not been rejected. No demand upon the city treasury shall be considered, presented for action, or acted upon, allowed or approved, unless it specify on its face each several item composing it, and the amount and date thereof. Every demand shall be numbered and acted upon by the city clerk in the order of its presentation to him; and when allowed, either in whole or in part, the warrant therefor shall be numbered and entitled to payment out of the fund on which it is drawn in the same order allowed. No demand upon the treasury shall be allowed by the city clerk in favor of any person who is in any manner indebted to the city, without first deducting therefrom the amount of such indebtedness; nor in favor of any person having the collection, care, custody or control of public funds, unless the accounts of such person have been presented, passed, approved and allowed as is or may be required by law. He shall enter upon the assessment roll all the changes and corrections made by the board of equalization and deliver the assessment roll to the auditor. He shall act as clerk to the board of equalization without extra compensation. He shall perform such other duties as are or shall be imposed upon him by this charter or by ordinances; he shall have power to take affidavits and administer oaths in all matters relating to the business of the city and shall make no charge therefor.

The auditor.

SEC. 5. The auditor shall keep a book which shall be marked "City Accounts," in which shall be entered as a credit all

moneys received by the city for licenses, the amount of any tax when levied, and all other moneys received, and in which shall be entered upon the debtor side all commissions deducted and all warrants drawn on the treasury. He shall also keep a book, marked "Tax and License Collector's Account," in which he shall charge the tax and license collector with all the tax lists delivered to him, and all licenses delivered to him. He shall credit the tax and license collector with the delinquent lists returned by him. He shall also keep a book, marked "Treasurer's Account," in which he shall keep a full account of the transactions of the city with the treasurer. He shall also keep a book marked "City Licenses," in which he shall enter all licenses issued by him, the date thereof, to whom issued, for what, the time when it expires, and the amount paid. He shall also keep a book, marked "City Attorney's Account," and shall therein charge said city attorney with all delinquent tax lists delivered him and credit him with money paid and delinquent tax lists returned. Each of the foregoing books shall have a general index, sufficiently comprehensive to enable a person readily to ascertain matters contained therein. The auditor shall also keep a book, marked "Demands and Warrants," in which he shall note every demand against the city and file the same. He shall state therein, under the note of the demands, the final disposition made of the same; and if the same is allowed and a warrant is drawn, he shall also state the number of the warrant, with sufficient dates. This book shall contain an index, in which reference shall be made to each demand. Upon the completion of the assessment roll of any of the taxes of the city, and levying of the tax thereon, the auditor shall apportion the taxes upon such assessment roll, and make out and deliver to the tax and license collector a tax list, taking his receipt therefor. It shall not be necessary to make a duplicate assessment roll. He shall make a monthly statement, in writing, showing the receipts and expenditures of the city for the preceding month, and the amount remaining in the treasury. He shall, at the end of every fiscal year, make a full and detailed statement of the receipts and expenditures of the preceding year, and a full statement of the financial condition of the affairs of the city, which shall be printed and a copy thereof mailed to each taxpayer. It shall be his duty to be constantly acquainted with the exact condition of the treasury. On application of any person indebted to the city, holding money payable into the city treasury, or desiring to pay money therein, he shall certify to the treasurer the amount thereof, to what fund applicable, and by whom to be paid. Upon the written order of the treasurer directing him to issue a receipt for money paid into the city treasury, he shall charge the treasurer with the amount and give the person paying the same a discharge therefor. It shall be his duty to apportion among the several funds all public money at any time in the city treasury not by law or ordinance specifically apportioned and appropriated and forthwith notify the treas- ^{The auditor.}

urer of such apportionment or appropriation. He shall, on the first Monday of each month or oftener, if required, report in writing to the council, the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which shall be set forth in a plain and businesslike manner, every money transaction of the city, so that he can at any time tell the exact condition of the city finances. After the taxes have been duly levied by the council, he shall make the proper calculations, and extend upon the said assessment roll the amount of taxes due from each person, firm or corporation, and deliver said book, so completed, with his certificate attached thereto, to the tax and license collector, on or before the first Monday in October of each year, or at such other time as may be directed by ordinance. The auditor shall approve all warrants and endorse his approval thereon and he shall perform such other duties as are or shall be imposed upon him by this charter or ordinances.

City assessor.

City
assessor.

SEC. 6. It shall be the duty of the city assessor, as soon after the first Monday of March of each year as practicable, to make a full, true and correct assessment of all the taxable property within the city owned or possessed by any person or persons, firm or corporation at twelve o'clock noon on the first Monday in March of each year. He shall make out lists, giving the names of owners and a description and value of the property, following the form as near as may be as required by the laws of the state governing county assessors. He shall make his assessment as near as may be in conformity to the laws of the state in relation to assessments by county assessors. All of said assessments shall be verified by his oath, and shall be returned to the city clerk on or before the first Monday of July in each year. After such time the assessment roll shall remain in the custody of the city clerk until required by law to be delivered to the auditor. No informality shall invalidate said assessment unless the same is substantial. He shall have power to administer oaths and to take affidavits. He shall, at the time of making the assessment collect the tax levied upon personal property from all persons liable therefor who shall not own or be assessed with real estate, and shall pay the same to the city treasurer on the first and fifteenth days of each and every month, and shall make and deliver to the auditor at the same times lists of all persons from whom he shall have collected such taxes and the amounts collected from each person. He shall attend the sessions of the board of equalization and perform such duties as the council may direct. The council may by ordinance further define and declare his duties.

City treasurer.

City
treasurer.

SEC. 7. There shall be a city treasurer, who shall receive and keep all moneys that shall come to the city by taxation or otherwise, and pay the same out on demands legally audited as in this charter provided, and without such auditing he shall

disburse no public moneys whatever, except the principal and interest of the municipal debt, when payable.

7a. He shall receive no money into the city treasury, unless accompanied by the certificate of the auditor provided for in section 5 hereof. He shall issue to any person paying money into the city treasury an order to the auditor directing the auditor to issue a receipt to such person, which order shall contain a statement of the amount paid into the city treasury, the name of the person paying the same, and the fund to which the same is applied.

7b. He shall make a report at the close of business each month, showing all moneys received during the month, together with the number of each order for a receipt given by him therefor, and from whom received, and to what fund applied.

7c. The treasurer may loan public funds, in excess of five thousand dollars or such an amount as may be required to pay current expenses, as provided by the general laws of the State of California.

Tax and license collector.

SEC. 8. There shall be a tax and license collector. He shall collect all taxes, general and special, all city licenses, and such other branches of the city revenue not otherwise provided for as the city council may by ordinance direct, and pay the same over to the treasurer daily. He shall at all times keep proper books showing in detail the amount of money received; by whom, at what time and for what purpose paid; and the funds to which the same is apportioned. He shall also keep a book containing a record of every deed issued by him for or on account of said city, for real property sold by him for delinquent taxes. All such books shall at all times, when not in actual use, be open for public inspection.

Tax and
license
collector.

8a. Whenever any person required by any city ordinance to take out a license shall fail, or neglect, or refuse to take out such license, and pay therefor in the manner and at the time as such ordinance provides, or, if any person required to take out any license, shall transact, do or carry on any business, trade or occupation, without having first procured the requisite license for such trading or carrying on, the license collector shall report such delinquent to the chief of police, who shall at once take such delinquent into custody, and the city attorney shall prosecute said delinquent in the manner provided by law.

Chief of police.

SEC. 9. There shall be a chief of police. The department of the police shall be under the direction of the chief of police. He shall have all the powers given to peace officers under the laws of this state. He shall have power, and it is made his duty, to preserve the public peace, to suppress riots, tumults, disturbances. He shall have all the powers conferred on sheriffs by the laws of the state. His orders shall be promptly executed by the police officers, peace officers or watch-

Chief of
police.

men in the city, and every citizen shall lend him aid when required for the arrest of offenders and the maintenance of order and protection of persons and property. He shall execute and return all processes issued to him by legal authority, and it is hereby made his duty to arrest on view, with or without a warrant, persons violating any law of the state or ordinance of the city. It shall be his duty to take persons arrested before the judge of the police court, or a justice of the peace, or to detain or to take bail for their appearance. Persons arrested for violating any of the ordinances of the city may, before or after trial, be confined in the city prison. He shall perform all duties imposed upon him by the ordinances of the council.

Superintendent of streets.

Superintendent of streets.

SEC. 10. There shall be a superintendent of streets. It shall be his duty to see that the laws, ordinances, orders and regulations, relating to the sewers, drains, levees, streets, alleys and highways are fully carried into execution, and that the penalties thereof are rigidly enforced. He shall superintend and direct the cleaning of all sewers and drains, and keep himself informed of the condition of all public streets and highways and also of all sewers and levees and report the same to the city council.

10a. He shall perform such other duties as are hereinafter specified, or as the council may require of him; and he shall have the power and shall perform the duties required of the superintendent of streets under the provisions of the general statutes of the State of California now in force or which may be hereafter enacted. He shall keep a public office in the city, as provided by the city council, and shall keep therein the records of his office and a register of all streets, alleys, sewers and drains, and all improvements and repairs made thereon, with an index for easy reference. Should he fail to see that the laws, ordinances and regulations relating to the public streets and highways are carried into execution, he and his sureties shall be liable upon his official bond in consequence of said official neglect. All registers, records, books, contracts, plats, diagrams, and all papers and documents belonging to his office shall be delivered to his successor in office.

City attorney.

City attorney.

SEC. 11. There shall be a city attorney, who shall be an attorney at law, duly admitted to practice before the supreme court of this state. It shall be his duty to prosecute on behalf of the people, all criminal cases before the police court and all violations of this charter and of city ordinances and resolutions. It shall be his duty to attend to all suits and other matters to which the city is a party, or in which the city may be legally interested; *provided*, the council shall have control of all litigation of the city, and may direct an attorney to take charge thereof, or to assist the city attorney therein.

11a. The city attorney shall give his advice or opinion in

writing to the mayor, council, board of education or other city officers, whenever required to do so, and do such other things appertaining to his office as the council may require of him. He shall pass upon the sufficiency and validity of all bonds given to and all contracts made with the city. He shall, when required by the council, or any member thereof, draft any and all proposed ordinances, resolutions, laws, rules, contracts, bonds and all other legal papers for the city.

11*b*. He shall receive the delinquent tax list and receipt therefor; he is authorized to bring suit in the name of the city of Petaluma in the proper court for the collection of any tax or license.

11*c*. He shall attend all meetings of the council. The salary of the city attorney shall be full consideration for all services rendered except when he is required to appear in the superior courts.

11*d*. He shall prepare all street improvement bonds issued by the city treasurer.

City engineer.

SEC. 12. There shall be a city engineer who shall be appointed by the city council, and shall hold office at their pleasure. City engineer.

12*a*. He shall perform the duties prescribed by this charter and such other duties as may be prescribed by the city council.

12*b*. He shall possess the same power in said city, in making surveys, plats and certificates, as is or may be from time to time given by law to county surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity and be of the same force and effect as are or may be given by law to those of the county surveyor. He shall make all surveys, inspections and estimates required by the city council.

12*c*. He shall be the custodian of all maps, plats, profiles, field notes, and other records and memoranda belonging to the city appertaining to his office and the work thereof; all of which he shall keep in proper order and condition, with the full index thereto and all of which he shall turn over to his successor. All maps, plats, profiles, field notes, estimates and other memoranda and surveys, and other professional work made or done for the city by him, or under his direction or control, during his term of office, shall be the property of the city.

Chief engineer of fire department.

SEC. 13. The fire department of this city shall consist of companies of volunteer or paid firemen as the council may determine, organized into engine, hose and hook and ladder companies. The council shall appoint the chief and assistant engineer of the department. The chief of the fire department shall give such a bond to the mayor as required by this charter or by ordinance. He shall have exclusive control of the working of the fire department in time of conflagration or fire. He must aid in the enforcement of all ordinances duly enacted. Chief engineer of fire department

examine buildings in process of erection, report violation of ordinances relating to the prevention and extinguishment of fire when directed by the proper authorities, and institute proceedings therefor, and shall have general control, management and direction of the companies that constitute the fire department of this city and shall perform such other duties as may by ordinance of said city or by law, be imposed upon him. His compensation shall be fixed by the council. The chief engineer shall also be ex officio fire marshal.

13a. The chief and the assistant engineer, while in the discharge of their duties, shall be vested with all the powers of arrest and detention vested in police officers. The chief, or, during his absence, the assistant engineer, may, during a conflagration cause to be cut down or otherwise removed, any building or structure when deemed necessary for the purpose of checking such conflagration.

Health department.

Health department.

SEC. 14. There shall be a health department under the management of the board of health. Said board shall consist of five members, namely: The mayor, who shall be ex officio a member and president of said board, and the city engineer, who shall be ex officio a member of said board, and three citizens, who shall be appointed, without regard to their political opinions, by the council, within fifteen days after the commencement of their term of office. The mayor shall not have the right to vote unless in case of a tie. At least two of the appointed members of the board shall be duly licensed physicians, in accordance with the laws of the State of California, and qualified electors of the city for one year immediately preceding their appointment. Said members shall serve without compensation, except the member serving as health officer, who shall receive such compensation as the council shall prescribe.

14a. The terms of office for the appointed members of the board shall be for two years, and until their successors are appointed and qualified, said term to commence upon the date of their appointment; if any appointed member fails to qualify within ten days after his appointment, such appointment shall be void and a new appointment shall be made, for the unexpired portion of the term of said member.

14b. Regular meetings of the board of health shall be held once a month, and special meetings when called by the president, or any three members, and all meetings shall be public. Three members shall constitute a quorum.

14c. Said board of health, subject to the ordinances of the city, shall have supervision of all matters pertaining to the sanitary condition of the city.

14d. The council shall, by ordinance, or otherwise, provide for enforcing such orders and regulations as the board of health may from time to time adopt, and all expenses necessarily incurred by the board of health in carrying out the provisions of law and of this charter shall be provided for by the council.

14c. The board of health, within two weeks from the time of its organization, shall elect from among their number a city physician, who shall also act as health officer, and secretary of the board of health. Said city physician shall not be less than thirty years of age, a licensed physician for not less than two years, and actually engaged in the practice of his profession in said city; he shall hold his office during the pleasure of the board of health, and must see that the laws and ordinances of the city, in relation to the public health, and the regulations and orders of the board of health, are properly enforced. He shall keep a full record of all transactions of the board of health, as well as all records appertaining thereto, and, by himself, or his deputy, issue all permits for burial, or removals in any of the cemeteries, and no interments shall be made therein unless said health officer is satisfied of the correctness and reliability of the certificate of death presented for his inspection; he shall have the powers of a police officer, and shall make an extended and annual report to the board of health of the affairs pertaining to his office, including mortuary and other statistics, with such observations and other recommendations in relation to the sanitary condition of the city as he may deem proper. It shall be his duty to examine and inspect all nuisances, privies, vaults, cesspools, buildings, and low places within the city limits, with a view to the enforcement of all laws and regulations relating to sanitary matters, and to cause the arrest of and vigorous prosecution of persons violating any of said regulations.

Health department.

14f. The board of health may cause to be removed to a smallpox hospital or pest house, any person in said city affected with the smallpox, Asiatic cholera, or yellow fever, or leprosy. When a case of either of these diseases exists in any house, and the person so affected is not removed to said hospital or pest house, the health officer, upon order of said board of health, shall immediately place a quarantine flag on said premises and may place a competent person in charge thereof, who shall see that the quarantine is strictly enforced so long as public safety requires.

14g. The board may proclaim such quarantines and declare such quarantine districts and grounds, and the boundaries thereof, as may be in their judgment necessary for the preservation of the public health.

14h. No person shall deposit in any cemetery the body of any human being who has died within the city, or remove the same from within the limits of the city, without having first obtained and filed with the health officer a certificate signed by a physician or coroner, setting forth as nearly as possible the name, age, sex, color, place of birth, occupation, date, and locality, and cause of death of deceased, and obtain from the health officer a permit in writing therefor for burial or other purposes. Physicians, when deaths occur in their practice, must give the certificate herein mentioned, unless the physician believes the death to be a proper case for investigation by the

coroner. No body of a human being, who has died within the limits of the city, shall be transported in or through the streets or highways of the city, unless the person or persons transporting such body or remains shall first obtain from the health officer a permit in writing therefor, which shall accompany the body or remains.

14i. In addition to the powers and duties in this article enumerated, the board shall have such other powers and perform such other duties as may be prescribed by ordinance of the council or by general law.

Park commission.

Park com-
mission.

SEC. 15. The several tracts or parcels of land belonging to the city of Petaluma, known as parks or plazas, and such other tracts of land in said city as may hereafter be acquired, dedicated or set apart for park purposes shall be managed and controlled by a board of three commissioners which shall be termed the board of park commissioners.

15a. The said board shall be appointed by the council. The council first elected under the provisions of this charter shall, within one month after taking their office, appoint such commissioners, who shall so classify themselves, by lot, that one shall hold office for one year, one for two years and one for three years. Thereafter one commissioner shall be appointed in the month of July of each year to hold office for a term of three years and until his successor is appointed and qualified. All commissioners must be at least twenty-five years of age and residents of the city of Petaluma at the time of their appointment.

15b. The board shall elect a president and secretary who shall hold office during its pleasure. It shall hold regular meetings once in each month, at such time and place as it may determine; and special meetings may be called by its president or two members of the board at any time. Its meetings shall be public; two members shall constitute a quorum for the transaction of business; it may adopt rules for its proceedings and shall cause a record of such proceedings to be kept by its secretary under its directions.

15c. Said board of park commissioners shall have full power and authority to manage, control and govern the parks of the city of Petaluma and provide for the maintenance and improvements thereof. It shall cause to be prepared and adopted general plans for the permanent improvement of such parks; cause them to be properly laid out in accordance with such plans; planted with suitable trees, shrubs, flowers, grass, etc., and the same to be cared for, cultivated and preserved. It may accept suitable articles donated for the use or adornment of such parks and cause such articles to be placed therein. It shall employ and discharge all persons employed in or about the city's parks, prescribe their powers and duties and fix their salary or compensation. It shall supervise and control the expenditure of all money in the park fund of the city treasury. It may adopt and enforce

such rules and regulations as it may deem proper to regulate and govern the use of the grounds under its supervision and control. And said board shall exercise such other powers and perform such other duties as may be necessary to carry into effect the purposes of this article and to maintain, beautify and improve the city's public parks.

15d. The council shall annually include in the general tax levy a tax of not more than five cents upon each one hundred dollars in valuation of property appearing upon the assessment rolls, for the maintenance and improvement of its parks. Such tax when collected, together with any other money given, donated, devised or bequeathed to the city for park purposes shall constitute the park fund and shall be kept by the city treasurer separate from all other public money and shall be used and paid out only for the benefit of the city's parks. All expenditures of said fund must be authorized by the board of park commissioners and all claims payable therefrom must be approved by said board before being presented to or allowed by the council.

15e. The board of park commissioners shall annually, on the first Monday in July, present to the council a full report and statement of its proceedings during the past fiscal year, containing an itemized account of all money received and expended for park purposes, together with an estimate of the amount required to be raised by taxation for the maintenance and improvement of the city's parks during the ensuing year.

15f. The council shall, by ordinance, provide for carrying into effect the powers herein granted to the board of park commissioners and enforcing such orders, rules and regulations as it may make concerning the use of the public parks and the preservation of park property.

Fire commission.

SEC. 16. The board of fire commissioners shall consist of five members as follows: The chairman of the finance committee of the city council, the chief of the fire department, and three members to be appointed by the city council from the volunteer fire department, as long as said department is in existence.

Fire commission.

Said board of fire commissioners shall have full control of the fire department and the alarm system of said city. It shall be their duty to see that the city is properly supplied with all the necessary appliances and apparatus for the extinguishment and prevention of fires, to order the placing of hydrants, fire alarm boxes and cisterns for the said purpose, to provide means for the proper handling and hauling of apparatus and to construct buildings for the proper housing of the same, to draft and prescribe rules and regulations for the government of said department and to see that the same are carried into effect. To employ or dismiss any member thereof; *provided*, that said dismissal shall be only for cause, to fix the compensation of the members of said department and of all employees connected therewith.

They shall act as firewardens and shall see that the ordi-

nances of the city regulating the fire limits, the construction of buildings and the storage of combustible materials and explosives within the city are enforced and carried into effect. They shall furnish the city council, not later than the first Monday in July of each year, with an estimate of the amount of funds necessary for the fire department for the ensuing year, and it shall be the duty of the council to include in said tax levy a sufficient and proper amount for the successful conduct of such department and the payment of the expenses thereof, which tax when collected shall be set aside as a separate fund for the support and maintenance of said department.

All bills against said fund must be approved by the said commission in writing, before being presented to the city council, who upon approval shall direct the auditor to draw a warrant upon the said fund for the same. The chairman of the finance committee shall be the presiding officer of said commission. Said commission shall meet at least once a month and the members thereof shall serve without compensation.

The chief engineer of the fire department and his assistants shall be appointed by the city council and serve at the pleasure of said council. This commission shall have power to appoint fire police.

The city clerk shall act as clerk for said commission without any additional compensation.

Bonds of officers.

Bonds of officers.

SEC. 17. Officers and employes of the city before entering upon the discharge of their official duties shall give and execute to the city such official bonds as may be required by general law, this charter or ordinance of the city.

17a. All official bonds shall be approved or rejected by the council by an order entered on the minutes.

17b. The bond of the city clerk shall be filed with the mayor and all other bonds shall be filed with the city clerk. Official bonds must be recorded in the office of the county recorder of Sonoma county.

17c. The following named officers shall execute official bonds to the city with sureties in the following sums, viz:

City clerk	\$1,000 00
Auditor	2,000 00
Attorney	2,000 00
Superintendent of streets.....	2,000 00
City engineer	2,000 00
Chief of police	2,000 00
Tax and license collector.....	20,000 00
Assessor	5,000 00
Treasurer	40,000 00
Police judge	1,000 00
Chief of fire department.....	1,000 00

17d. The city council may at any time by ordinance change the penal sum of such bonds.

17e. No city officer, deputy or employee shall be accepted as surety for any other city officer, deputy or employee on any official bond. Every such bond shall contain a condition that the principal will perform all official duties then, or which may thereafter be imposed upon or required of him by law, by ordinance or by this charter, and that at the expiration of his term of office, he will surrender to his successor all property, books, papers and documents that may come into his possession as such officer. Such bond must also be executed by two or more sureties, who shall justify in the amount required for said bond; but, when the amount of the bond is more than five thousand dollars the sureties may become severally liable for portions thereof, not less than twenty-five hundred dollars. When there are more than two sureties such sureties may justify in an amount which in the aggregate shall equal double the amount of said bond. In giving such official bonds, the principal giving the same may furnish as one of the sureties, or as the sole surety thereon, any of the lawful authorized surety companies described in the Code of Civil Procedure of the State of California.

Bonds of officers.

17f. Each surety upon an official bond required by any ordinance of the city, or by this charter, must severally justify in the manner prescribed by law for the justification of sureties upon bonds of county officers.

17g. The council, by resolution adopted at a regular meeting, may require of any officer or employee a bond or additional bond whenever in the opinion of said council the bond given by such official or employee for any reason becomes insufficient.

17h. Every officer of the city shall be liable on his official bond for the acts and omissions of his deputies, assistants, or clerks appointed by him, and may exact for his protection, bonds for such deputies, assistants, and clerks.

17i. No officer, elected or appointed, serving in any capacity for the city, shall receive in any manner, any fee, perquisite, emolument in addition to his salary as fixed by this charter, or that may be hereafter fixed by the council or ordinance.

17j. In addition to the duties of city officers enumerated in this charter, officers must be guided by the provisions of the general laws of the State of California.

Salaries of officers.

17k. The yearly salaries or compensations of the officers of the city for the first term of office under this charter, shall be as follows: City clerk and auditor, fifteen hundred (\$1500.00) dollars; city attorney, six hundred (\$600.00) dollars; superintendent of streets, twelve hundred (\$1200.00) dollars; chief of police, twelve hundred (\$1200.00) dollars; tax and license collector and city assessor, nine hundred (\$900.00) dollars; city treasurer, six hundred (\$600.00) dollars; police judge, five hundred (\$500.00) dollars. The compensation of the city engineer shall be fixed by the council; and it is hereby provided

Salaries of officers.

that the council may change any such salary or compensation by ordinance or resolution before the beginning of a term, excepting the first term. All salaries or compensation shall be payable monthly.

17. The mayor and each member of the city council shall receive a compensation of one hundred and fifty (\$150.00) dollars per year, which amount shall include their compensation for service as a member of the board of equalization.

ARTICLE 8.

JUDICIAL DEPARTMENT—POLICE COURT.

Judicial department.

SECTION 1. There is hereby created in and for the city of Petaluma, a court which shall be known as the police court of the city of Petaluma.

SEC. 2. Said court shall consist of one judge who shall have attained the age of thirty years and shall be a duly qualified elector of said city.

SEC. 3. Said court shall have exclusive jurisdiction:

(1) In all prosecutions for violations of the city ordinances.

(2) In all actions for the recovery of any fine, penalty or forfeiture, and the enforcement of any obligation or liability prescribed by the city ordinances and in which the sum sued for does not exceed three hundred dollars.

SEC. 4. Within the city limits said court shall have concurrent and coordinate jurisdiction with township justices' courts in all matters and things in which said justices' courts now or may hereafter have jurisdiction; and the judge of said police court shall have as aforesaid like authority, power and jurisdiction as the justices of the justices' courts.

SEC. 5. Appeals may be taken to the superior court of the State of California, in and for the county of Sonoma, from the judgments and orders of said police court, in all cases in which appeals now or may hereafter be taken to said superior court from said justices' courts and police courts.

SEC. 6. In all proceedings in and appeals from said police court the pleadings, practice, procedure and laws now applicable or that may hereafter be made applicable to said justices' or police courts, are hereby adopted and made applicable to said police court.

SEC. 7. Upon the sickness or disability of the judge of said police court, he may cause to preside in his place any qualified justice of the peace of the county of Sonoma.

SEC. 8. Said police court shall be open for the transaction of business at all times.

SEC. 9. The city council shall provide a court room and court room accommodations, dockets, blanks and stationery free of charge for the court.

SEC. 10. All fines and other moneys received or collected by the judge of said police court, for or on account of the city of Petaluma, shall be paid into the city treasury on the first Monday in each month.

SEC. 11. The chief of police shall attend or assign a police officer for attendance on said court to preserve order therein, and enforce its orders and serve its process.

SEC. 12. All actions and proceedings pending and undetermined in the existing city recorder's court shall be proceeded with, heard, tried and determined in said police court hereby provided for, before said judge, the same as if said actions or proceedings had been actually commenced in said police court.

ARTICLE 9.

EDUCATIONAL DEPARTMENT.

SECTION 1. The school department of the city of Petaluma shall comprise all the schools within the city of Petaluma, the Petaluma city school district, and all territory that is now or may hereafter be annexed thereto for school purposes, and shall be known as "Petaluma city school district," which shall succeed to all the obligations, property, rights, and privileges of the Petaluma city school district. It shall consist of primary, grammar and high schools as now established or that may hereafter be established, and may, at the discretion of the board of education include technical, industrial, kindergarten and night schools; *provided*, that no school money shall be used for technical, industrial, or night schools, or kindergarten when such use would prevent the board of education from maintaining primary, grammar and high schools for ten months in each school year.

Educational department.

SEC. 2. All territory included within the limits of the Petaluma city school district or that may hereafter be included within such limits, but not within the city limits, shall be deemed a part of said city for the purpose of holding the general municipal elections and shall constitute one or more separate election precincts, and the qualified electors therein shall vote only for members of the board of education and on questions submitted to a vote of the people at special or general elections pertaining to school matters; and said outside territory shall be deemed a part of said city for all matters connected with the school department and with the levying and collecting of all taxes for school purposes.

SEC. 3. The government of the school department of the district shall be vested in a board of education, to consist of five members to be called members of the board of education, and who shall receive no compensation. Members of the board of education shall be elected by the qualified electors of the district at the regular municipal election, and shall hold office for a term of four years and until their successors are elected and qualified; *provided*, that the first board of education under this charter shall meet on the first Monday after the election of its members shall have been officially declared and shall so classify themselves by lot that three of their members shall go out of office at the expiration of two years and two at the expiration of four years.

Educa-
tional de-
partment.

SEC. 4. In case a vacancy shall occur on the board of education the remaining members of the same shall choose a person to fill such vacancy, who shall serve until the next election, when, if the term does not then expire, a person shall be elected to serve for the remainder of such unexpired term.

SEC. 5. The board of education shall meet on the first Monday after the election of its members shall have been officially declared, and shall organize by electing one of their number president, and they shall also elect a secretary who may be a member of the board and fix his salary, and shall meet thereafter at such times as may be designated by resolution, and in the place provided for them by the city council. Special meetings may be called by the president of the board of education or by three members of said board united in a call. All meetings of said board shall be public.

SEC. 6. A majority of the board shall be a quorum and the affirmative vote of a majority of the board shall be necessary to pass any measure, but a less number may adjourn from day to day and compel the attendance of absent members, in such manner as the board may prescribe.

SEC. 7. The powers and duties of the board of education are as follows:

7a. To establish and maintain public schools, including high schools; to change, consolidate and discontinue the same.

7b. To manage and control the school property.

7c. To employ, pay and dismiss teachers, janitors, school census marshals, and such persons as may be necessary to carry into effect the powers and duties of the board, and to fix, alter, allow, and order paid their salaries or compensation, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid.

7d. To make, establish, and enforce all necessary rules and regulations for the government and progress of public schools, and for the investigation of charges against any person in the employ of the department, and to carry into effect the laws relating to education.

7e. To establish and regulate the grade of schools, and determine the course of study, the mode of instruction and what text-books other than those published by the state, shall be used in said schools, but any text-book adopted by the board, shall not be changed within a period of four years after its adoption.

7f. To provide for the school department all necessary supplies, and incur such other incidental expenses as may be necessary for the welfare of the department.

7g. To build, alter, repair, rent and provide schoolhouses, and to furnish them with proper school furniture, apparatus, and appliances, and to insure any and all school property.

7h. To purchase, sell, lease, or exchange school lots; to take charge of any and all real estate and personal property that may have been or that may be hereafter acquired for the use

and benefit of the public schools of the district, and to make, in the name of the district, conveyances of all such real estate belonging to the district and sold by the board of education; *provided*, that no real estate shall be bought, sold or exchanged without the concurrence of four fifths of the members of the board of education; *and provided, further*, that the proceeds shall go into the general school fund of the district.

7i. To sue for any and all lots, land and property, and to prosecute and defend all actions of law, or in equity, necessary to recover and maintain the full enjoyment and possession of said lots, land and property.

7j. To establish regulations for the just and equal disbursement of all moneys belonging to the public school fund.

7k. To prohibit any child under six years of age from attending any public school excepting kindergarten.

7l. To examine and allow, in whole or in part, every demand payable out of the school fund, or to reject any such demand, for good cause, of which the board of education shall be the sole judge.

7m. To admit non-resident children to any of the departments of the schools at their discretion, upon payment, at such time as the board of education may direct, of tuition fees, to be fixed by the board of education.

7n. To dispose of at public or private sale such personal property as shall be no longer required by the department.

7o. To exclude from the schools and school libraries all books, publications, or papers of a sectarian, partisan, or denominational character.

7p. To furnish books for children of parents unable to furnish them; and all books so furnished shall belong to the district, and shall be kept in the libraries of the school when not in use.

7q. And, generally, to do and perform such other acts as may be required by the general law applicable to the districts, and as may be necessary and proper to carry into force and effect the powers conferred on said board of education, and so increase the efficiency of the public schools in the district.

7r. No teacher shall be elected or appointed to a position in the school department of the district, except in technical or industrial schools that may be established, or as special teacher of some branch, who does not hold a California grammar grade or high school certificate, in full force; *provided*, that this section shall not be so construed as to deprive [discharge] any person who is employed as a teacher in the schools of the district at the time of the adoption of this charter.

SEC. 8. The president of the board of education shall have power to administer oaths and affirmations concerning any demand upon the treasury, payable out of the school fund, or other matter relating to their official duties.

SEC. 9. All contracts for building shall be awarded to the lowest bidder therefor furnishing adequate security, to be

determined by the board of education after due notice, published for not less than ten days in one daily paper of the city.

SEC. 10. The city attorney shall be the attorney of the board of education.

SEC. 11. All claims payable out of the school funds shall be filed with the secretary of the board of education, and shall be approved by a majority of the board. After claims have been approved, the secretary of said board shall draw warrants upon the proper school fund for the payment thereof, which warrants shall be signed by the president and one other member of the board and countersigned by the secretary. All demands for salaries of teachers and compensation of janitors shall be payable monthly, in the same manner, without presentation therefor.

SEC. 12. The board of education shall not have the power to create any debts or liabilities in any one year to exceed the actual revenue or available means in the funds under the control of the board of education and justly applicable for school purposes for such year.

ARTICLE 10.

FREE PUBLIC LIBRARY.

Free public library.

SECTION 1. The free public library shall be under the management of a board of five trustees who shall be elected by the qualified electors of the city; *provided*, that the first board of library trustees under the charter shall take office on the third Monday of April, 1911, and shall at their first meeting so classify themselves by lot that three of their number shall go out of office at the expiration of two years, and two at the expiration of four years, otherwise their term of office shall be for four years. On the Tuesday succeeding every general municipal election the board of library trustees shall organize by choosing one of their number president. They shall also elect a secretary who may be a member of the board who shall hold office during the pleasure of said board.

SEC. 2. The position of library trustee shall be one of honorary trust without salary, or compensation, and all appointments made by the board of library trustees shall be made without regard to politics, and irrespective of sex. Said library trustees shall not be less than twenty-five years of age and must have been residents of said city at least two years prior to their election.

SEC. 3. The city council shall, in making the annual tax levy, and as a part thereof, levy a rate which shall not exceed ten cents on each hundred dollars of the assessed value of the taxable property of the city, for the purpose of maintaining said library and purchasing books, journals, and periodicals.

SEC. 4. If payment into the treasury of any money or property derived by donation or bequest would be inconsistent with the conditions of terms of any such donation, or bequests, said board shall provide for the safety and preservation of the same

and the application thereof to the use of said library in accordance with the terms and conditions of said donation or bequest. Free public library.

SEC. 5. The board of library trustees shall meet at least once each month and a majority constitute a quorum, but no business shall be transacted by said board of trustees without the concurrence of three of its members, but a less number may adjourn from time to time. It shall elect a librarian and such assistants as may be necessary. The secretary shall keep a full account of all property, money, receipts and expenditures and a record of all its proceedings.

SEC. 6. The board of library trustees shall have power:

First—To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of said library and all property belonging thereto, or that may be loaned thereto.

Second—To administer any trust declared, or created for such library and reading rooms.

Third—To define the powers and prescribe the duties of all officers; determine the number of, and elect all necessary subordinate officers and assistants, and at their pleasure remove any such officer or assistant.

Fourth—To purchase necessary books, publications and other personal property.

Fifth—To fix salaries of the librarian and assistants, and other employees; to rent and equip such building or buildings, room, or rooms, as may be necessary for such library and reading rooms.

Sixth—To allow non-residents to borrow books upon such conditions as the board may prescribe.

Seventh—To provide memorial tablets and niches or other means to perpetuate the memory of any person who makes donations or bequests to the public library.

Eighth—To do all that may be necessary to carry into effect the provisions of this charter with reference to said library and reading rooms.

SEC. 7. Said board on or before the last day of June shall make a report to the council giving the condition of its trust, with full statement of all property and money received, whence derived, how used and expended, the number of books, journals and other publications on hand, the number added by purchase, gift or otherwise, during the next preceding fiscal year, the number lost or missing, the number of those loaned, and such other statistics, information and suggestions as may be of general interest; and also a financial report showing all receipts and disbursements, with particulars thereof, and the names of all employees and the salaries paid to each.

ARTICLE 11.

REVENUE AND TAXATION.

SECTION 1. The council shall by ordinance provide for the assessment, levy and collection of taxes, and shall act as a board of equalization in equalizing the value of property listed upon the assessment roll. During the month of September in each Revenue and taxation.

year, it shall levy such a tax as may be necessary to raise revenue for the maintenance of the city and the several departments during the fiscal year, but such tax levy, for all municipal purposes, except the payment of interest and principal on the bonded debt, shall not exceed the sum of one hundred cents for each one hundred dollars of assessed valuation as the same appears upon the assessment roll.

SEC. 2. The council shall set aside from each year's tax collections a sum not less than five per centum of said amount for a river and harbor fund which can not be used for any other purpose.

ARTICLE 12.

PUBLIC WORK AND SUPPLIES.

Form of contracts.

Form of
contracts.

SECTION 1. All contracts shall be drawn under the supervision of the city attorney. All contracts must be in writing, executed in the name of the City of Petaluma by an officer or officers authorized to sign the same, and must be countersigned by the auditor, who shall number and register the same in a book kept for that purpose.

Progressive payments on contracts.

Progressive
payments on
contracts.

SEC. 2. Any contract may provide for progressive payments, if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which, with prior payments if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

Public work to be done by contract.

Public
work to be
done by
contract.

SEC. 3. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays or water front, or in or about embankments or other works for protection against overflow and erosion, and in furnishing any supplies and materials for the same, or for any other use by the city, when the expenditure required for the same exceeds the sum of two hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for the work contemplated for five consecutive days in the official newspaper. Such notice shall distinctly and specifically state the work contemplated to be done; *provided, however*, the council may reject any and all bids, if deemed excessive, and readvertise for bids, or provide for the work to be done by the department of public works. In case no bid is received, the council may likewise provide for the work to be done by the department of public works.

Contracts for official advertising.

SEC. 4. The council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the council shall advertise for five consecutive days, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The council shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the city which is a newspaper of general circulation and has been in existence at the time of the awarding of the contract at least one year; *provided*, that the council may reject any or all bids if found excessive, and advertise for new bids.

Contracts for official advertising.

The newspaper to which the award of such advertising is made shall be known and designated as the "official newspaper."

Contracts for lighting.

SEC. 5. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for electric light or any illumination material at a higher rate than the minimum price charged to any other consumer be valid.

Contracts for lighting.

Hours of labor.

SEC. 6. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the city and its officers, or by a contractor or sub-contractor, shall be eight hours during any one calendar day.

Hours of labor.

Collusion with bidder.

SEC. 7. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office.

Collusion with bidder.

Collusion by bidder.

SEC. 8. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the council shall advertise for a new contract for said work, or provide for such public work to be done by the department of public works.

Collusion by bidder.

ARTICLE 13.

FRANCHISES.

Properly rights of the city inalienable.

Property
rights of
the city in-
alienable.

SECTION 1. The rights of the city in and to its water front, wharf property, land under water, public landings, wharves, docks, streets, highways, parks and all other public places, except as otherwise provided in this charter are hereby declared inalienable.

No use of streets without a franchise.

No use of
streets
without a
franchise.

SEC. 2. No person, firm or corporation shall ever exercise any franchise or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the constitution of California or of the constitution or laws of the United States, in, upon, over, under or along any street, highway or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article.

Franchise to use streets.

Franchise
to use
street.

SEC. 3. Every franchise or privilege to construct or operate street, suburban or interurban railroads along, upon, over, or under any street, or highway, or other public place, or to lay pipes or conduits or to erect poles or wires or other structures in, upon, over, under or along any street, highway or other public place in the city for the transmission of gas or electricity, or for any purpose whatever, shall be granted upon the conditions in this article provided, and not otherwise.

Applications for franchises.

Applica-
tions for
franchises.

SEC. 4. An applicant for a franchise or privilege shall file with the council an application therefor, and thereupon the council, if it propose to grant the same, shall, or on petition signed by qualified and registered electors equal in number to twenty per centum of the entire vote cast at the last preceding municipal election, requesting it to grant the same, must advertise the fact of said application together with a statement that it is proposed to grant the same, in the official newspaper of the city. Said advertisement shall contain a copy of the proposed ordinance making such grant. The publication of such advertisement must be run in the said paper in five successive issues and must be completed not less than twenty and not more than thirty days before any further action can be taken on such application. The form of such petition, signatures, and certification duties of the clerk in respect thereto, provided in article 14 (for petitions for recall) shall apply to petitions for grant of franchise referred to in this section.

Conditions of grant.

Conditions
of grant.

SEC. 5. The advertisement must state the character of the franchise or privilege proposed to be granted, and if it be granted, and if it be a street, suburban or interurban railroad,

the route traversed; that sealed bids therefor will be opened at a stated time and place, and that the franchise will be awarded to the bidder offering to pay to the city during the life of the franchise the highest percentage of the gross annual receipts received from the use, operation or possession of the franchise; *provided*, that such percentage be not less than one per cent of said gross annual receipts during the first five years, not less than two per cent during the next five years, not less than three per cent during the rest of the life of the franchise.

Bidding for the franchise.

SEC. 6. At the time of opening the sealed bids, any responsible person, firm or corporation, present in person or represented may bid for such franchise or privilege not less than one fourth of one per cent of the gross annual receipts above the highest sealed bid therefor, and such bid so made may be raised not less than one fourth of one per cent of the gross annual receipts, by any other responsible bidder, and such bidding may continue until finally such franchise shall be struck off, sold and awarded by the council to the person, firm or corporation offering the highest percentage of the gross annual receipts arising from the use, operation or possession of such franchise; *provided*, that if, in the judgment of the council, no adequate or responsible bid has been made, the council may withdraw such franchise from sale or advertise for new bids.

Bidding
for the
franchise.

Deposit as guarantee of good faith.

SEC. 7. Every application and bid for franchise under this article shall be accompanied by a cash deposit of five hundred dollars (\$500.00), or a certified check therefor as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the granting of such franchise.

Deposit as
guarantee
of good
faith.

Upon the franchise being awarded, all deposits made by unsuccessful bidders shall be returned. The deposits of the successful bidder shall be retained until the filing and approval of the surety bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, shall be returned.

Open competition.

SEC. 8. No clause or condition of any kind shall be inserted in any franchise or grant offered or sold under the terms of this article, which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale, which shall in any wise favor one person, firm or corporation, as against another in bidding for the purchase thereof.

Open com-
petition.

Bond.

SEC. 9. The successful bidder of any franchise or privilege

Bond. awarded under this article shall file a bond running to the city to be approved by the council, in the penal sum to be prescribed by the council and set forth in the advertisement for bids conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise, and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond.

Such bond shall be filed with the council within five days after such franchise is awarded, and within thirty days after the filing and approval of such bond upon franchise shall by the council be granted by ordinance (subject to the provisions of section 23 of this article) to the person, firm or corporation to whom it shall have been struck off, sold or awarded, and in case such bond shall not be filed, the award of such franchise shall be set aside, and any money deposited in connection with the awarding of the franchise shall be forfeited and the franchise shall in the discretion of the council, be readvertised and again offered for sale in the same manner and under the same restrictions as hereinafter provided.

Life of franchise.

Title of franchise.

SEC. 10. The maximum length of time for which a franchise or privilege to use the streets, highways or other places of the city may be granted to any person, firm or corporation shall be forty (40) years.

Beginning and completion of work.

Beginning and completion of work.

SEC. 11. Work under any franchise granted in accordance with the terms of this article shall be commenced in good faith within no more than four months from the date of the final adoption of the ordinance granting such franchise, and, if not so commenced within said time, said franchise shall be forfeited. Work under any franchise so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, which time shall be not more than three years from the date of the final adoption of the ordinance granting said franchise, and if not so completed within said time said franchise shall be forfeited; *provided*, that if good cause be shown, the council shall by resolution extend the time for completion thereof not exceeding three months.

Regulation of grants, franchises and privileges.

Regulation of grants, franchises and privileges.

SEC. 12. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure

adequate, sufficient and proper services and accommodations for the people and insure their comfort and convenience.

Rates and charges.

SEC. 13. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise. The grant of every franchise for a street, suburban or interurban railroad shall provide that all United States mail carriers and all officials, policemen and firemen of the city shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the city, without paying therefor and with all the rights of other passengers.

Rates and charges.

Right of the city to assume ownership.

SEC. 14. Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted, or at any time before as stated in the ordinance the city at its election and upon the payment of a fair valuation therefor to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which the franchise was granted, become the property of the city without any compensation to the grantee.

Right of the city to assume ownership.

No conveyance necessary for city's ownership.

SEC. 15. Every ordinance granting any franchise shall further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and property of the grantee shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance, and in case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which it was granted become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance.

No conveyance necessary for city's ownership.

Lease or assignment of franchise.

SEC. 16. Any franchise granted by the city shall not be leased, assigned or otherwise alienated without the express consent of the city, and no dealings with a lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent; *provided*, that nothing herein shall be construed to prevent the grantees of such fran-

Lease or assignment of franchise.

chise from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate objects.

Street sprinkling, cleaning and paving.

Street
sprinkling,
cleaning
and paving.

SEC. 17. Every grant of any franchise or privilege in, over, under or along any of the streets, highways or public places in the city for railway purposes, shall be subject to the conditions that the person, firm or corporation exercising or enjoying the same shall sprinkle, clean, keep in repair, and pave and repave so much of said street, highway or other public place as may be occupied by said railway, as lies between the rails of each railway track, and between the lines of double track, and for a space of two feet outside of said tracks.

Examination of company's books, audit.

Examina-
tion of
company's
books,
audit.

SEC. 18. The city of Petaluma by its auditor, deputy auditor, or accountants authorized by the auditor, or by the council, shall have the right at all reasonable times to examine all the books, vouchers and records of any person, firm or corporation exercising or enjoying any franchise or privilege granted by the city, for the purpose of verifying any of the statements of gross receipts provided for, and for any other purpose whatsoever connected with the duties or privileges of the city, or of such person, firm or corporation, arising from this charter, or from the ordinance granting the franchise, and may audit the same at the end of each year.

Annual reports of company.

Annual
reports of
company.

SEC. 19. Every person, firm or corporation operating any business under a franchise granted under this article shall file annually with the city auditor on such date as shall be fixed by the council a report for the preceding year. Such report shall be in writing, verified by the affidavit of such person or persons, or officer of the corporation, as the council shall direct, and shall contain a statement, in such form and detail as shall from time to time be prescribed by the council, of all the gross receipts arising from all the business done by said person, firm or corporation, within the city of Petaluma for the year immediately preceding such report. Such report shall contain such further statements as may be required by the council concerning the character and amount of business done, and the amount of receipts and expenses connected therewith, and also the amount expended for new construction, repairs and betterments during such year.

Payment of gross receipts.

Payment
of GROSS
receipts.

SEC. 20. The stipulated percentage of gross receipts shall be paid annually at the time of filing the annual report. Failure to pay such percentage shall work a forfeiture of the franchise. The provisions as to the payment of gross receipts shall apply to every person, firm or corporation using or operating the works constructed under such franchise.

Forfeiture for non-compliance.

SEC. 21. Every ordinance granting any franchise or privi-

lege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the council shall have power to declare the termination and forfeiture of any such franchise or privilege the same as though in each instance such power was expressly reserved.

Forfeiture
for non-
compli-
ance.

Franchise not in use forfeited.

SEC. 22. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, shall be declared forfeited and invalid, unless such grantees or their assigns shall, within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

Franchise
not in use
forfeited.

Manner of granting and renewing franchises.

SEC. 23. No exclusive franchise shall ever be granted, and no franchise shall be renewed prior to one year before its expiration. No franchise shall be granted, renewed or extended except by ordinance, and no such grant or franchise, or renewal or extension thereof shall be of any validity until the same shall have been approved by the majority of the electors voting thereon at a general or special election. Said election shall be held not less than fifteen and no more than thirty days from and after the final passage of such ordinance by the council granting such franchise, or a renewal or extension thereof. It shall be the duty of the council to provide for said elections. Said elections shall be held in all respects as are other elections under this charter, relating to the submission of ordinances to a vote of the electors. The ballots used at such elections shall read as follows:

Manner of
granting
and re-
newing
franchises.

For the franchise, Yes.

For the franchise, No.

Stating the nature of the franchise ordinance in terms sufficient to identify it. If a majority of the qualified electors voting on said proposed franchise ordinance shall vote in favor thereof, such ordinance shall become a valid and binding ordinance of the city, and said franchise shall thereupon become valid and effective.

ARTICLE 14.

RECALL OF ELECTIVE OFFICERS.

Applies to all elective officers.

SECTION 1. Every incumbent of an elective office, whether elected by popular vote or appointed to fill a vacancy, is subject to recall by the voters of the city. The procedure to effect such removal from office shall be as follows:

Applies to
all elective
officers.

Petition for recall.

SEC. 2. A petition signed by qualified electors equal in number to thirty per centum of the entire vote cast for mayor at the last preceding general municipal election at which a

Petition
for recall.

mayor was elected, demanding an election of a successor of the officer sought to be removed, shall be addressed to the council and presented to the city clerk. The petition may request such election to be held at a special municipal election or at the next general municipal election. The petition must contain a statement of the reasons of the demand.

The petition.

The
petition.

SEC. 3. The forms and conditions of the petition and the mode of verification and certification and filing shall substantially follow the general laws of the State of California, with such modification as the nature of the case requires.

Election under recall petition.

Election
under recall
petition.

SEC. 4. If the officer sought to be removed shall not resign within five days after the petition is filed by the city clerk, and if the petition requests a special election, the council shall cause a special election to be held within forty-five days to determine whether the people will recall said officer, or, if a general municipal election is to occur within sixty days, the council may in its discretion postpone the holding of such election to such general municipal election.

Grounds of recall. Officer's justification.

Grounds
of recall;
officer's
justifica-
tion.

SEC. 5. In the published call for the election there shall be printed in not more than two hundred words the reasons for demanding the recall of the officer as set in the recall petition, and in not more than two hundred words the officer may justify his course in office; and both the reasons for recall and answer of the officer as printed and mentioned in this section, shall be mailed together with a sample ballot to each qualified voter.

Candidates. Election.

Candi-
dates:
election.

SEC. 6. The officer sought to be removed shall be deemed a candidate and, unless he resigns, his name shall be printed on the ballot. The nomination of other candidates and the election shall be in accordance with the provisions of article 4, section 1.

Incumbent removed.

Incumbent
removed.

SEC. 7. The officer sought to be removed shall, if he do not resign, continue to perform the duties of his office until the election and, if he fail of election, he shall be deemed removed from office.

No recall petition for the first three months.

No recall
petition
for the
first three
months.

SEC. 8. No recall petition shall be filed against any officer until he has actually held his office for at least three months.

Incapacity of recalled official.

Incapacity
of recalled
official.

SEC. 9. No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such recall or resignation.

Further regulations.

SEC. 10. The council shall by ordinance make such further regulations as may be necessary to carry out the provisions of this article. Further regulations.

ARTICLE 15.

THE INITIATIVE.

Direct legislation.

SECTION 1. Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city equal in number to the percentage hereinafter required. Direct legislation.

The petition.

SEC. 2. The forms and conditions of the petition and the mode of verification and certification, and filing shall substantially follow the general laws of the State of California with such modification as the nature of the case requires. The petition.

Twenty-five per cent petition.

SEC. 3. If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty-five per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then the council shall either: Twenty-five per cent petition.

(a) Pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to a referendary vote, under the provisions of article 16 of this charter); or

(b) Within twenty-five days after the clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance without alteration shall be submitted to a vote of the people.

Fifteen per cent petition.

SEC. 4. If the petition be signed by electors equal in number to at least fifteen per centum, but less than twenty-five per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and said ordinance be not passed by the council as provided in the preceding subdivision, then such ordinance, without alteration shall be then submitted by the council to a vote of the people at the next general municipal election that shall occur at any time after twenty days from the date of the clerk's certificate of sufficiency in such ordinance. Fifteen per cent petition.

Publication of popular ordinance.

SEC. 5. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election either (a) the council shall cause the ordinance or proposition to be printed and it shall be the duty of the clerk to enclose a printed copy thereof in an envelope with a sample Publication of popular ordinance.

ballot and mail the same to each voter, at least three days prior to the election, or (b) the council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballots as first above provided.

Election.

Election.

SEC. 6. The ballots used when voting upon such proposed ordinance shall contain the words, "For the Ordinance" (setting forth in full the title thereof and stating the general nature of the proposed ordinance) and "Against the Ordinance," (setting forth in full the title thereof and stating the general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city.

Several ordinances at one election.

Several ordinances at one election.

SEC. 7. Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this article.

Limit to special elections.

Limit to special elections.

SEC. 8. There shall not be held under this article of the charter more than one special election in any period of six months.

Repeal of popular ordinance.

Repeal of popular ordinance.

SEC. 9. The council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general municipal election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. An ordinance proposed by petition, or adopted by a vote of the people, can not be repealed or amended except by a vote of the people.

Further regulations.

Further regulations.

SEC. 10. The council may by ordinance, make such further regulations as may be necessary to carry out the provisions of this article.

ARTICLE 16.

THE REFERENDUM.

Mode of protesting against ordinances.

Mode of protesting against ordinances.

SECTION 1. No ordinance passed by the council shall go into effect before thirty days from the time of its final passage, except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by the vote of five members of the

council; *provided*, that no grant of any franchise shall be construed to be an urgency measure. If during said thirty days said petition signed by registered electors of the city equal in number to fifteen per cent of the total number of votes cast for mayor at the last preceding regular municipal election protesting against passage of such ordinance, be presented to the council the same shall thereupon be suspended from taking effect until the expiration of sixty days from the date of its final passage. It shall be the duty of the council to reconsider such ordinance within ten days after the attachment of the clerk's certificate of sufficiency to said petition; and if, upon such reconsideration, the said ordinance be not entirely repealed, the protestants shall have the right to file additional petitions of remonstrance at any time prior to the expiration of said period of sixty days. In the event that any petitions of remonstrance containing in the aggregate the signatures of the twenty-five per cent of the registered electors of the city be presented to the clerk within said period of sixty days, the council must submit the ordinance, as is provided in article 15 of this charter, to the vote of the electors of the city, either at the next regular municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The provisions of the state law of California respecting the forms and conditions of the petition and the mode of verification, certification, amendment and filing shall be substantially followed, with such modifications as the nature of the case requires.

Reference of measures to popular vote.

SEC. 2. At any special election called under the provisions of this charter, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

Reference of measures to popular vote.

Further regulations.

SEC. 3. The council must, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article.

Further regulations.

ARTICLE 17.

GENERAL PROVISIONS.

SECTION 1. No appointive officer, whether under salary or not, and no deputy of any city officer or employee of the city receiving pay from the city—except firemen without pay—shall be eligible to hold any other public office while in the employment of or holding office under the city government, except notaries public or members of the national guard. For a violation of any of the provisions of this section, such

General provisions.

General
provisions.

position or office shall immediately become vacant, and the compensation of such person offending shall terminate.

SEC. 2. The word "city" wherever it occurs in this charter, means the city of Petaluma, and every department, board, or officer, wherever mentioned in this charter, means a department, board or officer, as the case may be, of the city of Petaluma.

SEC. 3. No officer of the city shall absent himself from the state except upon the written consent of the mayor so to do. Violation of this section shall be sufficient cause for the removal of any officer violating the same.

SEC. 4. No officer of the city shall be or become, directly or indirectly, interested in, or in the performance of, any contract, work or business, or in the sale of any article, the expense, price or consideration of which is payable from the treasury; or in the purchase or lease of any real estate or other property belonging to, or taken by the city. If any person in this section designated, shall, during the time for which he was elected or appointed, acquire an interest in any contract with, or work done for, the city, or any department or officer thereof, or in any franchise, right or privilege granted by the city, unless the same shall be devolved upon him by law, he shall forfeit his office, and all such contracts shall be void, and shall not be enforced against the city.

SEC. 5. All officers of the city of Petaluma, elective or appointive, shall, in addition to the duties herein prescribed perform such duties as may be imposed by ordinance or by the general laws of the State of California.

SEC. 6. Any officer of the city who shall, while in office, accept any donation or gratuity in money, or other valuable thing, either directly or indirectly, from any subordinate or employee, or from any candidate or applicant for any position as employee or subordinate under him, shall forfeit his office.

SEC. 7. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Certified copies of extracts from said books and records shall be given by the officer having the same in custody to any person demanding the same, and paying or tendering ten cents a folio of one hundred words for such copies or extracts; but the records of the police department shall not be subject to such inspection, except permission be given by the chief of police.

SEC. 8. No person shall be eligible to or hold any office, or be clerk or deputy in any office or department, who has been guilty of malfeasance in office, bribery, or other infamous crime, or who, in any capacity, has embezzled public funds.

SEC. 9. The fiscal year mentioned in this charter shall commence with the first day of July and end with the thirtieth day of June following.

SEC. 10. Any elected or appointed officer, except a member of the council may be suspended. And any appointed officer may be removed by the council for cause. The council shall

appoint some person to discharge the duties of the office during the period of such suspension. Any elected officer suspended by the mayor may be removed after due process of law. When the mayor shall suspend any elected or appointed officer from office, he shall immediately notify the council of such suspension and furnish it a statement of the cause therefor, which statement shall be entered in the record of its proceedings. General Provisions.

SEC. 11. Whenever special meetings are called of the council, board of education, or any other board of the municipality, notice thereof shall be served on each member personally. At such special meeting no subject shall be considered except that specified in the notice.

SEC. 12. No person shall be eligible to hold office in this city, whether elective or appointive, unless he be an elector therein and have resided within its present limits for at least two years next preceding the date of such election or appointment, except superintendent, principals and teachers of the public schools, engineers, and as herein otherwise provided.

SEC. 13. It shall be the official duty of every officer and person in the employ or service of the city, when it shall come to his knowledge that any contract or agreement with the city or with any officer or department thereof, or relating to the business of any officer, has been or is about to be violated by the other contracting party, forthwith to report to the mayor all facts and information within his possession concerning such matter; and a wilful failure so to do shall be cause for the removal of such officer or employee, as in case of malfeasance in office.

SEC. 14. All claims against the city must contain a statement that every item in such claim has occurred within one year immediately preceding the filing of such claim, and no claim shall be valid against the city unless presented within one year from the date the article, labor, commodity, or service was furnished or contract performed; *provided, however*, that nothing herein contained shall deprive any person of the right to bring suit against the city upon any claim which has been rejected or refused payment by the council, if such claim was properly filed with the city clerk within the time above specified.

SEC. 15. No privy, vault or cesspool shall be permitted upon any premises adjoining a lateral sewer.

SEC. 16. Every officer provided for in this charter shall, before entering upon the duties of his office, take, subscribe and file with the city clerk, the following oath: "I do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the State of California, and that I will faithfully discharge the duties of the office of (naming the office) to the best of my ability."

SEC. 17. The council of the present city of Petaluma shall provide for the holding of the first election of officers under this charter, and shall canvass the votes and declare the result.

SEC. 18. All acts of the legislature relating to the city and

all city ordinances, resolutions, and other regulations now in force and not inconsistent herewith, shall be and remain in force after this charter takes effect until changed or repealed by the proper authority; and all rights vested under any formal act or regulation, when this charter takes effect, shall remain unimpaired; and all actions and proceedings commenced in any court wherein the city is a party, shall be continued under the law existing when said action or proceeding was commenced. No business of, or pending before, any officer or department of the city at the time this charter takes effect shall be discontinued or abandoned by reason thereof, but the same shall be carried on and completed by or before the proper officer or department herein provided for.

SEC. 19. Except as otherwise in this charter provided for, all officers of the city shall keep their respective offices open for the transaction of business during such hours as may be prescribed by the council.

SEC. 20. No officer elected or appointed serving in any capacity for the city, shall receive in any manner fees, perquisites or emoluments in addition to his salary as fixed by the charter or salaries that may hereafter be fixed by the council by ordinance; *provided*, that this section shall not apply to the office of city engineer.

One-twelfth law.

SEC. 20. Neither the municipal council, the board of education, nor any other board, commission, committee, officer, or person, shall have power to authorize, allow, contract for, pay, or render payable, and they are prohibited from authorizing, allowing, contracting, paying, or rendering payable in present or future, in any one month, any demand or demands, liability or liabilities, against the treasury of this city, or the funds thereof, which shall, in the aggregate, exceed one twelfth part of the amount allowed by laws existing at the time of such contract, authorization, allowance, payment or liability, to be expended within the fiscal year of which said month is a part; *provided, however*, that if, at the beginning of any month, any money remains unexpended in any of the funds set apart for maintaining the municipal government of this city and which might lawfully have been expended the preceding month, such unexpended sum or sums may be carried forward and expended by order of the municipal council, for the same purpose allowed by law in any succeeding month of the fiscal year. All contracts, authorizations, allowances, payments, and liabilities to pay, made or attempted to be made in violation of this section, shall be absolutely void, and shall never be the foundation or basis of a claim against the treasury of this city and all officers of this city are hereby charged with notice of the condition of the treasury of this city and the extent of the claims against the same; *provided*, that in case of calamities or for greater protection from fire, the provisions of this section may be vacated.

One-twelfth law.

Indebtedness not to exceed moneys provided.

SEC. 20a. The council shall not create, audit, allow, or permit to accrue any debt or liability in excess of the available money in the treasury that may be legally apportioned and appropriated for such purposes, except in the manner provided by law for incurring indebtedness; *provided*, that the city during the first year of its existence under this act may incur indebtedness or liability as may be necessary, not exceeding in all the income and revenue provided for it for such year; nor shall any warrant be drawn, or evidence of indebtedness be issued, unless there be at the time sufficient money in the treasury legally applicable to the payment of the same, except as hereinbefore provided.

Indebtedness not to exceed moneys provided.

ARTICLE 18.

AMENDMENTS.

SECTION 1. This charter may be amended at intervals of not less than two years by proposals therefor, submitted by the council to the qualified electors of the city at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in said city and ratified by a majority of the electors voting thereon, and approved by the legislature as provided in the constitution of the State of California. Whenever fifteen per centum of the qualified voters of the city shall petition the council to submit any proposed amendment or amendments to this charter to the qualified voters thereof for approval the council must submit the same. In submitting any such amendment or amendments to the charter any alternative article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to the others.

Amendments.

SEC. 2. The petition herein provided for must be made, presented, examined and certified to in the manner and form required for petitions under the general laws of the State of California.

SEC. 3. The council must make all necessary provisions for submitting proposed amendments to the electors, and shall canvass the votes in the same manner as in other elections.

SEC. 4. The ballots used at such elections shall contain the words, "For the Amendment" and "Against the Amendment" (stating the nature of the proposed amendment).

CHARTER EFFECTIVE.

For the purpose of the qualification and of the nominating of candidates and electing of city officers in accordance with this charter, this charter shall take effect from the time of the approval of the same by the legislature, and for all other purposes said charter shall take effect and be in force from and after the third Monday in April, 1911, immediately after the result of the said election is officially declared.

Effective.

The present board of trustees of the city of Petaluma shall

provide for holding an election to elect for the first term of office, the officers created by this charter, and shall canvass the returns and declare the result of such election and cause certificates of election to be issued to the several officers declared to have been elected at such election.

The city officers in office, at the time of approval of this charter, shall continue to hold their respective offices until the result of the said election is officially declared.

CERTIFICATE.

Certificate.

WHEREAS, The city of Petaluma, a city containing a population of more than three thousand five hundred and less than ten thousand inhabitants on the thirtieth day of August, 1910, at a special election held under and in accordance with the provisions of section eight of article XI of the constitution of the State of California, did elect J. L. Camm, E. E. Drees, Chas. H. Egan, M. H. Fredricks, Dr. H. S. Gossage, Wm. J. Hickey, A. W. Horwege, A. Kahn, John Lawler, Sr., F. H. Myers, Wm. J. Palmer, W. C. Stradling, H. Schluckebier, H. H. Weber and Wm. H. Zartman a board of freeholders to prepare and propose a charter for said city.

BE IT KNOWN, That pursuant to the provisions of the constitution and within a period of ninety days after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Petaluma. Done in duplicate.

IN WITNESS WHEREOF, We have hereunto set our hands this 26th day of November, 1910.

WM. H. ZARTMAN,
President of the Board of Freeholders.

JOHN L. CAMM.	A. KAHN.
E. E. DREES.	JOHN LAWLER.
C. H. EGAN.	F. H. MYERS.
M. H. FREDRICKS.	WM. J. PALMER.
H. H. GOSSAGE, M.D.	W. C. STRADLING.
W. J. HICKEY.	HENRY SCHLUCKEBIER.
A. W. HORWEGE.	H. WEBER.

Attest:

C. H. EGAN.
Secretary of the Board of Freeholders.

Filed this 26th day of November, 1910, at four P. M.

WM. C. KEIG,
President of the Board of Trustees of the
City of Petaluma, California.

STATE OF CALIFORNIA,)
COUNTY OF SONOMA,) SS.
CITY OF PETALUMA.)

I, W. C. KEIG, president of the board of trustees of the city of Petaluma, State of California, do hereby certify that the board of freeholders whose names appear signed to the foregoing proposed charter, were on the 30th day of August, 1910.

at a special municipal election held in said city of Petaluma on said day, duly elected by the qualified electors of said city to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector and freeholder in said city for more than five years previous to said election. that the foregoing is a true copy of said charter prepared and returned to me as president of said board of trustees within ninety (90) days after said election, as required by section 8 of article XI of the constitution of this state; that said proposed charter was then published in the "Petaluma Courier," a daily newspaper which then was a daily newspaper of general circulation in said city and that said publication was made for more than twenty (20) days, and that the first publication of said proposed charter was made within twenty (20) days after the completion of said charter; that within and not less than thirty (30) days after the publication of said charter, as required in said section 8 aforesaid, to wit, on the 14th day of February, 1911, said charter was submitted at a special election duly called and held therein for the purpose of ratifying or rejecting said proposed charter; that by a majority of the votes of the qualified electors voting at said election said proposed charter was ratified as a whole; that the returns of said election were duly canvassed by the board of trustees of said city of Petaluma on the 20th day of February, 1911, and the result thereof declared as above set forth; and that in all matters and things pertaining to said proposed charter, all provisions of said section of the constitution and the laws of State of California pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of said city of Petaluma to be affixed this 21st day of February, 1911.

[SEAL.]

WM. C. KEIG,
President of the Board of Trustees
of the City of Petaluma.

Attest: J. A. PEOPLES,
City Clerk and ex officio clerk of the Board of
Trustees of the City of Petaluma.

AND, WHEREAS, Said proposed charter, has been duly presented and submitted to the legislature of the State of California for approval or rejection, without the power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California: now, therefore, be it

Resolved by the assembly of the State of California, the senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein). That said charter of the city of Petaluma adopted and ratified by the qualified electors of said city, be, and the same is hereby, approved as a whole as and for the charter of said city of Petaluma.

CHAPTER 40.

Assembly Joint Resolution No. 6, relating to the establishment and operation of postal savings banks in California by the United States government.

[Filed with Secretary of State March 10, 1911.]

WHEREAS, The congress of the United States has enacted into the statutes of the nation a law authorizing and establishing the system of postal savings banks conducted by the national government through its postmasters;

WHEREAS, Many of the isolated communities of California are now without convenient and safe places of deposit for the savings of the people residing therein;

WHEREAS, The general establishment of postal savings banks throughout the rural and isolated communities of California and the towns of the state would encourage thrift, provide a safe place of deposit for savings, and encourage the investment of the depositors' money in the bonds of the national government; therefore, be it

Resolved by the senate and assembly of the State of California, jointly. That we respectfully urge the congress of the United States to make all necessary appropriations and place all necessary means at the command of the president of the United States to carry into effect the provisions of the postal savings bank law in our state and provide for the establishment of such banks where needed; be it further

Resolved, That our senators in congress be instructed and our representatives requested to use all honorable means to carry out the foregoing recommendation and request; be it further

Resolved, That the governor of California be, and he is hereby directed to transmit a certified copy of these resolutions to the president and speaker respectively of the senate and house of representatives and to each of our senators and representatives in congress.

Postal
savings
banks in
California.

CHAPTER 41.

Assembly Joint Resolution No. 10, relating to federal aid for the Indian schools of the Northern California Indian Association in Yolo county, California.

[Filed with Secretary of State March 10, 1911.]

WHEREAS, The Northern California Indian Association has recently acquired a suitable tract of land near the town of Guinda, in the county of Yolo, California, for the purpose of founding a permanent trades and training school, for the education of the remainder of the Indian races of California in the useful trades and pursuits, which training will enable the Indian to place himself upon an equal footing with other residents of the state in agriculture and the trades, enabling him to become independent and self-supporting; and

WHEREAS, There has been introduced in the senate of the congress of the United States an appropriation bill carrying, among other items, twenty thousand dollars for the construction of buildings for educational purposes upon the tract of land acquired by the Northern California Indian Association for such purpose, which said fund is to be available upon the raising of an endowment for the maintenance of the schools to be built on the lands of the association for educational purposes; therefore, be it

Resolved. That our senators in congress be directed and our representatives in congress requested to use all honorable means to have the appropriation made by the national congress for the purposes mentioned in this resolution; be it further

Federal
aid for
Indian
schools.

Resolved. That the chief clerk of the assembly, upon the passage of this resolution, forward a copy thereof to each of our senators and representatives in congress to be by them presented to the senate and house of representatives of the congress of the United States.

CHAPTER 42.

Assembly Concurrent Resolution No. 11, relative to a building for the California state library, the supreme court and the district court of appeal, third district.

[Filed with Secretary of State March 10, 1911.]

WHEREAS, The quarters of the state library are so badly crowded as to hinder the growth of the institution, and so poorly adapted to the business of a library that its operations are carried on with great inconvenience and loss of time both on the part of the library employees and of the users of the library; and

WHEREAS, The state library's large collections of books, manuscripts, documents, maps, etc. of great historical importance and of a monetary value conservatively estimated at five hundred thousand dollars, and not to be replaced at any price, are liable to destruction by fire; and

WHEREAS, A large number of private collections of Californiana, of general private libraries, and of collections of articles of historical significance which should be preserved in a state museum, would be given to the state if the state library were housed in a fireproof building; and

WHEREAS, The quarters for holding the sessions of the supreme court and of the district court of appeal, third district, are so inconvenient and so inadequate as to hinder the expeditious handling of the court's business: therefore, be it

Resolved by the assembly of the State of California, the senate concurring. That the board of trustees of the state library and the justices of the district court of appeal, third district, be and are hereby appointed a commission to investigate and ascertain the necessity of erecting a building for the

Commission
on
building
for state
library
and
courts.

proper housing of the state library, the supreme court and the district court of appeal, third district; and be it further

Resolved, That the commission shall report the result of its investigations, together with recommendations, to the governor, at least ninety days prior to the convening of the fortieth session of the California state legislature; and be it further

Resolved. That the investigations shall be made without expense to the state.

CHAPTER 43.

Senate Concurrent Resolution No. 15, approving five certain amendments to the charter of the city of San Diego, in the county of San Diego, State of California, voted for and ratified by the qualified electors of the said city of San Diego, at a special election held therein for that purpose, on the 14th day of February, 1911.

[Filed with Secretary of State March 10, 1911.]

Amend-
ments to
San Diego
charter.

WHEREAS, In accordance with the provisions of section eight of article XI of the constitution of the State of California, the city of San Diego, a municipal corporation in the county of San Diego, State of California, framed a charter, which was duly ratified by a vote of the people of said city, at a special election held for that purpose on the 2d day of March, 1889, which charter was duly approved by the legislature of the State of California on the 16th day of March, 1889, by a joint resolution, entitled "Senate Joint Resolution No. 5, approving the charter of the city of San Diego, in the county of San Diego, California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the second day of March, 1889"; and

WHEREAS, The said charter of the said city of San Diego, ratified and approved as aforesaid, has now been in force for more than two years since its said adoption and approval and since it has been amended; the same not having been amended in the two years last past; and

WHEREAS, More than fifteen per cent of the qualified voters of the said city of San Diego petitioned the legislative authority of the said city of San Diego to submit four certain amendments to said charter to the qualified voters of said city for approval, which proposed amendments are hereinafter designated and numbered amendments number one, two, three and four; and

WHEREAS, The legislative authority of the said city of San Diego also proposed nine other amendments to the said charter of the said city of San Diego, making in all thirteen proposed amendments to the charter of the said city of San Diego; and

WHEREAS, The legislative authority of the said city of San Diego, did by ordinance numbered four thousand two hundred and ninety of the ordinances of said city, adopted by the com-

mon council of said city on the fifth day of December, 1910, and entitled "An ordinance submitting to the voters of the city of San Diego, certain proposed amendments to the charter of said city, and calling a special election therefor," which ordinance was approved by the mayor of said city on the sixth day of December, nineteen hundred and ten, and pursuant to section eight, of article XI of the constitution of the State of California, duly submitted to the qualified electors of the said city of San Diego, said thirteen amendments to the charter of the said city of San Diego; and

WHEREAS, Said thirteen proposed amendments to said charter were in accordance with the provisions of section eight of article XI of the constitution of the State of California, published for twenty days after the passage and approval of said ordinance number four thousand two hundred and ninety, in the city official newspaper of San Diego, to wit: San Diego Union and Daily Bee, a daily newspaper published and of general circulation in said city of San Diego; and

WHEREAS, The said legislative authority of the said city of San Diego, did, by said ordinance number four thousand two hundred and ninety, call a special election to be held in the said city of San Diego, on Tuesday, the 14th day of February, 1911, for the purpose of submitting to the qualified electors of the said city of San Diego, said thirteen proposed amendments to said charter; and

WHEREAS, Said special election was held in the said city of San Diego on the said fourteenth day of February, nineteen hundred and eleven, which day was more than forty days after the said proposed amendments had been published for twenty days in the said "San Diego Union and Daily Bee"; and

WHEREAS, On the twentieth day of February, nineteen hundred and eleven, at a regular meeting of the common council of said city of San Diego, held in accordance with law and the charter of said city of San Diego, the said common council duly and regularly canvassed the returns of said special election, and duly declared the results thereof, and did thereby find and determine that eight of said proposed amendments designated in said ordinance number four thousand two hundred and ninety, as propositions five, six, seven, eight, nine, ten, eleven and twelve had not been ratified by a majority of the electors voting thereon, and that each and all of the other amendments in said ordinance number four thousand two hundred and ninety, mentioned and hereinafter particularly set forth, being amendments numbers one, two, three, four and thirteen, and submitted to the legislature of the State of California for approval or rejection, were and each of them was duly ratified by more than a majority of the electors voting thereon, and the said common council being by law and the charter of said city duly authorized to conduct, manage and control the holding of elections and all matters pertaining to elections in the said city of San Diego; and

WHEREAS, At said special election so held on the said four-

teenth day of February, 1911, five of the said thirteen proposed amendments to the said charter of the said city were duly ratified by more than a majority of the electors voting thereon; and

WHEREAS, The said five amendments, and each of them so ratified by the electors of the said city of San Diego at said special election, are now submitted to the legislature of the State of California, for approval or rejection as a whole, without power of alteration or amendment, in accordance with section eight of article XI of the constitution of the State of California, and are in the words and figures as follows, to wit:

“Repeal subdivision 45 of section 1, of chapter 2, of article II of said charter.”

“Repeal subdivision 46 of section 1, of chapter 2, of article II of said charter.”

“Amend section 6, of chapter 2, of article II of said charter, so the same will read as follows:

Section 6. Every grant of a franchise right or privilege, shall be subject to the right of the majority of the electors of said city, voting at any election, at any time thereafter to repeal, change or modify the said grant, and every ordinance making such grant shall contain a reservation of such right to repeal, amend or modify said ordinance.”

“Amend section 9, of chapter 2, of article II of said charter, so that the same will read as follows:

Section 9. Every franchise or privilege to construct or operate street or interurban railroads upon any public street, highway or public property, hereafter proposed to be granted by said common council, shall be granted for a period of not greater than fifty (50) years, upon the terms and conditions as follows, and not otherwise:

An applicant for any franchise or privilege above mentioned shall file an application therefor with said common council, and thereupon said common council shall in its discretion advertise the fact of said application, together with a statement that it is proposed to grant the same, as applied for or as changed by said common council, in the official newspaper of said city. Said advertisement must state that bids will be received for such franchise and that it will be awarded to the highest bidder, and the same must be published in such newspaper once a day for ten successive days. The full publication must be completed not less than twenty days nor more than thirty days before any further action can be taken thereon.

The publication must state the character of the franchise or privilege proposed to be granted, the term for which it is granted, and the route to be traversed; that sealed bids therefor will be received up to a certain hour and day named therein, and that the successful bidder and his assigns must, during the life of said franchises, pay to the said city two per cent (2%) of the gross annual receipts of the person, partnership or corporation to whom the franchise is awarded, arising from its use, operation or possession. No percentage

Franchises
subject
to will of
electors.

Street
railway
franchises
limited
to fifty
years.

Applica-
tion ad-
vertised.

Character
of fran-
chise,
terms,
route, etc.

shall be paid for the first five (5) years succeeding the date of the franchise, but thereafter such percentage shall be payable annually; and in the event said payment is not made, said franchise shall be forfeited; *provided, further*, that if the franchise be a renewal of a right already in existence the payment of said percentage of gross receipts shall begin at once.

In case the franchise granted shall be an extension of an existing system of street railroad, then the gross receipts shall be estimated to be one half of the proportion of the total gross receipts of said system which the mileage of such extension bears to the total mileage of the whole system, and said estimate shall be conclusive as to the amount of the gross receipts of said extension.

Extension
of street
railway.

Franchise
awarded
to highest
bidder.

Said advertisement shall also contain a statement that the said franchise will be struck off, sold and awarded to the person, firm or corporation who shall make the highest cash bid therefor; *provided, only*, that at the time of the opening of said bids any responsible person, firm or corporation present or represented may bid for said franchise or privilege, a sum not less than ten per cent above the highest sealed bid therefor, and said bid so made may be raised not less than ten per cent by any other responsible bidder, and said bidding may so continue until finally said franchise shall be struck off, sold, and awarded by said common council to the highest bidder therefor in gold coin of the United States. Each sealed bid shall be accompanied with cash or a certified check, payable to the treasurer of said city, for the full amount of said bid, and no sealed bid shall be considered unless said cash or check is enclosed therewith and the successful bidder shall deposit, at least, ten per cent of the amount of his bid with the clerk of said city before the franchise shall be struck off to him. And if he shall fail to make such deposit immediately, then and in that case, his bid shall not be received, and shall be considered as void, and the said franchise shall then and there be again offered for sale to the bidder who shall make the highest cash bid therefor, subject to the same conditions as to deposit, as above mentioned. Said procedure shall be had until said franchise is struck off, sold, and awarded to a bidder who shall make the necessary deposit of at least ten per cent of the amount of his bid therefor, as herein provided. Said successful bidder shall deposit with the clerk of said city, within twenty-four hours after the acceptance of his bid, the remaining ninety per cent of the amount thereof, and in case he or it shall fail to do so, then the said deposit theretofore made shall be forfeited, and the said award of said franchise shall be void, and the said franchise shall then and there, by said common council, be again offered for sale to the highest bidder therefor, in the same manner, and under the same restrictions as hereinbefore provided, and in case said bidder shall fail to deposit with the clerk of said city, the remaining ninety per cent of his bid, within twenty-four hours after its acceptance, the award to him of said franchise shall be set aside, and the deposit there-

tofore made by him shall be forfeited, and no further proceedings for a sale of said franchise shall be had unless the same shall be readvertised and again offered for sale, in the manner hereinbefore provided.

Work to commence within four months.

Work to construct railroads along or upon any public street or highway, a franchise for which shall have been granted in accordance with the terms of this section, shall be commenced in good faith within not more than four months from the granting of any such franchise, and if not so commenced within said time said franchise so granted shall be declared forfeited, and shall be completed within not more than three years thereafter, and if not so completed within said time said franchise so granted shall be forfeited; *provided*, that for good cause shown the common council may by resolution extend the time for completion thereof, not exceeding three months.

Paving done by owner of franchise.

The owner of the franchise or privilege shall plank, pave or macadamize the entire length of the street, used by his or its track, between the rails, and for two feet on each side thereof, and between the tracks, if there be more than one, whenever ordered to do so by said common council, and shall keep the same constantly in repair, flush with the street, and with good crossings.

Regulation of speed, etc.

The said common council shall have power to regulate the rate of speed, and pass ordinances to protect the public from danger or inconvenience in the operation of such roads, and the rates of fare and charges for transporting passengers and goods thereon shall be subject to the regulation by said common council.

Two or more lines may use same street.

Two or more lines of street railway, operated under different managements, may by lease or contract, use the same street or tracks upon such terms as may have been agreed upon between the companies operating such railways; and two lines of street railway operated under different managements may be permitted to use the same street or tracks for a distance of five blocks without such lease or contract, upon payment of an equal portion for the construction of the tracks and appurtenances used by said railways jointly; but in no case shall a company owning or operating one line of street railway be permitted to condemn the right to occupy and use the same street or tracks for a distance of more than five blocks consecutively.

Bond of successful bidder.

The successful bidder for any franchise or privilege struck off, sold, and awarded under this section shall file a bond running to said city, with, at least, two good and sufficient sureties, to be approved by said common council, in a penal sum by it to be prescribed and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe, fulfill and perform each and every term and condition of such franchise, and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages, and shall be recoverable from the principal and sureties upon said bond. Said bond shall be filed with said

common council within five days after such franchise is awarded, and upon the filing and approval of such bond, the said franchise shall, by said common council, be granted by ordinance to the person, firm or corporation to whom it has been struck off, sold, or awarded, and in case that said bond shall not be so filed, the award of such franchise shall be set aside, and any money paid therefor shall be forfeited, and said franchise shall, in the discretion of said common council, be readvertised, and again offered for sale in the same manner, and under the same restrictions, as hereinbefore provided.

No clause or condition of any kind shall be inserted in any franchise or grant offered or sold under the terms of this section, which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale, which shall in any wise favor one person, firm or corporation, as against another, in bidding for the purpose thereof."

Open competition.

"Amend article VII of the charter, by adding a new section thereto, to be known as section 4, which shall read as follows:

Section 4. The members of the board of education shall each receive as compensation the sum of six hundred dollars (\$600.00) per annum, in monthly installments."

Compensation of board of education.

AND WHEREAS, The said proposed amendments, and each one of them, so ratified, have been duly presented and submitted to the legislature of the State of California, for approval or rejection, in accordance with section eight, of article XI, of the constitution of the State of California: now, therefore, be it

Resolved by the senate of the State of California, the assembly thereof concurring (a majority of all the members elected to each house voting for and concurring therein). That said amendments to the said charter of the said city of San Diego as proposed and submitted to, and adopted and ratified by the qualified electors of the said city of San Diego, be and the same are, and each one of them is, hereby approved as a whole without amendment or alteration for and as amendments to and as part of the charter of the said city of San Diego.

CHAPTER 44.

Assembly Concurrent Resolution No. 15, approving charter of the city of Santa Cruz, county of Santa Cruz, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 31st day of January, 1911.

[Filed with Secretary of State March 10, 1911.]

WHEREAS, The city of Santa Cruz, a municipal corporation of the county of Santa Cruz, State of California, now, is and was at all times herein mentioned a city containing a popula-

Charter of
Santa
Cruz.

tion of more than three thousand, five hundred (3,500) inhabitants; and

WHEREAS, At a special municipal election duly held in said city on the 3d day of November, 1910, under and in accordance with law and provision of section 8 of article XI of the constitution of the State of California, a board of fifteen freeholders duly qualified was elected by the qualified electors of said city at the special municipal election duly called for that purpose, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, in accordance with law and within ninety days after their said election, prepare and propose a charter for the government of said city of Santa Cruz, which charter was signed in duplicate by a majority of the members of said board of freeholders on the 17th day of December, 1910, and thereupon duly returned and filed, one copy thereof with the mayor of the city of Santa Cruz, and another copy thereof with the county recorder of said Santa Cruz county in the office of said county recorder; and

WHEREAS, Said proposed charter was thereafter duly published in the Santa Cruz Surf and in the Santa Cruz Morning Sentinel, each being a daily newspaper of general circulation printed and published in said city of Santa Cruz, and said publication as aforesaid continued for a period of more than twenty days, the first publication thereof being made within twenty days after the completion of said proposed charter; and

WHEREAS, Said proposed charter was within thirty days after the completion of said publication submitted to the qualified electors of said city of Santa Cruz at a special municipal election previously duly called and held therein on the 31st day of January, 1911; and

WHEREAS, At said last mentioned special municipal election a majority of said qualified electors of said city of Santa Cruz voting at said special municipal election voted in favor of the ratification of said charter as proposed as a whole, ratifying the same; and a majority of such qualified electors voting at said special election voted against the ratification of the alternative proposition which was likewise submitted at said special election; and

WHEREAS, The council of the city of Santa Cruz duly canvassed the returns of said special election and found and declared that the majority of said qualified electors voting at said special election had voted in favor of ratifying said charter, and ratified the same, and that the majority of said qualified electors had voted against the ratification of said proposed alternative proposition; and

WHEREAS, Said charter is now submitted to the legislature of the State of California for its approval and ratification as a whole without power to alter or amend, in accordance with section 8 of article XI of the constitution of the State of California; and

WHEREAS, Said charter as so ratified was and is in words and figures as follows, to wit:

CHARTER OF CITY OF SANTA CRUZ.

PREPARED AND PROPOSED BY BOARD OF FREEHOLDERS ELECTED
NOVEMBER 3, 1911, PURSUANT TO PROVISIONS OF ARTICLE XI,
SECTION 8, OF THE CONSTITUTION OF THE STATE OF CALIFOR-
NIA.

CONTENTS.

Article	I.	Name and boundaries.	
Article	II.	Powers of city and council.	
Article	III.	Elections.	
Article	IV.	Elective officers.	
Article	V.	Qualifications of officers.	Vacancies.
Article	VI.	The recall.	
Article	VII.	The legislative department.	
Article	VIII.	The executive department.	
Article	IX.	Judicial department.	
Article	X.	Police department.	
Article	XI.	Fire department.	
Article	XII.	Health department.	
Article	XIII.	School department.	
Article	XIV.	Public library.	
Article	XV.	Revenue and taxation.	
Article	XVI.	Claims and demands.	
Article	XVII.	Public work and contracts.	
Article	XVIII.	Corporations and franchises.	
Article	XIX.	City water works.	
Article	XX.	Light, heat, and power.	
Article	XXI.	Parks and public grounds.	
Article	XXII.	The initiative.	
Article	XXIII.	The referendum.	
Article	XXIV.	Miscellaneous provisions.	
Article	XXV.	Amendments.	
		Certificate.	

ARTICLE I.

NAME AND BOUNDARIES.

SECTION 1. *Name.* The municipal corporation now exist- Name.
ing, known as the City of Santa Cruz, shall continue in name
and in fact to be a body politic and corporate, with exterior
boundaries fixed as follows:

SEC. 2. *Boundaries.* Beginning on the bay of Monterey Bound-
aries.
at a point on said bay 410 feet west of the section line between
sections nineteen and twenty, township eleven south, range
one west, M. D. M.; thence northerly along the middle of
Woods lagoon and the creek in Arana gulch to the boundary
of de Laveaga Park; thence north 88 degrees east, 140 feet
to a station; thence south 50 $\frac{1}{2}$ degrees east, 79.20 feet to a
station on the west side of the county road; thence north 17 $\frac{1}{2}$
degrees east, 14.50 feet to a station; thence north 2 degrees
west, 91 feet along the west side of said county road to a
station; thence south 89 $\frac{1}{2}$ degrees west, 396 feet to a station;
thence north 32 degrees west, 130 feet to a station; thence
north 34 degrees west, 150 feet to a station; thence north 36
degrees 45 minutes west, 50 feet to a station; thence north
52 degrees west, 150 feet to a station; thence north 62 degrees
west, 120 feet to a station; thence north 60 degrees 30 minutes
west, 260 feet to a station; thence north 1 degree 15 minutes
east, 185 feet to a station; thence north 30 degrees 15 minutes
east, 60 feet to a station; thence north 4 degrees east, 50
feet to a station; thence north 36 degrees 30 minutes west, 130
feet to a station; thence north 16 degrees 15 minutes west, 280

Bound-
aries.

feet to a station; thence north 2 degrees 45 minutes west, 164 feet to a station; thence north 20 degrees 15 minutes west, 283 feet to a station; thence north 9 degrees west, 163 feet to a station; thence north 6 degrees 45 minutes west, 180 feet to a station; thence north 4 degrees 45 minutes west, 160 feet to a station; thence north 22 degrees east, 130 feet to a station; thence north 7 degrees 38 minutes west, 286 feet to a station; thence north 37 degrees west, 113 feet to a station; thence north 130 feet to a station; thence north 46 degrees east, 80 feet to a station; thence north 6 degrees 30 minutes west, 159 feet to a station; thence north 2 degrees 30 minutes east, 70 feet to a station; thence north 33 degrees 15 minutes west, 86 feet to a station; thence north 30 minutes west, 831 feet to the northeast corner of de Laveaga Park; thence along the northerly boundary of said de Laveaga Park, south 89 degrees 33 minutes west, 1112 feet to a station; thence north 5 degrees 35 minutes east, 170 feet to a station; thence north 29 degrees east, 145 feet to a station; thence north 29 degrees 45 minutes east, 759 feet to a station; thence north 25 degrees 45 minutes east, 217.80 feet to a station on the westerly side of a right of way; thence along the westerly side of the said right of way, north 1 degree east, 105 feet to a station; thence north 57 degrees 30 minutes west, 142 feet to a station; thence south 89 degrees 20 minutes west, 690.40 feet to a station; thence south 623 feet to a station; thence north 57 degrees 30 minutes west, 278.50 feet to a station; thence south 562.30 feet to a station; thence west 1026.30 feet to a station; thence north 47 degrees 15 minutes west, 130 feet to a station; thence along the easterly, northerly, and westerly boundaries of de Laveaga Park, 80½ feet to the northwesterly corner of the said de Laveaga Park on the easterly side of the Blackburn gulch road; thence southwesterly along the easterly side of said road, to a point on the produced southerly boundary line of the Rancho Carbonero; thence west along the said produced southerly boundary line of the Rancho Carbonero to the southeasterly corner of the said Rancho Carbonero; thence westerly along the boundary of the Rancho Carbonero and the Rancho Cañada del Rincon to the east boundary of the Rancho Refugio; thence along the boundary of the Rancho Refugio south to the Pacific ocean; thence due south into the said Pacific ocean a distance of three marine miles; thence easterly and following the courses of the indentations of the said Pacific ocean and of the bay of Monterey, to a point due south of and three marine miles from a point on the said bay of Monterey 410 feet west of the section line between sections nineteen and twenty, township eleven south, range one west, M. D. M.; thence due north to the point of beginning.

ARTICLE II.

POWERS OF THE CITY AND COUNCIL.

SEC. 3. *Rights and succession.* The city of Santa Cruz shall have perpetual succession and shall continue vested with

and in control of all property of every kind now belonging to it, with power: Rights and succession.

SEC. 4. *Corporate seal.* To have and use a corporate seal; and, when expedient, to alter the device thereon. Corporate seal.

SEC. 5. *Actions and proceedings.* To commence, conduct, prosecute, and defend all actions or proceedings for the protection of municipal rights and property. Actions and proceedings.

SEC. 6. *Acquirement and disposal of property.* To acquire, receive, take, have, hold, lease, use, improve, control, and dispose of property of every kind, whether situate within or without the corporate boundaries, for the common benefit of the inhabitants. Acquirement and disposal of property.

SEC. 7. *Gifts and donations.* To receive bequests, gifts, and donations of lands, in fee simple, in trust, or otherwise, and of all other kinds of property, for charitable or other use, and to manage, sell, lease, or otherwise dispose of the same, absolutely or in accordance with the terms of such bequest, gift, donation, or trust, and to do whatever may be necessary to fulfill the purpose thereof. Gifts and donations.

SEC. 8. *Buildings.* To acquire, erect, improve, equip, furnish, and maintain, with necessary adjuncts and appendages, all buildings, structures, and places required for public business, education, and recreation, and to regulate the use of the same. Buildings.

SEC. 9. *Parks and water works.* To acquire, improve, and maintain parks and public playgrounds; and to acquire, construct, maintain, and operate water works, with requisite reservoirs, pipe lines, flumes, aqueducts, hydrants, meters, and contrivances for supplying the city and its inhabitants with water, and to extend the service to rate payers outside of the corporate limits. Parks and water works.

SEC. 10. *Public utility systems.* To acquire, lease, construct, operate, and maintain all manner of works and systems for the purpose of supplying the city and its inhabitants with light, gas, heat, transportation, wire, or other service, and to lease to persons, firms, or corporations, for the purpose of maintenance, operation, or use, any public utility owned or controlled by the city; *provided*, that such lease shall be made only by ordinance to the highest bidder therefor and for a period not to exceed five years. Public utility systems.

SEC. 11. *Wire and wireless service.* To acquire, have, hold, construct, and maintain, and to grant the right to construct and maintain, and to regulate the construction and maintenance of all pipes, tubes, conduits, wires, and electric, telephone, telegraph, wireless, and aerial apparatus or stations; to require all telegraph, telephone, and electric wires to be placed underground, and to regulate the mode of wiring houses, buildings, and structures for telegraph, telephone, electric light, electric power, and all other electric service. Wire and wireless service.

SEC. 12. *Eminent domain.* To exercise the right of eminent domain for the purpose of acquiring real and personal property of every kind, including water, water rights, and Eminent domain.

water works, within or without the corporate limits, gas, electric light, power, and telephone plants, and all other property necessary or desirable for the use of the city or its inhabitants, or which may now or hereafter be subject to condemnation by the laws of this state; and to control, protect, improve, use, and regulate the use of the water front and waterways of and within the city, in any way deemed practicable, for the benefit of the inhabitants and for the accommodation of commerce.

Sewers and
garbage.

SEC. 13. *Sewers and garbage.* To construct and maintain sewers, drains, and all other works necessary to carry away sewage and storm water, and to construct and maintain incinerators and other works for the disposition or destruction of garbage.

Work on
streets.

SEC. 14. *Work on streets.* To establish and change the grade and to lay out, open, extend, widen, narrow, change, vacate, pave, repave, gravel, surface, resurface, improve, and keep in order streets, alleys, highways, sidewalks, and crossings and public squares, parks, and places.

Obstruc-
tions and
weeds.

SEC. 15. *Obstructions and weeds.* To require the curbs and sidewalks of all streets to be kept clean, clear of weeds, projections, and obstructions, and upon the failure, neglect, or refusal of the owner or occupant of any premises so to do, to have the same done and the expense thereof charged against and become a lien upon the property fronting upon such curb or sidewalk.

Levy and
collect
taxes.

SEC. 16. *Levy and collect taxes.* To levy and collect taxes upon all property subject to taxation, for municipal purposes; *provided*, that the tax levied for any one year for all municipal purposes other than for the payment of the principal and interest on any bonds of the city or for school and library purposes, shall not exceed one dollar on each one hundred dollars of the assessed valuation of taxable property in the city, except as hereinafter provided. And to levy and collect assessments upon property to pay for grading, regrading, laying out, opening, widening, narrowing, extending, and improving streets, alleys, sidewalks, crossings, and other highways, public squares, parks, and places, the construction of sewers, the laying of water, gas, and other pipes and conduits.

Creation
of indebted-
ness.

SEC. 17. *Creation of indebtedness.* To create, subject to the restrictions and limitations of the constitution and general laws of the State of California and of this charter, indebtedness not to exceed in all fifteen per cent of the assessed valuation of all the real and personal property in the city, to pay the costs of municipal improvements, the acquisition of public utilities, or for any lawful purpose whatever, requiring an expenditure greater than the amount which can be appropriated for such purpose out of the annual tax levy; *provided, however*, that no indebtedness shall be incurred by contract, bonds, or otherwise that shall require a tax levy in any one year (in excess of the limit fixed by this charter for general municipal purposes) of more than fifty cents on each one hundred dollars of the assessed valuation of the taxable prop-

erty of the city at the time said indebtedness is incurred, to meet the payments of the principal of such indebtedness.

SEC. 18. *Tax levy exceeding limit.* To levy taxes exceeding the limit fixed by this charter; *provided*, the proposition to make such levy shall have been authorized by two thirds of the qualified electors voting thereon at a general or special election.

Tax levy exceeding limit.

SEC. 19. *Licensing business.* To impose licenses, as a police regulation or for revenue, on any and every kind of business conducted or to be carried on in the city; to fix the sum to be collected for any license so imposed, and to provide the manner to enforce payment thereof; to regulate, restrain, suppress, abate, or prohibit hawking and peddling and the carrying on or maintenance of any laundry, livery or sale stable, cattle or horse corral, or place where cattle, horses, swine, bees, poultry, geese, or pigeons are kept, planing mill, rolling mill, oil well, tank, refinery, foundry, soap works, glue factory, tannery, distillery, brewery, brick yard, slaughterhouse, butcher shop, cement works, quarry, lime kiln, bawdy house, billiard hall, pool room, bill board, penny arcade, moving picture show, nickelodeon, wireless telegraph station, prize fight, rat pit, and all public exhibitions, shows, games, or amusements, within the limits of the city or any designated portion thereof; to prohibit and prevent gambling of every form, name, and description, games of chance, fraudulent devices and practices, all playing of cards, dice, mechanical devices, slot machines, raffles, lotteries, or any other games, devices, or contrivances for the purpose of gambling, obtaining, or distributing goods, wares, merchandise, property, or money by chance or lot, and to authorize the confiscation and destruction of all instruments, machines, implements, and things used in connection with gambling or games of chance; to regulate or prohibit all saloons, bars, barrooms, or other places where spirituous, malt, vinous, or other alcoholic or intoxicating liquors are sold, dispensed, or given away; to restrain or prohibit all noises from blasting, explosion of powder or fireworks, ringing of bells, beating of drums, blowing of whistles, or operation of machinery; to suppress, abate, and prohibit every act, occupation, business, place, or thing, obnoxious, offensive, immoral, or disreputable, or that is dangerous to life, injurious to health, or subversive of the peace and good order of the city.

Licensing business.

SEC. 20. *Police and fire departments.* To organize and maintain police and fire departments.

Police and fire departments.

SEC. 21. *Police and sanitary regulations.* To make, adopt, and enforce all necessary rules and regulations for the prevention of fires, floods, and riots; to provide for and regulate the inspection of food products, and all things intended for human consumption; to provide for the taking and summary destruction of any food or products that are unsound, spoiled, adulterated, or unwholesome, and to prevent the same being brought into, made, kept, or sold in the city; to provide for and regulate the inspection of all dairies that offer for sale

Police and sanitary regulations.

or sell any of their products in the city; and to provide for the inspection and sealing of weights and measures used in the city, and to enforce the keeping and use by dealers of proper weights and measures, duly tested and sealed.

Fire limits.

SEC. 22. *Fire limits.* To establish fire limits, determine the character and height of structures therein, and the nature of the materials and appliances to be used in the construction, alteration, or repair thereof, or in the alteration or repair of existing structures.

Fire escapes.

SEC. 23. *Fire escapes.* To require the owners of structures to provide fire escapes and appliances for prevention and extinguishment of fires.

Entrances and exits of structures.

SEC. 24. *Entrances and exits of structures.* To regulate the size and arrangement of entrances to, and exits from all structures wherein persons assemble for amusement, entertainment, or instruction, and to prohibit obstruction of the aisles thereof.

Construction and safety of buildings.

SEC. 25. *Construction and safety of buildings.* To regulate the construction and ventilation of, and the materials used in all buildings, chimneys, stacks, and other structures; to prevent the erection or maintenance of insecure and unsafe buildings, walls, chimneys, stacks, or other structures, and to provide for their summary abatement or destruction: to prescribe the depth of cellars and basements, the materials used in, and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the construction of bathrooms and toilet conveniences, the manner of construction and the materials used in wiring structures for the use of electricity for lighting, heat, power, or other purposes, and to prohibit the erection of all structures that do not conform to such regulations.

Management of municipal property.

SEC. 26. *Management of municipal property.* To exercise, within constitutional and statutory limitations, all municipal and police powers necessary to the complete and efficient management and control of all municipal property, and for the efficient administration of the municipal government, although such powers may not be herein expressly enumerated.

Explosives.

SEC. 27. *Explosives.* To regulate or prohibit the manufacture, keeping, storage, and use of powder, dynamite, gun-cotton, nitroglycerine, fireworks, and all other explosive substances.

Inflammable substances.

SEC. 28. *Inflammable substances.* To regulate the keeping and storage of oil, hay, straw, and all other inflammable substances within the city.

Engines and boilers.

SEC. 29. *Engines and boilers.* To regulate the use of all engines and steam boilers within the city.

Public vehicles.

SEC. 30. *Public vehicles.* To establish stands for and regulate the charges of hacks, public carriages, automobiles, express wagons, and other public vehicles, kept or operated for hire, to require the rate regulations to be plainly displayed on such vehicles, and to provide penalties for collecting charges in excess thereof.

SEC. 31. *Nuisances.* To define, prevent, remove, and abate

nuisances, and to provide that any expense incurred therein be charged against the party or parties creating, causing, committing, suffering, or maintaining the same. Nuisances.

SEC. 32. *Public nuisance.* To declare any business a public nuisance that is conducted contrary to an ordinance of the city or of the general laws of the state; to provide for the abatement or removal thereof, and for this purpose to summarily take and hold any personal property used or involved therein. Public nuisance.

SEC. 33. *Violation of ordinances.* To make the violation of ordinances of the city a misdemeanor and to prescribe the punishment therefor, which shall be by fine or imprisonment, or both; *provided, however,* that no fine shall exceed the sum of five hundred dollars nor imprisonment be imposed to exceed six months. Such misdemeanors may be prosecuted by the authorities of the city in the name of the people of the State of California by criminal complaint, or redressed by civil action. Violation of ordinances.

SEC. 34. *Animals running at large.* To establish pounds and pound districts, and to provide for the supervision and control thereof, and to prohibit the running at large of all animals in violation of the regulations enacted in relation thereto. Animals running at large.

SEC. 35. *Cruelty to animals.* To prohibit and punish cruelty to animals, and to require places where they are kept to be maintained in a sanitary condition. Cruelty to animals.

SEC. 36. *Speed regulation.* To regulate the speed of railroad trains, engines, electric cars, automobiles, and all other vehicles within the city; to require railroad companies either to keep flagmen or gates, or to construct viaducts at all streets and crossings. Speed regulation.

SEC. 37. *Franchises.* To grant franchises. Franchises.

SEC. 38. *Creation of offices.* To create offices other than those established by this charter or by the general law, whenever the public business may require; to prescribe the duties pertaining to the offices so created; and to provide for appointments to and removals from such offices, and fix the compensation of the incumbents thereof. Creation of offices.

SEC. 39. *Municipal elections, precincts, and officers.* To provide for holding municipal elections, give notice thereof, establish and alter election precincts, and to appoint and fix the compensation of all election officers. Municipal elections, precincts and officers.

SEC. 40. *General power.* To do and perform whatsoever is necessary and convenient in municipal administration for the benefit of the inhabitants of the city, and to do any act which is by this charter, or by any general law now or hereafter in force, authorized to be done; *provided,* that the question of acquiring by lease, purchase, or construction any plant or property for the purpose of supplying any public service or commodity, not previously supplied to its inhabitants by the city, shall be submitted to the voters of the city in the same manner as other propositions, at a general or special election, and such property or plant shall not be acquired unless a majority of the electors voting at such election, vote in favor General power.

thereof. It is, however, expressly provided that nothing herein contained shall be construed as requiring a vote of the electors on a proposition to acquire any property or expend any money for the purpose of extending or developing such property or any property or plant now owned or operated by the city, or which it may, in accordance with the provisions of this charter, acquire in the future.

Ordinances, resolutions, and orders.

SEC. 41. *Ordinances, resolutions, and orders.* To adopt and enforce ordinances, resolutions, and orders not repugnant to the provisions of this charter, the constitution of the United States, or of the State of California, or general laws; and to establish all such measures and regulations, in the absence of express provision therefor in this charter, as the council may deem expedient or necessary for the promotion of the peace, health, comfort, safety, life, happiness, and welfare of the inhabitants of the city, the protection of property, the preservation of order, and the suppression of vice.

ARTICLE III.

ELECTIONS.

General and special municipal elections.

SEC. 42. *General and special municipal elections.* A municipal election shall be held in the city on the first Tuesday after the first Monday in May in the year 1911, and on the first Tuesday after the first Monday in May in every second year thereafter, and shall be known as the general municipal election. A second election shall be held, when necessary, as hereinafter provided in this charter, on the second Tuesday after said general municipal election, and shall be known as the second general municipal election.

All other municipal elections that may be held by or under the authority of this charter or of the general law shall be known as special municipal elections.

Nomination and election of all elective officers.

SEC. 43. *Nomination and election of all elective officers.* The mode of nomination and election of all elective officers of the city to be voted for at a municipal election, shall be as follows and not otherwise.

Condition of candidacy.

SEC. 44. *Condition of candidacy.* The candidate, not later than the presentation to the city clerk of his petition of nomination, as in this article set forth, and not earlier than thirty days before such presentation, shall file with the city clerk a declaration of his candidacy, in the following form:

DECLARATION OF CANDIDATE.

I,, residing at No., street, Santa Cruz, California, being duly sworn, hereby declare myself a candidate for the office of to be voted for at the municipal election, to be held in the city of Santa Cruz, on the day of, 19...
(Signed)

STATE OF CALIFORNIA,
COUNTY OF SANTA CRUZ, }
CITY OF SANTA CRUZ. } ss.

Subscribed and sworn to before me this day of
....., 19....

.....
City Clerk (or Notary Public).

SEC. 45. *Name printed on ballot.* The name of a candi-
date shall be printed upon the ballot when a petition of nomi-
nation shall have been filed in his behalf in the manner and
form and under the conditions hereinafter set forth, such
candidate not having withdrawn under the provisions of this
article.

Name
printed on
ballot.

SEC. 46. *Form of nomination petition.* The petition of
nomination shall consist of not less than twenty-five individual
certificates, which shall read substantially as follows:

Form of
nomina-
tion
petition.

PETITION OF NOMINATION.

Individual Certificate.

STATE OF CALIFORNIA,
COUNTY OF SANTA CRUZ, }
CITY OF SANTA CRUZ. } ss.

I, the undersigned, certify that I do hereby join in a petition
for the nomination of whose residence is at
No. street, Santa Cruz, California, for the office
of to be voted for at the municipal
election to be held in the said city of Santa Cruz, on the
day of, 19...; and I further certify that I am
a qualified elector of the said city, that I have not signed more
petitions for the above named office than there are places to
be filled, that my residence is at No. ...,street,
Santa Cruz, California, and that my occupation is

(Signed)

STATE OF CALIFORNIA,
COUNTY OF SANTA CRUZ, }
CITY OF SANTA CRUZ. } ss.

....., being duly sworn, deposes and says: That he
is the person who signed the foregoing certificate and that the
statements therein contained are true and correct.

(Signed)

Subscribed and sworn to, this day of
19.., before me.

.....
Notary Public (or Verification Deputy).

The petition of which this certificate forms a part shall, if
found insufficient, be returned to at No.,
..... street, Santa Cruz, California.

SEC. 47. *Forms to be supplied by city clerk.* It shall be
the duty of the city clerk to furnish, upon application therefor,
a reasonable number of individual certificates of the above
character.

Forms to
be supplied
by city
clerk.

Require-
ments of
certifi-
cates.

SEC. 48. *Requirements of certificates.* Each certificate must be a separate paper. All certificates must be of a uniform size, determined by the city clerk. Each certificate must contain the name of one signer only, and of but one candidate. Each signer of a certificate must be a qualified elector of the city, and must not at the time of signing said certificate have his name signed to more certificates for candidates for that office than there are places to be filled for such office. If an elector signs more certificates than there are places to be filled for such office, all such certificates shall be rejected. Each signer must verify his certificate before a notary public or verification deputy. Each certificate shall contain the name and address of a person to whom the petition is to be returned if found insufficient.

Arrange-
ment of
certifi-
cates.

SEC. 49. *Arrangement of certificates.* Individual certificates constituting a nominating petition shall, before presentation to the city clerk, be arranged alphabetically for each municipal election precinct and numbered beginning with the number 1, and shall be bound into a book by fastening the same together with a staple, wire, thread, or other suitable material.

Verifica-
tion
deputies.

SEC. 50. *Verification deputies.* Verification deputies must be qualified electors of the city, appointed by the city clerk upon application in writing, signed by not less than five qualified electors of the city. The application shall state that the signers thereto desire to procure the signatures of electors for the nomination of candidates for municipal office, or for the recall of an incumbent of an elective office, at an election therein specified, and that the applicants desire the person or persons whose names and residences are given, appointed verification deputies. The order of appointment shall authorize such persons to administer the verification oath to signers of nominating or recall petitions. Such deputies shall use no seal, and have no authority to administer any other oath. Such appointments shall terminate when all of said petitions of nomination or recall have been filed by the city clerk. No verification deputy shall be paid directly or indirectly out of the city treasury.

Date of
presenting
petition.

SEC. 51. *Date of presenting petition.* A petition of nomination for any one candidate shall consist of not less than twenty-five individual certificates and shall be presented to the city clerk not earlier than thirty-five, nor later than twenty-five days before the election, who shall endorse thereon the date upon which the petition was presented to and filed by him.

Examina-
tion of
petition
by city
clerk.

SEC. 52. *Examination of petition by city clerk.* When a petition of nomination is presented for filing, the city clerk shall forthwith examine the same and ascertain whether it conforms to the provisions of this article. If found not to conform thereto, he shall then and there note in writing on said petition the deficiency therein and return the petition to the person who presented the same. The petition may then be

amended, and again presented for filing as in the first instance. The city clerk shall forthwith examine the amended petition as hereinbefore provided.

SEC. 53. *Withdrawal of candidate.* Any person whose name has been presented as a candidate for municipal office may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and the name so withdrawn shall not be upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election. Withdrawal of candidate.

SEC. 54. *Filing petitions.* If either the original or the amended petition of nomination be found sufficiently signed and in proper form as hereinbefore provided, the city clerk shall, within not less than twenty days before the date of the election, file the same. When a petition of nomination shall have been filed by the city clerk, it shall not be altered, added to, or amended. Filing petitions.

SEC. 55. *Preservation of petitions.* The city clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under the provisions of this article. Preservation of petitions.

SEC. 56. *Election proclamation.* Immediately after all petitions are filed, the city clerk shall enter the names of the candidates in a list, together with the offices to be filled, and not later than twenty days before the election certify such list as being the list of candidates nominated as required by the charter of the city of Santa Cruz, and the council shall cause said certified list, together with the offices to be filled, designating whether for full or unexpired terms, to be published in a proclamation calling the said election, for ten successive days before the election, in not more than one daily newspaper of general circulation published in the city of Santa Cruz. Said election proclamation shall conform to the general law of the state applicable thereto, except as otherwise provided in this charter. Election proclamation.

SEC. 57. *Form of ballots.* The city clerk shall cause ballots to be printed, bound, and numbered, as provided for by state law, except as otherwise required in this charter. The ballots shall contain a list of the respective offices and the names of all candidates, as published in the election proclamation, and shall be in substantially the following form: Form of ballots.

GENERAL (OR SPECIAL) MUNICIPAL ELECTION,
CITY OF SANTA CRUZ.

(Insert date thereof.)

Instructions to Voters: To vote, stamp a cross (X) in the square opposite the name of the candidate or candidates for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the Instructions to voters.

ballot void. If you wrongly mark, tear, or deface a ballot, return it to the inspector of the election, and obtain another.

Require-
ments of
ballot.

SEC. 58. *Requirements of ballot.* All ballots shall be printed on the same size, quality, and tint of paper, in like type and color of ink, so that without the number it would be impossible to distinguish one ballot from another. The names of all candidates printed upon the ballot shall be in type of the same size and style, and shall be arranged in alphabetical order for each office. Nothing on the ballot shall indicate the source of support of any candidacy. A column shall be provided on the right of the ballot for charter amendments or other questions to be voted upon.

Names on
ballot.

SEC. 59. *Names on ballot.* The name of every candidate nominated, and who has not withdrawn his name, shall be printed upon the ballot.

Arrange-
ment of
ballot.

SEC. 60. *Arrangement of ballot.* The offices to be filled shall be arranged in separate columns in the following order:

For mayor vote for one.

For commissioner vote for (giving number).

For auditing committee vote for (giving number).

For member of board of education vote for (giving number).

Space for
cross.

SEC. 61. *Space for cross.* A half-inch square shall be provided at the right of the name of each candidate on the ballot, within which to stamp a cross.

Blanks for
additional
names.

SEC. 62. *Blanks for additional names.* Half-inch spaces shall be left below the printed names of candidates for each office, equal to the number to be voted for for that office, wherein the voter may write the name of any person or persons for whom he may desire to vote.

Sample
ballots.

SEC. 63. *Sample ballots.* The city clerk shall cause to be printed sample ballots, identical in form (but not in color of paper), with the ballot to be used at the election, and shall furnish copies of the same to registered voters of the city upon application therefor at least five days before the date of the election, and shall mail such sample ballot to each registered voter at least three days before such election.

Vote neces-
sary for
election.

SEC. 64. *Vote necessary for election.* When there is but one person to be elected, the candidate receiving a majority of the votes cast for the office shall be declared elected; when two or more persons are to be elected, then those candidates equal to the number to be elected, who receive the highest number of votes, shall be declared elected; *provided*, that no person shall be declared elected to any office at the first election, unless the number of votes received by him shall be greater than one half the number of ballots cast for all the candidates for that office.

Second
election.

SEC. 65. *Second election.* If at any election held as above provided there be any office or offices to which the required number of persons was not elected, then as to such office or

offices the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill such office or offices. The candidates not elected at such first election, equal in number to twice the number to be elected to any office, or less if so there be, who receive the highest number of votes for the respective offices at the first election, shall be the only candidates at such second election; *provided*, that if there be any person who, under the provisions of this section, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then the council shall determine and select by lot which of said candidates shall become a candidate at said second election, and the candidate so selected by the council shall be the only one of said candidates receiving an equal number of votes at said primary election who shall become a candidate at such second election.

SEC. 66. *Date of second election.* When necessary, a second election shall be held on the second Tuesday after the first election.

Date of second election.

SEC. 67. *Rules governing the second election.* All provisions above specified, so far as applicable, shall govern the second election, except that notice of said second election need be published but twice; *and provided, also*, that the same precincts and polling places shall, if practicable, be used.

Rules governing the second election.

SEC. 68. *Failure of person elected to qualify.* Every person elected shall qualify within ten days after his election, or within ten days after notice thereof, and on failure to so qualify, the office shall be filled in the manner provided for filling vacancies. Upon the declaration of the result of the election, the clerk shall deliver to the person elected, or send him by registered mail to his last known address, a written notice of his election.

Failure of person elected to qualify.

SEC. 69. *Informalities in election.* No informalities in conducting municipal elections shall invalidate the same.

Informalities in election.

SEC. 70. *General election regulations.* The provisions of the general law of the state relating to the qualifications of electors and elections shall govern all municipal elections, unless otherwise provided for in this charter. The council shall canvass the election returns within four days after every election, and declare the result thereof.

General election regulations.

SEC. 71. *Voting machines.* The council may provide for the use of voting machines.

Voting machines.

SEC. 72. *Election precincts, officers, and compensation.* The council shall subdivide the city into election precincts for election purposes, and may change and alter such precincts as often as occasion may require. Such precincts shall be sufficient to limit the number of votes polled in any one election precinct to approximately four hundred. In establishing such precincts, the council may consolidate those which existed at the last preceding general state election, to a number not exceeding three for each municipal or consolidated precinct,

Election precincts, officers, and compensation.

and shall number such precincts so established consecutively, and each precinct so established shall, for the purpose of municipal elections, be known by the number so designated. The board of election in each municipal election precinct at all municipal elections shall be composed of five qualified electors of the city, appointed by the council. The compensation of members of the election board shall not exceed four dollars for services at any municipal election.

ARTICLE IV.

ELECTIVE OFFICERS.

Elective
officers.

SEC. 73. *Elective officers.* The elective officers of the city shall be a mayor and four commissioners, who shall constitute the council; an auditing committee of three members; and a board of education of five members.

The mayor and each commissioner shall have the right to vote on all questions before the council. Each member of the board of education shall have the right to vote on all questions before said board.

Elected at
large.

SEC. 74. *Elected at large.* All elective officers shall be elected at the general municipal election, on a general ticket, from the city at large.

Mayor's
term of
office.

SEC. 75. *Mayor's term of office.* The mayor shall hold office for the term of two years from the first Monday in July, after his election, and until his successor is elected, or appointed, and qualified.

Commissioners'
term of
office.

SEC. 76. *Commissioners' term of office.* The commissioners shall hold office for the term of four years from the first Monday in July, after their election, and until their successors are elected, or appointed, and qualified; *provided*, that the commissioners first elected under this charter shall, at their first meeting, so classify themselves by lot, that two of them shall hold office for two years and two of them for four years. At each general election held under this charter there shall be elected at least two commissioners.

Auditing
committee's
term
of office.

SEC. 77. *Auditing committee's term of office.* The members of the auditing committee shall hold office for the term of two years from the first Monday in July, after their election, and until their successors are elected, or appointed, and qualified.

Members
of board
of educa-
tion.

SEC. 78. *Members of board of education.* The members of the board of education shall hold office for four years from the fourth Monday in May, after their election, and until their successors are elected, or appointed, and qualified; *provided*, that the members of the board of education first elected shall, at their first meeting, so classify themselves by lot that three shall serve for two years and two for four years. All members of the board of education elected thereafter shall be chosen at general municipal elections for the term of four years.

Commence-
ment of
term of
office.

SEC. 79. *Commencement of term of office.* The term of each elective officer shall commence at twelve o'clock noon on the days fixed in this charter.

Sec. 80. *Official bonds.* The city clerk and assessor, and the treasurer and tax and license collector each shall, before entering upon the discharge of the duties of his office, give and execute to the city of Santa Cruz a bond as hereinafter provided. Official bonds.

The bond of the city clerk and assessor shall be in the penal sum of two thousand five hundred dollars; of the treasurer and tax and license collector in the penal sum of twenty thousand dollars.

Every bond shall contain the condition that the principal will faithfully perform all official duties. Official bonds must be signed by the principal and at least two sureties, or executed by an approved surety company.

No bond signed by individuals shall be approved unless each surety justifies before an officer authorized to administer oaths, as follows:

That he is a resident and freeholder within the county of Santa Cruz; that he is worth the amount for which he becomes surety over and above all his debts and liabilities, in unincumbered property situate within the State of California, exclusive of property exempt from execution and forced sale.

The council may, by ordinance, increase or require a bond from any officer.

The approval of official bonds must be endorsed thereon by the officer or board approving the same. Approved bonds shall be filed with the city clerk, but the bond of the city clerk shall, after filing, be kept by the mayor.

Any official bond required may be executed by some approved surety company, and the premium charged therefor shall be paid by the city.

Sec. 81. *Oath of office.* Every officer of the city shall, before entering upon the discharge of the duties of his office, take, subscribe, and file with the city clerk, the following oath of office. Oath of office.

I solemnly swear (or affirm, as the case may be), that I will support the constitution of the United States, the constitution of the State of California, and the charter of the city of Santa Cruz, and that I will faithfully discharge the duties of the office of, according to the best of my ability.

(Signed)

Subscribed and sworn to, this day of, 19...., before me.

.....
City Clerk (or Notary Public).

Sec. 82. *Salaries.* The mayor shall receive an annual salary of twelve hundred dollars, and each commissioner an annual salary of nine hundred dollars, payable in equal monthly installments. Salaries.

Sec. 83. *Administration of oaths. Subpoenas.* Every elective officer, every chief official, and every member of any board provided for in this charter, shall in all matters pertaining to the business of the city, have power to administer Administration of oaths; subpoenas.

oaths or affirmations, and the head of every department shall have the power to issue subpoenas to compel the production of books, papers, and documents, and to hear and take testimony concerning any matter or thing pending before the council or under the supervision of such department. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper, or document, as required by such subpoena, or refuse to testify before the council or before any such board or department, or to answer any question which any such officer or head of department shall decide to be proper and pertinent, he shall be deemed in contempt, and the council, or any such officer or board, shall have power to take proceedings in that behalf provided by the general laws of the state.

ARTICLE V.

QUALIFICATION OF OFFICERS. VACANCIES.

Qualification of mayor, commissioners, and auditing committee.

SEC. 84. *Qualification of mayor, commissioners, and auditing committee.* The mayor, commissioners, and members of the auditing committee, must be citizens of the United States, who shall have attained the age of twenty-five years, they must be electors of the city of Santa Cruz, and shall have been residents of the city for three years next preceding the election.

Qualification of members of the board of education.

SEC. 85. *Qualification of members of the board of education.* The members of the board of education must be citizens of the United States, who shall have attained the age of twenty-five years, and shall have been residents of the city for three years next preceding the election.

What constitutes a vacancy.

SEC. 86. *What constitutes a vacancy.* A vacancy shall exist in any elective office when the person elected thereto fails to qualify, dies, resigns, is removed from office, ceases to be a resident of the city, absents himself continuously therefrom for a period of more than thirty days without permission from the council, is convicted of a felony or of a misdemeanor connected with his duties in office, is judicially determined to be incompetent, forfeits his office under any provision of this charter, or is removed from office by judicial proceeding.

Vacancy in council.

SEC. 87. *Vacancy in council.* Any vacancy arising in the council shall be filled by the members thereof. Such appointment shall require the votes of at least three members of the council. In the event that three members of the council fail to appoint a person to fill such vacancy within ten days after its occurrence, then said vacancy shall be filled by a person selected by the auditing committee.

Vacancy in board of education.

SEC. 88. *Vacancy in board of education.* Any vacancy occurring in the board of education shall be filled as provided by general law of the state.

Vacancy in auditing committee.

SEC. 89. *Vacancy in auditing committee.* Any vacancy occurring in the auditing committee shall be filled by the committee. Should said committee fail to fill such vacancy within ten days, the same shall be immediately filled by appointment by the mayor.

SEC. 90. *Appointees to elective offices.* Appointees filling vacancies in elective offices shall hold office until the next general municipal election, when their successors shall be elected for the unexpired or full term as the case may be. Appointees to all elective offices.

ARTICLE VI.

THE RECALL.

SEC. 91. *Applies to all elective officers.* Every incumbent of an elective office shall be subject to removal therefrom as follows: Applies to all elective officers.

SEC. 92. *Petition for recall.* A petition signed by qualified electors equal in number to fifteen per cent of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election, at which a mayor was elected, requesting the calling of an election to determine whether the incumbent of an elective office shall be removed, shall be addressed to the council and presented to the city clerk. The petition may request that the question of such removal shall be submitted at a special municipal election or at the next general municipal election. Petition for recall.

SEC. 93. *Form of petition.* The petition for recall and removal from office shall be substantially in the following form: Form of petition.

(Individual Certificate.)

PETITION TO THE COUNCIL REQUIRING A SPECIAL MUNICIPAL ELECTION.

(If such be the case.)

For the recall of (name of officer).

From the office of (name of office).

Reasons for the recall of (name of officer) from the office of (name of office): (here insert the reasons).

Reasons against the recall of (name of officer) from the office of (name of office): (here insert the reasons).

I, the undersigned, certify that I hereby join in a petition to the council requiring that it forthwith submit to the vote of the electors of the city of Santa Cruz, at a special (or the next general) municipal election, the question whether (name of officer) shall be recalled and removed from the office of (name of office).

I further certify that I have read the foregoing reasons for and against the recall of said officer and believe that he should be recalled; that I am a qualified elector of said city; that I reside at No. street, between street and street, in said city, and that my occupation is

(Signed)

STATE OF CALIFORNIA,
 COUNTY OF SANTA CRUZ. } SS.
 CITY OF SANTA CRUZ. }

....., being duly sworn, deposes and says: That he is the person who signed the foregoing certificate and that the statements therein contained are true and correct.

(Signed)

Subscribed and sworn to,,
 19...., before me.

.....
 Verification Deputy (or Notary Public).

The petition of which this certificate forms a part shall, if found deficient, be returned to at No., street, Santa Cruz, California.

Filing and examination of petition.

SEC. 94. *Filing and examination of petition.* Each certificate must be separate, and contain the name of but one signer, who must make oath before a notary public or verification deputy as to the truth of the statements therein. Such certificates shall be fastened together and bound as nearly as may be in lots of one hundred. Upon receipt of such petition, the city clerk shall endorse thereon the time it was received. He shall thereupon examine said petition to ascertain whether it conforms to the requirements of this charter.

Within ten days after such presentation, the city clerk must determine whether said petition so conforms and shall attach thereto his certificate showing the result of his examination, and send by registered mail a copy of said certificate to the person named in said petition to whom it shall be returned. If the petition does not conform to said requirements, the certificate of the city clerk shall designate the defects in the petition and in the individual certificates. If the certificate of the city clerk shows the petition to be deficient, it may be amended by presentation, within fifteen days after mailing said certificate of the city clerk, of an amended petition containing additional certificates. The city clerk shall, within seven days after the presentation of such amended petition, make like investigation and determination as to the amended petition, and attach to it a like certificate and mail a copy as aforesaid, and, if his certificate shall show the amended petition to be deficient, or if no amended petition shall have been presented, the petition shall be returned to the person named therein to whom it shall be returned, without prejudice to the filing of a new petition to effect the same purpose.

Should any certificate or certificates to the petition not substantially conform to the requirements of this charter, such fact shall not invalidate the petition if a sufficient number of the certificates substantially conform to such requirements. Should the city clerk find that the said petition or amended petition conforms to such requirements, he shall endorse the fact thereon and file and present it to the council.

SEC. 95. *Statement of intention to circulate petition.* Be-

fore any petition for recall is circulated, an affidavit in triplicate by or on behalf of the person or persons proposing such recall, shall be made; one to be filed with the city clerk, one to be left by him at the office of the officer sought to be recalled, and one to be sent by him by registered mail to the residence of such officer. Said affidavit shall contain the address of the person or persons making the same, a statement of the intention to circulate a petition for the recall of said officer containing not more than two hundred words, giving the reasons for such recall. Said officer may, within five days after the mailing of such affidavit, send by registered mail to the address of the party making such affidavit, his answer thereto in not more than two hundred words. Such statement and answer, if any, shall be printed on each individual certificate. No original petition for recall of any officer shall be presented to the city clerk later than forty days after the filing of the affidavit.

Statement of intention to circulate petition.

SEC. 96. *Election under recall petition.* If the officer sought to be removed fails to resign within five days after the recall petition is filed, and the petition requests a special municipal election to be held, the council shall cause a special municipal election to be held within not less than thirty nor more than forty-five days after the filing of said petition to determine whether said officer shall be recalled; but if a general or special municipal election is to occur within sixty days after the filing of said petition, the council may postpone the holding of such election to such general or special election.

Election under recall petition.

SEC. 97. *Life of petition.* If any question of recall, for which a petition has been filed, be not submitted to the electors of the city at or within the time specified, such petition shall remain in force until such question has been submitted.

Life of petition.

SEC. 98. *Grounds of recall. Officer's justification.* There shall be printed on the sample and the official ballots the statement of the reasons for the recall of the officer, and his answer, if any.

Grounds of recall; officer's justification.

SEC. 99. *Recall ballots.* The ballots at every election at which recall is to be voted upon, shall contain the following question:

Recall ballots.

Shall (name of officer) be removed from the office of (name of office)?

Following the question shall be printed the words "Yes" and "No," on separate lines, with a voting square at the right of each, in which the voter shall stamp a cross (X) for or against such recall. All requirements of this charter relating to ballots at general municipal elections shall, so far as applicable, apply to all ballots at every election at which a question of recall is to be voted upon. The call for elections under this article shall be the same as the call for general or special municipal elections.

SEC. 100. *What constitutes a recall.* After a petition for recall of a person from office has been filed, he may continue to perform the duties of his office until the council has canvassed the returns of the election and declared that a majority

What constitutes a recall.

of the votes upon the question of his recall was cast in favor thereof, and thereupon said office shall become vacant.

No recall
petition
for three
months.

SEC. 101. *No recall petition for three months.* No recall petition shall be filed against any officer until he has held his office for three months.

Inelig-
ibility of
recalled
official.

SEC. 102. *Ineligibility of recalled official.* Any person who shall have been recalled, or who shall have resigned while recall proceedings were pending, shall not hold any municipal office within four years thereafter.

ARTICLE VII.

THE LEGISLATIVE DEPARTMENT.

The gov-
erning
body.

SEC. 103. *The governing body.* The council shall be the governing body of the municipality, exercise the corporate powers of the city, and be vested with all powers of legislation in municipal affairs not in conflict with the constitution of the United States, the constitution and general law, and the provisions of this charter.

President
and vice-
president
of the
council.
Meetings
of the
council.

SEC. 104. *President and vice-president of the council.* The mayor shall be president of the council and preside at its meetings. The council shall elect one of its members vice-president.

SEC. 105. *Meetings of the council.* At twelve o'clock noon on the first Monday of July after canvass of the returns of each general municipal election, the council shall meet, at which time the newly elected mayor, commissioners, and auditing committee, shall assume the duties of their respective offices. The council shall meet in regular session at least once a week.

Special meetings of the council shall be held upon the call of the mayor or upon written request of two commissioners, filed with the city clerk; *provided*, that the said call or written request shall set forth the object of the meeting. The city clerk shall give reasonable notice to the mayor and to each commissioner of the time of said meeting and the object thereof, and no other business than that specified in the call or written request shall be transacted.

Meetings
to be
public.
Quorum.

SEC. 106. *Meetings to be public.* All meetings of the council shall be public.

SEC. 107. *Quorum.* A majority of the council shall constitute a quorum, but no ordinance, resolution, order, or motion shall be passed or adopted except by affirmative vote of three members.

Rules of
procedure.

SEC. 108. *Rules of procedure.* The council shall act only by ordinance, resolution, order, or motion, and shall adopt rules of procedure.

Ayes and
noes.

SEC. 109. *Ayes and noes.* The council shall pass ordinances and adopt resolutions by ayes and noes, entered upon its minutes, and roll call be had upon any order or motion on demand of any member. But no ordinance or resolution shall be placed upon final passage the day it is introduced unless by consent of all members present.

SEC. 110. *Enacting clause of ordinance.* The enacting clause of every ordinance shall be: "Be it ordained by the City of Santa Cruz as follows:"

Enacting clause of ordinance.

SEC. 111. *Reconsideration.* When any ordinance or resolution is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote thereon shall not be taken for at least one week thereafter.

Reconsideration.

SEC. 112. *Protection of absent commissioner.* In the absence of a commissioner, no final action shall be taken concerning his department, except at a regular meeting, or unless such matter has been made a special order at a meeting at which such commissioner was present.

Protection of absent commissioner.

ARTICLE VIII.

THE EXECUTIVE DEPARTMENT.

SEC. 113. *The chief executive.* The mayor shall be the chief executive officer of the city, and shall see that the charter and all laws, ordinances, and resolutions enacted or passed are enforced. He shall have a general oversight of departments of the municipal government, and shall see that all contracts made with the city are faithfully performed. He shall command the police force of the city, with the aid of the commissioner of public health and safety, for the preservation of public peace and order and the suppression of tumults, riots, or insurrections.

The chief executive.

SEC. 114. *Mayor pro tempore.* During the temporary absence or disability of the mayor, the vice-president of the council shall act in his stead. In case of the temporary absence or disability of both, the council shall elect one of its members acting mayor. If a vacancy occur in the office of mayor, the vice-president of the council shall act as mayor until such vacancy is filled.

Mayor pro tempore.

SEC. 115. *Mayor's messages.* The mayor shall, by annual or special message, recommend to the council such matters and policies as he deems expedient.

Mayor's messages.

SEC. 116. *Supervision of public utilities.* The mayor shall have general supervision of all persons, firms, corporations, and concerns controlling or operating public utilities, in so far as they are subject to municipal control. He shall keep himself informed as to their compliance with law or ordinance, and shall see that the provisions of all franchises, permits, and privileges granted by the city are faithfully observed.

Supervision of public utilities.

The council shall cause to be instituted such actions or proceedings as may be necessary to prosecute persons, firms, corporations, or concerns owning, controlling, or operating public utilities, for violations of law or ordinance, so as to revoke, cancel, annul, or regulate the exercise of all franchises, permits, and privileges that may have been granted, which may have become forfeitable, in whole or in part, or which, for any reason, are illegal, or void, or voidable, or negligently exercised. The city attorney, by order of the council, must institute and prosecute the necessary actions to enforce the provisions of this section.

Executive
and admin-
istrative
depart-
ments.

SEC. 117. *Executive and administrative departments.*

The mayor shall exercise such other powers and perform such other duties as may be prescribed by law or municipal ordinance.

The executive and administrative powers, authority, and duties of the city, not otherwise provided for in this charter, shall be divided into five general departments, as follows:

1. Department of public affairs, which shall be under the supervision of the mayor.

2. Department of revenue and finance, which shall be under the supervision of the commissioner of revenue and finance.

3. Department of public health and safety, which shall be under the supervision of the commissioner of public health and safety.

4. Department of public works, which shall be under the supervision of the commissioner of public works.

5. Department of streets and parks, which shall be under the supervision of the commissioner of streets and parks.

Council to
assign
powers
and duties.

SEC. 118. *Council to assign powers and duties.* The council shall, within ten days after each general municipal election, designate and assign one of the commissioners to be commissioner of revenue and finance, one to be commissioner of public health and safety, one to be commissioner of public works, and one to be commissioner of streets and parks. The council may change such assignments, except that of the department of public affairs, by ordinance, whenever it shall appear to its satisfaction that the public service would be improved thereby. The council shall define, by ordinance, the powers and duties of all officers and employees when the same are not prescribed by this charter, and may assign to departments, officers, boards, and employees, powers and duties other than and in addition to those prescribed by this charter, not inconsistent therewith; may detail or reassign particular officers or employees for duty in more than one department of the city government; may require an officer or employee to perform duties in two or more departments of the city government; and may make rules and regulations not in conflict with law or this charter for the efficient and economical conduct of the business of the city. Except as otherwise provided in this charter, the several departments shall be composed, organized, and conducted, and the persons employed therein shall be chosen, as the council may by ordinance provide, and the council must, at all times, keep in full force and effect, ordinances sufficiently providing therefor.

Depart-
ment of
public
affairs.

SEC. 119. *Department of public affairs.* All matters affecting the relations of the city with the United States, or any of the states, the county, or other municipalities, shall be referred to the department of public affairs, and this department shall have supervision over all boards appointed by the mayor.

SEC. 120. *Department of revenue and finance.* The de-

partment of revenue and finance shall have supervision over all financial matters, except as elsewhere provided in this charter, including the office of treasurer and tax and license collector.

Department of revenue and finance.

SEC. 121. *Department of public health and safety.* The department of public health and safety shall have supervision over and shall include the police, fire, electrical, and health departments, the municipal employment office, and the office of plumbing and building inspector.

Department of public health and safety.

SEC. 122. *Department of public works.* The department of public works shall have supervision of the acquisition, construction, alteration, repair, operation, and maintenance of all buildings, wharves, docks, slips, quays, and water front property, water works, and other public utilities of every kind and nature, owned or hereafter to be acquired or operated under the control of the city, not in this charter assigned to another department.

Department of public works.

SEC. 123. *Department of streets and parks.* The department of streets and parks shall have supervision of the parks and the streets of the city, except where a part of any wharf, dock, slip, or quay belonging to or under the control of the city encroaches upon any street; also supervision of all work done on, in, under, or over the streets, except as aforesaid, whether of construction, maintenance, or repair, and of all sewers, pipes, conduits, tunnels, and other installations placed under the streets, and of all poles, tracks, and other installations placed on or above the streets. Any quarries or plants operated by the city for the making or assembling of any substance or material for use in the building, maintenance, or repair of streets, shall be under the supervision of and be conducted by said department.

Department of streets and parks.

SEC. 124. *Chief officials.* The chief officials of the city shall be a city attorney; a police judge; a treasurer, who shall be ex officio tax and license collector; a city clerk, who shall be ex officio city assessor; a city engineer and surveyor; a chief of police; a chief of the fire department; an assistant chief of the fire department; a health officer; a city superintendent of public schools; a street superintendent; a superintendent of the electrical department; a plumbing and building inspector; a superintendent of water works, and five library trustees. The council shall by ordinance prescribe the duties of all the chief officials appointed by it, other than those specified in this charter, and impose on them other duties not inconsistent with this charter. The council, at any time, by an affirmative vote of three members, may consolidate and place in charge of one chief official the functions and duties of two or more such chief officials. The council shall have the power by the affirmative vote of three members to remove from office any of the chief officials of the city appointed by it, except the police judge.

Chief officials.

The appointment of every chief official, not appointed by the council, shall be subject to confirmation by the council, except the city superintendent of public schools.

The city
attorney.

SEC. 125. *The city attorney.* The city attorney shall be appointed by the mayor, and confirmed by the council. He must be a citizen of the United States, admitted to practice in all of the courts of this state, a resident and elector of the city of Santa Cruz for three years next preceding his appointment. He shall prosecute all criminal cases arising from violations of the provisions of this charter and the ordinances of the city, and shall attend to all suits, matters, and proceedings in which the rights of the city are involved; *provided*, that the council shall control all litigation and may employ attorneys to take charge of or to assist the city attorney in any litigation. The city attorney shall attend all regular meetings of the council, and shall give his advice or opinion in writing upon any question relating to municipal business, whenever requested so to do by the council, or any of the boards or officers of the city. He shall pass upon the form of all bonds given to and contracts made by the city, endorsing his approval or disapproval thereon. He shall, whenever required by the council, draft ordinances for the city and amendments thereto; he shall do and perform such other acts relating to his office as the council or the mayor shall require.

Police
judge.

SEC. 126. *Police judge.* The police judge shall be appointed by the commissioner of public health and safety, and confirmed by the council. He shall be assigned to the department of public health and safety.

Treasurer
and ex
officio tax
and license
collector.

SEC. 127. *Treasurer and ex officio tax and license collector.* The treasurer shall be appointed by the commissioner of revenue and finance, and confirmed by the council. He shall be assigned to the department of revenue and finance. The treasurer shall be ex officio tax and license collector. As tax collector he shall perform the duties in this charter and by the general laws of the state provided. As license collector he shall collect and receive all moneys due and owing to the city for licenses. As treasurer he shall receive, safely keep, and pay out all moneys belonging to the city, and all other moneys provided to be paid into the treasury by this charter, and shall keep an accurate account of all receipts and expenditures under such rules and regulations as may be provided by ordinance or the provisions of this charter. The treasurer shall not receive any moneys unless the payment of the same is accompanied by the certificate of the city clerk, stating the amount of the same and to what fund applicable and by whom to be paid. For all moneys received the treasurer shall give a duplicate receipt, one of which shall be countersigned by the city clerk before delivery to the party making payment, and the other shall be delivered to and retained by the city clerk. The treasurer shall not pay out any money belonging to the city except upon claims presented, allowed, and audited in the manner provided by this charter. The treasurer shall make monthly statements to the council of the receipts and expenditures of the preceding month. At no time shall the weekly balance in the vaults of the treasury exceed the sum of five thousand dollars; *provided*, that applications are on file

with the treasurer from a bank or banks in the city of Santa Cruz, for the deposit of municipal funds in accordance with the laws of the state. The treasurer shall perform such other duties as may be imposed by ordinance or the provisions of this charter.

SEC. 128. *City clerk and ex officio assessor.* The city clerk and ex officio city assessor shall be appointed by the council. He shall be clerk of the council. He shall be custodian of deeds and other evidences of the title to city property. He shall deliver such deeds and evidences of title to his successor. He shall keep the corporate seal, all books, papers, records, and archives of the city, not in use or possession of other officers under the provisions of this charter, or by ordinances of the city. He shall attend the meetings of the city council and of the board of equalization and keep a correct record of their proceedings. He shall keep books and record therein all ordinances, and index the same, and shall file and keep on file all contracts and official bonds, except as otherwise herein provided. He shall attest the signature of the mayor and shall have power to take affidavits and to administer oaths in all matters relating to the business of the city, but shall make no charge therefor.

City clerk
and ex
officio
assessor.

The city clerk shall keep a record of all demands against the city allowed by the council, and against the library fund allowed by the board of library trustees, and approved by the mayor, the name of the original holder, amount, date of allowance, on what account incurred, and out of what fund payable. He shall correctly compute the amount of the several taxes of the assessment roll in accordance with the levy made by the council, and certify the same before turning the roll over to the tax collector. He shall, upon the application of any person indebted to the city, or of any officer or person desiring to pay or holding money payable into the city treasury, certify to the city treasurer the amount thereof, to what fund to be applied, and by whom to be paid; he shall, upon the order of the city treasurer directing him to issue a receipt to the person paying money into the city treasury, charge the city treasurer with the amount and give the person paying the same a receipt therefor. He shall apportion among the several funds all public moneys in the city treasury, not otherwise by law or ordinance specifically apportioned or appropriated, and notify the city treasurer of such apportionment. He shall countersign all licenses and permits issued to any officer whereon money is to be paid for the use of the city, and charge such officer with the amount. No license or permit shall be valid unless countersigned by him. He shall, at the first meeting in each month, and oftener if required, report to the council the condition of each fund in the treasury. He shall, at the first meeting of the council in January and July of each year, report the amount of, and sources from which the revenue of the city was derived, how expended, and the unexpended balance in each fund. He shall keep a set of

books, in which shall be plainly set forth every money transaction of the city, showing the condition of the finances.

The city clerk shall attest all ordinances and resolutions, and countersign all warrants drawn upon the city treasurer, signed by the mayor. He shall formulate and submit to the council for approval, a system of books and records to be kept, and forms for reports to be made by each department to the council, which, after approval, shall continue in force until otherwise ordered. He shall perform such other duties as are required of him by law, ordinance, or this charter.

Ex officio
city
assessor.

SEC. 129. *Ex officio city assessor.* As ex officio city assessor, the city clerk shall perform all duties prescribed by this charter or by the laws of the State of California, for assessing property in the city for purposes of taxation, and shall collect taxes upon personal property required to be collected by the assessor; *provided, however,* that the council shall have authority to avail itself of the provisions of any act of the legislature requiring county assessors to make assessments or to furnish copies thereof for cities of property situated therein.

City engineer
and
surveyor.

SEC. 130. *City engineer and surveyor.* The city engineer and surveyor shall be appointed by the commissioner of streets and parks, confirmed by the council, and assigned to the department of streets and parks. He shall be an elector of the city, a civil engineer and licensed surveyor, of not less than two years' practical experience. He shall possess the power in the city in making surveys, plats, and certificates, given by law to city engineers or to county surveyors, and his official acts and all plats, surveys, and certificates made by him shall have the same validity, force, and effect given by law to those of city engineers or county surveyors. He shall be the custodian of all maps, plans, profiles, field notes, and other records and memoranda belonging to the city, pertaining to his office and the work thereof, all of which he shall keep in order, with full indexes, and shall turn over the same to his successor, who shall give duplicate receipts therefor, one of which he shall file with the city clerk. All maps, plans, profiles, field notes, estimates, and other memoranda of surveys and other professional work made or done by him or under his direction or control for the city, during his term of office, shall belong to the city.

Street
superintendent.

SEC. 131. *Street superintendent.* The street superintendent shall be appointed by the commissioner of streets and parks, confirmed by the council, and assigned to the department of streets and parks. He shall see that the laws, ordinances, orders, and regulations relative to public streets and parks are carried into execution and penalties for breaches thereof enforced. He shall, under the direction of the commissioner of streets and parks, superintend the construction and repair of streets, sewers, and bridges, and the cleaning, sprinkling, oiling, and draining of streets and the flushing of sewers; he shall have the general care of, and frequently inspect the same, approve or reject all materials for construction or repair of

streets, sewers, and bridges, whether by contract or otherwise, and report to the commissioner of streets and parks all deviations from contracts and specifications, use of improper materials, or defective work. He shall perform such other services as are required of him by the commissioner of streets and parks, by this charter, ordinances, or the general law.

SEC. 132. *Superintendent of the electrical department.* The superintendent of the electrical department shall be appointed by the commissioner of public health and safety, confirmed by the council, and assigned to the department of public health and safety. He shall perform such services as are required of him by said department, this charter, the ordinances, or general law.

Superintendent of the electrical department.

SEC. 133. *Plumbing and building inspector.* The plumbing and building inspector shall be appointed by the commissioner of public health and safety, confirmed by the council, and assigned to the department of public health and safety. He shall perform such services as are required of him by said department, by this charter, the ordinances, or general law.

Plumbing and building inspector.

SEC. 134. *Superintendent of public schools.* The city superintendent of public schools shall be appointed by the board of education. He shall perform the services required of him by the board of education, by this charter, and the general law.

Superintendent of public schools.

SEC. 135. *Superintendent of water works.* The superintendent of water works shall be appointed by the commissioner of public works, confirmed by the council, and assigned to the department of public works. He shall perform such services as are required of him by said department, by this charter, the ordinances, and general law.

Superintendent of water works.

SEC. 136. *Library trustees.* The library trustees shall be appointed by the mayor and confirmed by the council. They shall perform the services required of them by this charter, the ordinances, and general law.

Library trustees.

SEC. 137. *Auditing committee.* The auditing committee shall employ, for a stipulated compensation, at the beginning of each fiscal year, a competent accountant, to examine, once a year, or oftener, if in the judgment of the auditing committee advisable, the books, records, and reports of the city clerk, and of all officers and employees who receive or disburse moneys, and the books, records, and reports of such other officers and departments as the auditing committee may direct. He shall also examine the proceedings of the city council in relation to the purchasing of supplies, letting of contracts, payment of salaries and wages, and all matters and things connected with the business management of the city, and shall report in writing the purchase of any supplies at a cost exceeding the market value at the time of such purchase, as well as every case of letting of contracts unfairly. He shall examine all work done by the council other than by contract to the lowest bidder, and report in writing his conclusions as to the relative cost of work done by the city and that performed by contract. He shall make a copy of his report for the mayor, the auditing committee, the city clerk, and the public library. Such accountant

Auditing committee.

shall recommend ways and means to improve the methods of keeping the books, records, and accounts of the city. The members of the auditing committee, and the accountant, shall have unlimited opportunity of investigation, to examine under oath all officers, clerks, and employees of the city, and every such officer, clerk, and employee shall give all required assistance and information to the members of said auditing committee and said accountant, and shall submit to any of them for examination such books, papers, and records of his office as may be required. Failure so to do shall be cause for forfeiture of office or dismissal from employment. The compensation of said accountant shall be fixed by the auditing committee, and paid as other claims against the city. Whenever requested so to do by the auditing committee, the council shall have the report of the said accountant printed in pamphlet form for distribution and publicity. The auditing committee shall keep a file of its proceedings open to public inspection, and which shall include all accountant and expert reports. It shall also file any written reports or complaints by citizens as to charges of mismanagement of officers or employees. Said auditing committee may publish and file a report, and any member thereof may file a report, whenever deemed necessary.

Approval
of bonds.

SEC. 138. *Approval of bonds.* All official bonds shall have endorsed thereon the approval of the auditing committee.

Compensation
of
officers and
employees.

SEC. 139. *Compensation of officers and employees.* The compensation of all city officers, officials, and employees, not fixed by this charter or otherwise provided, shall be fixed by the council, except where a person, board, or body other than the council, is empowered to employ. No officer, official, or employee of the city shall receive any perquisite other than the salary or compensation provided for in this charter or by the council or other person or board. All fees received or collected by any officer, official, or employee of the city, shall be paid into the city treasury.

Reports of
departments.

SEC. 140. *Reports of departments.* All officers and boards shall render and file with the city clerk, annually, or when required by the council, full written reports of the business transacted by each of them and their subordinates subsequent to their last report, together with comments on and recommendations for the betterment of the work of their respective offices or departments.

Officials to
hold but
one office.

SEC. 141. *Officials to hold but one office.* The mayor, commissioners, and chief officials shall not hold any other offices or employment in the city, the salary or compensation of which is paid either directly or indirectly by the city. Neither the mayor nor any commissioner shall be eligible to any municipal office created by, or the compensation of which has been increased by the council while he is a member, until at least one year shall have elapsed after the expiration of the term for which he was elected, nor shall any member of the council be selected to fill any vacancy that may occur in any other office subject to confirmation or appointment by the council, during the term for which he was elected.

ARTICLE IX.

JUDICIAL DEPARTMENT.

SEC. 142. *Police court.* The judicial power of the city shall be vested in a police court, which shall be presided over by a police judge. Police court.

SEC. 143. *Qualifications of police judge.* The police judge shall have been a resident of the city for one year next preceding his appointment, an elector thereof, and must have been admitted to practice as an attorney and counselor at law in all of the courts of the state. Qualifications of police judge.

SEC. 144. *Disqualification of police judge.* In all cases where, under the laws of this state, a justice of the peace is disqualified, or when, for any reason, the police judge is unable to act, he shall call a justice of the peace of Santa Cruz county to hold court in his stead. Disqualification of police judge.

SEC. 145. *Appointment and compensation.* The police judge shall be appointed for a term of four years. His compensation shall be fixed by the council. Appointment and compensation.

SEC. 146. *Powers of police court.* The police court shall have same jurisdiction, civil and criminal, as justices of the peace of townships, and justices' courts in townships. The police court shall have exclusive jurisdiction of all civil and criminal actions or proceedings for the violation of any ordinance of the city, and of all actions for the collection of any license imposed by any ordinance of the city, except such actions as are within the original jurisdiction of the superior court of Santa Cruz county. The police judge shall have power to impose fines upon or to imprison persons adjudged guilty of a violation of any ordinance of the city, and such fine or imprisonment shall be in accordance with the terms of such ordinance; *provided, however,* that such fine shall not exceed five hundred dollars, and such imprisonment shall not exceed six months in the county jail or city prison, and the sentence administered shall not be greater than both such fine and imprisonment. In case of imprisonment for non-payment of a fine, such imprisonment shall be one day for each two dollars of the fine imposed, and the police judge shall have power, in sentencing any person adjudged guilty of and fined for any offense, or sentenced to be imprisoned therefor, or both, to cause such person to labor upon the public streets or upon any public works of the city during the period of such sentence. All provisions of the several codes and of the statutes of this state, relative to procedure in justices' courts, are applicable to procedure in the police court. It may issue all writs and process which may be issued by justices of the peace or justices' courts, and the police judge may certify and take depositions, affidavits, and acknowledgments. Any warrant, writ, summons, or other process issued by the police court, may be directed to the chief of police or to any sheriff or constable, who shall serve and return the same. The police court shall always be open for the transaction of business. Powers of police court.

SEC. 147. *Books and papers to be kept by police judge.*

Books and
papers to
be kept by
police
judge.

The police judge shall keep a civil and a criminal docket, which shall contain an index and a page or pages for each case or proceeding, and there shall be entered therein a brief description of every paper filed or issued by said court, and of every proceeding had in the action or proceeding, including the judgment rendered therein. He shall keep all of the papers on file in his office, in a neat and orderly manner, properly indexed. The records of the court or judge shall belong to the city.

Appeals.

SEC. 148. *Appeals.* Appeals may be taken to the superior court from any judgment or order of the police judge or of the police court, in the same manner as from justices' courts, and all provisions of law relating to appeals from justices' courts shall be applicable to appeals from the police court.

Seal.

SEC. 149. *Seal.* The police court shall have a seal on which shall be engraved the arms of the State of California and the words "Police Court, City of Santa Cruz." and the seal shall be affixed to all process issued by said court.

Report and
account.

SEC. 150. *Report and account.* The police judge shall report to the city council monthly. In all cases brought before or tried by the police judge, he shall charge the same fees as are allowed by law to justices of the peace in similar cases. All fines imposed and collected, and all fees charged, or which should be charged by the police judge, shall be paid monthly into the city treasury on or before the last day of each month.

ARTICLE X.

POLICE DEPARTMENT.

Organiza-
tion.

SEC. 151. *Organization.* The police department shall consist of a chief of police and policemen.

Qualifica-
tions.

SEC. 152. *Qualifications.* Each member of the police department shall be a citizen of the United States, an elector of the city, able to read and write the English language, and a resident of the city for three years next preceding his appointment.

Duties.

SEC. 153. *Duties.* The chief of police and policemen shall be appointed by the commissioner of public health and safety. The appointment of chief of police shall be confirmed by the council. He shall be the head of the department and shall be held responsible for the execution of all laws and ordinances and of the rules and regulations of the department, and shall exercise such other powers as may be provided by ordinance. He shall see that the orders and processes issued by the commissioner of public health and safety and those of the council, and police judge, are promptly executed.

ARTICLE XI.

FIRE DEPARTMENT.

Organiza-
tion.

SEC. 154. *Organization.* The fire department shall consist of a chief of the fire department, an assistant, and other officers and firemen.

SEC. 155. *Qualifications.* Each member of the fire department shall be a citizen of the United States, and able to read and write the English language. Qualifications.

SEC. 156. *Appointments and duties of chief of fire department.* The chief of the fire department and all other officers and members thereof, shall be appointed by the commissioner of public health and safety. The appointment of the chief and assistant shall be confirmed by the council. Appointments and duties of chief of fire department.

The chief shall be the head of the department and shall perform the duties of fire marshal. He shall superintend the extinguishment of fires. He shall have control and management of all fire engines and fire apparatus belonging to the city, and all members and employees of the fire department shall be under his control and command. He shall observe the condition of the apparatus and workings of the department, and shall see that all laws, orders, rules, and regulations relating to the fire department are enforced. He shall submit to the commissioner of public health and safety, at least once each month, a written statement of the number of men employed, their compensation, and the condition of the department, and make recommendations respecting the same. He shall have such other powers and duties as may be provided for by ordinance. In the absence or inability of the chief, the assistant shall perform his duties.

ARTICLE XII.

HEALTH DEPARTMENT.

SEC. 157. *Appointment.* The commissioner of public health and safety shall appoint the health officer, and assistants. The appointment of the health officer shall be confirmed by the council. Appointment.

SEC. 158. *Authority of commissioner.* Said commissioner shall have supervision over the sanitary conditions of the city. He shall enforce the law and ordinances and all orders and rules pertaining to health, sanitary, quarantine, and disinfection regulations, with power to make arrests for any violation thereof. Authority of commissioner.

SEC. 159. *Qualifications.* The health officer shall be a physician of three years' practice, licensed in this state, and an elector of the city. Qualifications.

ARTICLE XIII.

SCHOOL DEPARTMENT.

SEC. 160. *Schools.* The school department shall comprise all of the schools within the city and within the territory that now is or that may hereafter be annexed for school purposes, and shall be known as Santa Cruz school district; shall consist of primary, grammar, and high schools, and may, at the discretion of the board of education, include kindergartens, technical, industrial, and night schools; *provided*, that no school money shall be used for technical, industrial, or night schools, when such use would prevent the board of education from maintain- Schools.

ing free kindergarten, primary, grammar, and high schools for ten months in each year.

Government and organization.

SEC. 161. *Government and organization.* The schools shall be governed by the board of education. It shall meet annually on the fourth Monday in May, shall organize and choose one of its members president, who shall serve one year. The board shall elect a clerk, to serve at its pleasure.

Meetings.

SEC. 162. *Meetings.* The board shall hold regular meetings at least once a month, at such time as it may determine, at the office of the city superintendent of schools, which office shall be in the high school building.

Special meetings may be called by the president, and must be called upon the written request of two members.

Powers and duties.

SEC. 163. *Powers and duties.* The powers and duties of the board of education are:

1. To establish and maintain public schools as herein provided, and to change, consolidate, or discontinue the same.

2. To divide the district into school subdivisions.

3. To employ and discharge superintendents, principals, teachers, and other employees.

4. To fix, alter, allow, and order paid the salaries or wages of all employees, and to withhold, for cause, the whole or any part thereof.

5. To make and enforce rules for the government and management of the public schools, and for the teachers and pupils thereof.

6. To establish and regulate the grade of the schools and to determine the course of study therein, the mode of instruction, and what text-books, other than those published by the state, shall be used in the schools.

7. To prescribe the course of study for the high school.

8. To provide fuel, lights, water, printing, stationery, and other supplies for the department.

9. To build, alter, repair, rent, furnish, and insure schoolhouses and property.

10. To purchase, sell, receive, lease, hold in fee or in trust for the city, any and all property that may have been acquired or that may hereafter be acquired, for the use and benefit of the schools, and to make, in the name of the city, conveyances of property belonging to the city sold by the board of education; *provided*, that the proceeds of any such sale shall be applied to the purchase of other lots or for the erection of schoolhouses for the use of the department.

11. To grade, fence, and improve school lots and grounds.

12. To prohibit any child under the age of six years from attending public school; except that kindergarten classes may be attended by children not under four years of age. To suspend or expel pupils for misconduct.

13. To admit persons over twenty-one years of age to the schools, upon payment of tuition fees fixed by the board.

14. To provide books for children of parents unable to furnish them.

15. To visit the schools of the city and examine their management and condition.

16. To discharge all legal incumbrances upon school property.

17. To sue for property acquired for the use and benefit of the department, and to prosecute and defend all actions necessary to recover and maintain said property, and to require the services of the city attorney therein.

18. To perform such acts as may be required to carry into effect the powers conferred upon the board and to increase the efficiency of the schools.

SEC. 164. *City superintendent of schools.* The board shall annually appoint a city superintendent of schools, who shall be a practical educator of not less than five years of successful experience in teaching. He shall not engage in any business that will interfere directly or indirectly with the performance of his duties. During his incumbency, he shall not hold, nor be a candidate for, any other office. He shall have supervision over the school property; he shall grade the classes in the schools and classify the pupils as to the grade of school they shall attend; he shall recommend to the board such additions and changes in the grade of the schools, course of study, text-books, and such other things and matters as he deems beneficial and proper. He shall, in June of each year, submit to the board of education a detailed report of the progress of the schools, their present condition, the condition of schoolhouses, lots, and furniture, the number of pupils taught respectively in the respective schools and grades. He shall have supervision and control of the teachers, and shall report to the board any misconduct, want of ability, negligence, or inattention on the part of any of them; he shall, subject to the approval of the board, assign teachers to such classes as shall be for the best interest of the schools; he shall see that none but authorized text-books are used, and that teachers and pupils faithfully perform their respective duties; he shall perform such other duties as may be imposed by the board, or the general laws of the state.

City superintendent of schools.

SEC. 165. *Clerk of the board of education.* The clerk of the board shall keep a record of the proceedings of the board and an account of the expenditures allowed by it, and for what purpose. He shall be the custodian of all books, papers, and documents belonging to the department. He shall, in June of each year, make a full and complete detailed report of receipts and expenditures of the department. He shall perform such other duties as the board may require of him.

Clerk of the board of education.

SEC. 166. *General provision.* All other matters pertaining to the school department, not specifically provided for in this charter, shall be governed by general law.

General provision.

ARTICLE XIV.

PUBLIC LIBRARY.

SEC. 167. *Control and management.* The public library shall be controlled and managed by the board of library trustees, in accordance with the provisions of the general law.

Control and management.

ARTICLE XV.

REVENUE AND TAXATION.

Fiscal
year.

SEC. 168. *Fiscal year.* The fiscal year of the city shall commence upon the first day of July of each year, or at such other time as may be fixed by ordinance.

Tax
system.

SEC. 169. *Tax system.* The council shall by ordinance provide for the assessment, levy, and collection of all city taxes not inconsistent with the provisions of this charter or general law. The council shall have power to adopt by ordinance any law of the state, whereby the assessment may be made by the assessor of Santa Cruz county, and taxes collected by the tax collector of said county for and in behalf of said city. Other provisions of this charter concerning the assessment, levy, and collection of the taxes shall be subject to the provisions of any such ordinance.

Depart-
ment
estimates.

SEC. 170. *Department estimates.* On or before the first Monday in May in each year, or on such date as shall be fixed by the council, the heads of departments, officers, boards, and commissions, shall submit to the commissioner of revenue and finance, an estimate, in writing, of the amounts, specifying in detail the purposes thereof, required for the business and conduct of the respective departments, offices, boards, and commissions during the ensuing fiscal year.

Estimate
by com-
missioner.

SEC. 171. *Estimate by commissioner.* On the first Monday in July in each year, or on such date as may be fixed by the council, the commissioner of revenue and finance shall submit to the council an estimate in detail of the probable expenditures of the city government for the ensuing fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding funded indebtedness of the city, and the necessities of all of the departments of the municipal government; also an estimate of income from fines, licenses, and other sources of revenue exclusive of taxes on property, and the probable amount required to be levied and raised by taxation.

Annual
budget.

SEC. 172. *Annual budget.* The council shall, prior to fixing the tax levy, annually make a budget of the estimated amounts required to pay the expenses of conducting the business of the city for the ensuing fiscal year.

Board of
equaliza-
tion.

SEC. 173. *Board of equalization.* After ten days' notice thereof given to the taxpayers of the city by publication in a daily newspaper published in the city of Santa Cruz, the council shall meet, at its usual place of holding meetings, on the first and each succeeding Monday in August of each year, at nine o'clock in the forenoon of said days, and sit and act as a board of equalization, and shall have, as regards the equalization of the levy and assessment of city taxes, powers similar to those conferred upon the board of supervisors of Santa Cruz county as a board of equalization of county taxes. The meetings of the council as a board of equalization shall be public. The said board shall have power to increase or diminish the amount of any assessment, both as to real and personal prop-

erty; *provided*, that before any assessment shall be increased, due notice shall be given to the owner or owners of the property, the assessed value of which it is proposed shall be increased, of the intention to increase the same, by mailing a written notice thereof to such owner or owners of said property at least five days before the same shall be increased, and said notice shall inform such owner or owners of said property to be and appear before said board at a specified time to show cause, if any they have, why said assessment should not be increased. Such owner or owners shall have the right to be heard before said board, under oath, before the time fixed for increasing of such assessment.

SEC. 174. *Tax levy.* The council must, not later than the first Tuesday in September of each year, adopt an ordinance levying upon the assessed valuation of the property of the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of the valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses, and other sources of revenue. The assessment roll shall then be delivered to the city clerk, who shall compute and carry out the amount of tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the city clerk as being the assessment roll of said tax. Tax levy.

SEC. 175. *Limit of tax levy.* The tax levy for each fiscal year shall not exceed, except as in this charter provided, the rate of one dollar on each one hundred dollars of the assessed value of all the real and personal property within the city. Limit of tax levy.

SEC. 176. *Bond and library tax.* The council shall have power to levy and collect taxes in addition to the taxes hereinabove authorized, sufficient to pay the interest and maintain the sinking funds of the funded indebtedness of the city, and to provide for the establishment and support of public libraries and reading rooms; *provided*, that said library tax levy shall not exceed the rate of ten cents on each one hundred dollars of the assessed valuation of all the property within the city. Bond and library tax.

SEC. 177. *Tax liens.* All taxes assessed, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens upon the property assessed. Every tax upon personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; *provided*, that when real estate is offered for sale for taxes thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the state when offered for sale for state and county taxes; Tax liens.

and the council shall have the power to provide for the procedure to be followed in such sales to the city and for the redemption of the property thereafter.

Uniform
accounts
and
reports.

SEC. 178. *Uniform accounts and reports.* The council shall prescribe uniform forms of accounts and reports, which shall be observed and kept by all officers and departments of the city which receive or disburse moneys. Whenever an act shall be passed by the state legislature for uniform municipal accounts and reports, the council is hereby authorized to adopt the same.

ARTICLE XVI.

CLAIMS AND DEMANDS.

Approval.

SEC. 179. *Approval.* All demands payable out of the city treasury must, except as otherwise provided in this charter, be approved by the council.

Payment.

SEC. 180. *Payment.* All claims and demands against the city shall be paid only as herein provided.

How pre-
sented and
endorsed.

SEC. 181. *How presented and endorsed.* All claims and demands, except as hereinafter provided, shall be duly verified, and presented to the council on forms furnished by the city clerk. If said claims be just and legal, the council shall approve the same, or may, in a proper case, approve in part or reject the same. The action of the council shall be endorsed on said claims and demands, with the date of such action, and shall be certified by the city clerk.

Claims
to be
numbered.

SEC. 182. *Claims to be numbered.* Every claim and demand shall be numbered and acted upon by the city clerk in the order of presentation to him; and, when allowed, either in whole or in part, shall be numbered and entitled to payment in the same order as allowed.

Claims
against
library
fund.

SEC. 183. *Claims against library fund.* All claims and demands payable out of the library fund must be approved by the board of library trustees before they can be approved or paid, and such approval shall be entered upon their minutes and endorsed upon said claims or demands. They shall be signed by the president and secretary of said board. After such approval and signing, they shall be delivered to the city clerk and be presented by him to the mayor, for consideration and approval.

Claim
must be
itemized.

SEC. 184. *Claim must be itemized.* No claim or demand shall be approved, audited, or paid by any board or officer, unless it specify each several item, with the date and amount thereof.

Legality.

SEC. 185. *Legality.* No payment shall be made from the city treasury or out of the public funds of the city, unless the same be authorized by law, nor unless the said claim or demand shall have been duly audited as in this charter provided. The term "audited" means that said claims and demands have been presented to, passed upon, and approved by every officer and board required by this charter to do so, and this must appear upon the face of said claim or demand.

SEC. 186. *Indebtedness to city to be deducted.* No claim or demand shall be approved by the council in favor of any person or officer who is indebted to the city, or any assignee of such claim, without first deducting the amount of said indebtedness; nor in favor of any officer having the collection, custody, or disbursement of public funds, who shall have failed to account to the city as required by law; nor in favor of any officer who shall have failed to make his official returns or report in writing, in the manner and at the time required by law; nor in favor of any officer who has failed to comply with any of the provisions of this charter or the ordinances of the city, or any act of the legislature regulating the duties of such officer, after notice in writing by the council to comply therewith; nor in favor of any officer for the time he shall have absented himself, without lawful excuse, or the consent of the council, from the duties of his office during the office hours prescribed by this charter or by ordinance, and the council may examine, under oath, any officer receiving a salary from the city, touching such absence.

Indebtedness to city to be deducted.

SEC. 187. *Record of claims and demands.* The city clerk shall number and keep a record of all claims and demands upon the city treasury, approved by the council, and of the claims and demands approved by the board of library trustees, showing the number, date, and amount thereof, and the name of the original and present holder, on what account allowed, out of what fund payable, and by what board or officer approved.

Record of claims and demands.

SEC. 188. *Payment and registration of warrants.* Every demand upon the city treasury, audited and allowed as in this charter provided, shall, in all cases, be paid upon presentation of the warrant issued, if there be sufficient money in the city treasury applicable to the payment of such demand, and the warrant shall be canceled by a punch cutting the word "Canceled" therein, and the proper entry shall be made. If there is not enough applicable, the warrant shall be registered by the city treasurer in a book kept for that purpose. Such register shall show the special number of such warrant given by the city clerk, the date, amount, name of the original and present holder, on what account allowed, against what appropriation drawn, out of what fund payable, and the date of presentation. All warrants shall be paid in the order of their registration. Each warrant, upon being registered, shall be returned to the party presenting it, with the endorsement of the word "Registered," the date of registration, and the signature of the city treasurer; but the registration of any warrant shall not operate to recognize or make valid any such warrant if drawn contrary to law.

Payment and registration of warrants.

SEC. 189. *Public moneys.* All public moneys collected by any officer or employee of the city shall be paid into the city treasury; and the compensation of all officers, employees, or other persons collecting any money due the city, shall be paid by demands upon the city treasury, audited as other claims and demands are audited and paid.

Public money.

ARTICLE XVII.

PUBLIC WORK AND CONTRACTS.

Form of contracts.

SEC. 190. *Form of contracts.* All contracts must be in writing, approved by the city attorney, executed in the name of the city by an officer or officers authorized thereunto, countersigned, numbered, and registered by the city clerk in a book kept for that purpose.

Progressive payments on contracts.

SEC. 191. *Progressive payments on contracts.* Contracts may provide for progressive payments, if in the ordinance authorizing or ordering the work permission is given therefor, but no progressive payments can be provided for or made at any time, which, with prior payments, shall exceed seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize the payment of more than seventy-five per cent of the contract price before the completion of the work done thereunder and the acceptance thereof by the proper officer, board, or department.

Public work to be done by contract.

SEC. 192. *Public work to be done by contract.* The erection, improvement, and repair of all public buildings and works, all street and sewer work, and all work along streams, bays, or the water front, for protection against overflow or erosion, furnishing supplies and materials for the same, or for any use by the city, when the estimate therefor exceeds the sum of five hundred dollars, shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for five consecutive days in a daily newspaper of general circulation published in the city of Santa Cruz. Such notice shall specifically state the work contemplated to be done. The council may reject any bid deemed excessive, and readvertise or order the work to be done by the department of public works. If no bid is received, the work shall be done by the department of public works.

Official advertising.

SEC. 193. *Official advertising.* The city clerk shall submit a list of blanks and blank books used in the several offices and departments, and the council shall annually fix the price therefor, and also the price of all job printing and city advertising; and each officer, board, or department shall procure such blank books, job printing, and advertising, at a price no greater than is so fixed, and certify the bill therefor to the council. A square of advertising shall be two hundred and thirty-four ems nonpareil.

Contract for lighting.

SEC. 194. *Contracts for lighting.* No contract for lighting streets, public buildings, places, or offices shall be made for a longer period than three years, nor at a higher rate than the minimum price charged private consumers.

Contracts for water.

SEC. 195. *Contracts for water.* No contract for supplying water for any department of the city shall be at a higher rate minimum price charged private consumers.

SEC. 196. *Collusion with bidder.* Any officer of the city, or of any department thereof, who shall aid or assist a bidder in

securing a contract to furnish labor, material, or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount or different kind of material or supplies than has been received, shall be guilty of malfeasance in office.

Collusion with bidder.

SEC. 197. *Collusion of bidder.* If any person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other person for the purpose of preventing other bids, then the contract so awarded shall be null and void, and the council shall readvertise or provide for the said work to be done by the department of public works.

Collusion of bidder.

SEC. 198. *Officers interested in contracts. Freedom of trade.* No officer shall be interested in any contract made by him in his official capacity, or by any body or board of which he is a member, and any such contract shall be null and void; and it shall be a felony punishable as provided in section seventy-one of the Penal Code of California for any commissioner or officer to suggest or require of any employee that such employee or any member of his family trade individually, or directly or indirectly, with any certain person, firm, or corporation.

Officers interested in contracts; freedom of trade.

ARTICLE XVIII.

CORPORATIONS AND FRANCHISES.

SEC. 199. *No exclusive franchise.* No exclusive franchise, privilege, or permit shall be granted.

No exclusive franchise.

SEC. 200. *Franchise which may be granted.* The city may grant, for a period not to exceed thirty-five years, the right and franchise to use the public streets and highways of the city for the purpose of operating street railroads and for constructing thereon or laying thereunder electric, telephone, and telegraph wires and cables, gas and water mains and service pipes, over, along, in, under, or upon any street or highway, and may grant franchises for wharves, and railroads, other than street railroads, when authorized so to do by vote of the people.

Franchise which may be granted.

SEC. 201. *Property rights of the city inalienable.* The rights of the city in and to the water front and tidelands vested in it in fee or in trust, are inalienable, and its parks and other public places, except as herein provided, are inalienable unless authorized by a vote of two thirds of the qualified electors of the city of Santa Cruz, had at a general or special municipal election.

Property rights of the city inalienable.

SEC. 202. *Regulation of rates.* The city shall have the right, whether reserved in franchises granted by it, or not, to regulate the rates, fares, rentals, or charges made for services rendered under franchises, and the right to regulate the rates, fares, rentals, and charges for wharfage, water, electricity,

Regulation of rates.

electric light, electric power, gas, telephones, telephone service, heat, and transportation supplied to the city and its inhabitants.

Sale of
franchise.

SEC. 203. *Sale of franchise.* Applications for a franchise shall be in writing and filed with the city clerk, and shall state the nature of the franchise applied for and the term desired, and shall be accompanied by a cash deposit of one hundred dollars or by a certified check payable to the city clerk, which sum shall be retained by the city for costs of advertising and other preliminary expenses, said expenses to finally be paid by the successful bidder. If, after the filing of such application accompanied by the original deposit or certified check, the council deems it desirable to grant the same, it shall set such application for hearing and advertise the fact, together with a brief description of the franchise applied for, and that it proposes to sell the same, in a daily newspaper published in said city, for not less than ten days before the day of sale. Said advertisement shall further state that sealed bids or proposals for the purchase of said franchise will be received and the franchise awarded to the bidder offering to pay to the city, during the life of the franchise, the highest percentage of the gross receipts therefrom; *provided*, that the percentage of the gross receipts during the first five years shall be not less than two per cent, and shall be not less than four per cent during the remainder of the life of said franchise. Every application for a franchise under this article shall, in addition to being accompanied by the sum of one hundred dollars, be accompanied by the sum of five hundred dollars, or by a certified check for that amount payable to the city clerk, as a guaranty of good faith, which sum of five hundred dollars, or certified check, shall be returned only on execution of a bond as hereinafter provided. Every other person bidding for such franchise, shall, at or prior to the time of making his bid, deposit with the city clerk the sum of five hundred dollars, or a certified check for that amount payable to the city clerk, as a like guaranty of good faith. In the event that the applicant or any bidder be not awarded the franchise, or if awarded the franchise and within such reasonable time thereafter as the council shall allow, shall cause to be executed a bond in a sum of not less than one thousand dollars, fixed by the council, and with sufficient sureties, approved by the mayor, conditioned that such bidder will faithfully execute the conditions of such franchise upon his part to be performed, then such deposit shall be returned. At the time set for hearing the application, and the opening of the sealed bids or proposals therefor, any bid may be raised by any responsible bidder offering not less than one quarter of one per cent of the gross receipts above the highest sealed bid therefor, and such bid may be raised not less than one quarter of one per cent until there shall be but one bidder therefor. The franchise shall have inserted therein a proviso that it shall be forfeited in the event that such percentage of the gross receipts be not annually paid to the city at a date by

the council to be determined. No ordinance granting any franchise shall be put upon its final passage within thirty days after its introduction, and no franchise shall be renewed until within one year prior to its expiration.

SEC. 204. *Commencement and completion of work.* Construction work under any franchise granted, shall be commenced in good faith within not more than four months from the date of the taking effect of the ordinance granting such franchise, permit, or privilege, and if not so commenced within said time, said franchise, permit, or privilege shall be forfeited. Work under any franchise so granted shall be prosecuted with reasonable diligence to completion and shall be completed within the time fixed for such completion in the ordinance granting the same, which time shall be not more than two years from the date of the taking effect of the ordinance granting said franchise, and if not so completed within said time the same shall be forfeited; *provided*, that the council may by resolution extend the time for the completion thereof not exceeding three months.

Commencement and completion of work.

SEC. 205. *Right of city to purchase.* At any time within one year prior to the expiration of any franchise, the city may, at its option, upon payment of a fair valuation for the property and plant used in connection therewith, purchase and take over such property and plant.

Right of city to purchase.

SEC. 206. *Alienation of franchise.* No franchise shall be leased, assigned, or alienated without the express consent of the city entered upon the minutes of the council; *provided, however*, that the grantee under such franchise may include the same in a mortgage or trust deed executed for the purpose of obtaining money for its corporate purposes.

Alienation of franchise.

SEC. 207. *Report and examination of books.* The council shall have the authority to examine the books, vouchers, and records of any person, firm, concern, or corporation exercising or enjoying any franchise or privilege granted by it, and it shall be the duty of every person, firm, concern, or corporation exercising any franchise granted by the city, to file with the city clerk a report of its business during the preceding year; such report shall contain a statement of the gross receipts arising from the business done by such person, firm, or corporation, within said city, and such report shall contain such further facts as may be required by the council concerning the character and amount of business done, the amount and source of receipts and expenses connected therewith, during the period to be covered.

Report and examination of books.

SEC. 208. *Forfeiture of franchise.* Every franchise shall provide for the determination and forfeiture thereof for any breach or failure to comply with any of its terms, limitations, or conditions imposed by this charter.

Forfeiture of franchise.

SEC. 209. *Gratuities from holders of franchises.* No officer or employe of the city shall, either directly or indirectly, receive any transportation, electric, gas, or telephone service, or other thing or commodity, as a gratuity from any person, firm, or corporation operating under any franchise

Gratuities from holders of franchises.

granted by the city, nor shall he receive the same unless he pays therefor the same rate as that charged other patrons or consumers similarly situated, unless it shall be otherwise provided in the ordinance granting such franchise.

Street
sprinkling,
cleaning
and paving.

SEC. 210. *Street sprinkling, cleaning, and paving.* Every grant of a franchise in, over, under, or along any of the streets, highways, or public places of the city, for railway purposes, shall be subject to the conditions that the holder of such franchise shall sprinkle, oil, clean, pave, repave, and keep in repair so much of said street, highway, or public place as lies between the exterior rails of the track thereof, and for the space of two feet outside of the exterior rails or track thereof.

Railroad-

SEC. 211. *Railroads.* Railroads operated through the city and beyond its limits, shall not, as to operations within the city, be subject to the provisions of this charter relative to the payment of a portion of its gross receipts to the city, but such railroads shall keep the width of the whole or that portion of any street (exclusive of sidewalks) crossed or traversed by its track or tracks, in repair, and may be required to oil, sprinkle, clean, sweep, pave, and repave the same. The city shall have the right to regulate charges for switching, warehouses, or yards within the city, and may preclude the use of the streets of the city for the purpose of switching or making up trains.

ARTICLE XIX.

CITY WATER WORKS.

Authority
of council.

SEC. 212. *Authority of council.* The council shall have power and authority over the organization, government, management, and discipline of the water works department. The commissioner of public works shall have control and supervision of the water works system. The council shall never sell, lease, assign, convey, mortgage, or hypothecate the water system, or any part thereof, or the rents or income therefrom, unless authorized so to do by vote of the people. The council shall, by ordinance, make rules and regulations governing the water works system, and shall fix uniform rates and provide for the collection thereof.

ARTICLE XX.

LIGHT, HEAT, AND POWER.

Electric
light
plant.

SEC. 213. *Electric light plant.* The council shall have control and management of the electric light plant, and of all plants and works that may hereafter be acquired for furnishing the city or its inhabitants with light, heat, or power, and the same shall be under the control and supervision of the commissioner of public health and safety.

Maintenance and
management.

SEC. 214. *Maintenance and management.* The council shall have full power to construct, maintain, and improve such works, and to manage the same, and to rent, sell, distribute, and use light, heat, and power.

SEC. 215. *Rules and regulations.* The council shall by ordi-

nance make rules and regulations governing the plants and works supplying light, heat, or power, shall fix uniform rates, and provide for the collection thereof.

Rules and regulations.

ARTICLE XXI.

PARKS AND PUBLIC GROUNDS.

SEC. 216. *Control and management.* All public grounds and parks, including "De Laveaga Park," now owned or hereafter acquired, shall be under the control and management of the council, and it shall have exclusive power to govern, extend, and improve the same. The street superintendent shall be ex officio superintendent of public grounds and parks, under direction of the commissioner of streets and parks.

Control and management.

SEC. 217. *De Laveaga Park.* The council shall adopt rules for the regulation and government of De Laveaga Park, and all other public grounds and parks under its supervision; such rules shall be conspicuously posted on the places to which they relate.

De Laveaga Park.

SEC. 218. *Report of superintendent.* The street superintendent shall, on the first Monday in May of each year, submit to the council a detailed statement of all moneys received and expended during the preceding fiscal year on account of De Laveaga Park, and of other public grounds and parks, accompanied by an estimate of expenses for the next fiscal year.

Report of superintendent.

SEC. 219. *Tax for parks and public grounds.* The council is hereby authorized and empowered to levy and collect each year, in the mode prescribed for the levy and collection of taxes, a tax not greater than ten cents upon each one hundred dollars assessed valuation of taxable property within said city, for the purpose of acquiring, preserving, maintaining, and improving public grounds and parks, including said De Laveaga Park. All moneys collected and arising from said tax and from all other sources of revenue, including legacies, gifts, and donations for the use and benefit of said public grounds, parks, and land, shall be paid into the treasury of the city, and shall be used or appropriated for no other purpose.

Tax for parks and public grounds.

ARTICLE XXII.

TITLE INITIATIVE.

SEC. 220. *Petition.* The electors of the city shall have the right to propose by petition, and to adopt at the polls any ordinance which the council might enact. Such ordinance shall be proposed by petition filed with the city clerk, setting forth said ordinance in full, signed by electors in number as hereinafter required.

Petition.

SEC. 221. *Preliminary procedure.* Before any petition for submission of such ordinance shall be circulated, an affidavit by or on behalf of its proponents, shall be filed with the city clerk, containing a copy of the proposed ordinance, a statement in not more than two hundred words giving the reasons of said proponents for the adoption of such ordinance, a state-

Preliminary procedure.

ment of the intention to secure submission of said ordinance to a vote of the electors by an initiative petition, and the address of the party making such affidavit. The council shall have five days after the filing of such affidavit, to send by registered mail to the address given in such affidavit, a statement, in not more than two hundred words, of the reasons why such proposed ordinance should not be adopted. These reasons for and against the adoption of the proposed ordinance shall be printed as a part of the individual certificates constituting the petition.

Form of petition; contents.

SEC. 222. *Form of petition. Contents.* The form and contents of the petition and mode of certification shall be substantially as provided in article VI of this charter, and each individual certificate constituting said petition shall have printed thereon the reasons for and against the adoption of the proposed ordinance, and the signer of said certificate must certify that he has read such reasons.

Number of signers.

SEC. 223. *Number of signers.* Upon presentation to the council of such petition, signed and verified by qualified electors in number equal to ten per cent of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election, asking for the submission to the electors of an ordinance that the council itself might adopt, it must either adopt and enact such measure without alteration, or submit the same to the electorate at the next city election occurring subsequent to sixty days after the filing of said petition. But if said petition request the calling of a special election and is signed and verified as herein provided and by electors in number equal to twenty per cent of said vote, then such ordinance, if not so adopted and enacted by the council, must be submitted to the electorate at a special election to be called within sixty days from the presentation of such petition.

Twenty-five per cent requirement.

SEC. 224. *Twenty-five per cent requirement.* If such proposed ordinance is one that the council might adopt, except that it involves the repeal or amendment of an ordinance adopted by the electorate, as herein provided, and if in such case said petition is signed and verified by qualified electors in number equal to twenty-five per cent of the above mentioned vote, then such proposed ordinance must be submitted to the electors of the city at the next general municipal election occurring subsequent to sixty days after its presentation.

Examination and amendment.

SEC. 225. *Examination and amendment.* All provisions of article VI of this charter, relating to the examination and amendment of petitions, shall be applicable to petitions under this article.

Life of petition.

SEC. 226. *Life of petition.* All petitions under this article shall be filed with the city clerk within sixty days after the date of the first signature thereto. If any ordinance proposed by petition, or upon which a referendum vote is requested by petition, be not submitted to the voters at or within the time specified in this charter, such petition shall remain in force until said ordinance shall be submitted to the voters.

SEC. 227. *Several ordinances at one election.* Any number of proposed ordinances under the initiative or the referendum, may be voted upon at one election.

Several
ordinances
at one
election.

SEC. 228. *Limit to special election.* There shall not be held under the provisions of this article more than one special election in any period of six months.

Limit to
special
election.

SEC. 229. *Ballots.* The ballots used when voting upon ordinances proposed under the initiative or under the referendum shall set forth the title of the proposed ordinance, and shall state its general nature, and shall contain the words "For the Ordinance," and "Against the Ordinance." If a majority of the votes cast on any ordinance initiated as herein provided by the electorate of the city, shall be in favor of said ordinance, it shall, if not already in effect, go into effect as a valid and binding ordinance of the city, ten days after the official count shall have been determined; otherwise such ordinance shall be rejected.

Ballots.

SEC. 230. *Repeal or amendment: Initiative and referendum.* No ordinance that has been or that may hereafter be adopted by a vote of the electors shall be amended or repealed except by a vote of the electors.

Repeal or
amend-
ment: in-
itiative
and ref-
erendum.

ARTICLE XXIII.

THE REFERENDUM.

SEC. 231. *Referendum by council.* The council may submit to a vote of the electors of the city any ordinance that it or the electorate has authority to adopt.

Referen-
dum by
council.

SEC. 232. *Referendum by electors.* No ordinance authorizing any contract (except contracts for less than one thousand dollars and contracts for improvements the cost of which is defrayed by special local assessments), and no ordinance granting any franchise, shall go into effect in less than thirty days after its final passage. At the end of said thirty days, such ordinance shall be in force and effect, unless within such period there shall be filed with the city clerk a petition signed by qualified electors equal in number to ten per cent of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election, praying that such ordinance be submitted to a vote of the electors. In case such petition be filed, such ordinance shall not go into effect until approved by a majority of the electors voting thereon at such election.

Referen-
dum by
electors.

SEC. 233. *Petition, ballot, and election.* All matters relating to the form of the petition, examination, and amendment thereof, form of the ballot, and manner of conducting the election under this article shall conform substantially to the requirements set forth in articles VI and XXII of this charter.

Petition,
ballot, and
election.

SEC. 234. *Action on petition.* If, within thirty days, a petition signed and verified as in this charter provided, by electors of the city in number equal to ten per cent of the vote cast for all candidates for the office of mayor at the last preceding general municipal election, be filed with the city clerk,

Action on
petition.

asking that any ordinance authorizing any contract (except contracts for less than one thousand dollars and contracts for improvements the cost of which is defrayed by special local assessment), any ordinance granting any franchise or privilege, or any penal ordinance adopted by the council, be submitted to the electorate, then such ordinance must either be repealed or submitted to the electorate for approval or rejection at the next general municipal election occurring subsequent to sixty days after the presentation of said petition as herein provided, or at a special election called prior to such general municipal election; and no ordinance once so submitted shall, within one year, be again submitted, except by a four-fifths vote of the council or upon a petition in regular form signed and verified, as required, by forty per cent of said vote.

Majority
vote.

SEC. 235. *Majority vote.* If a majority of the votes cast on any ordinance referred to the electorate shall be in favor of said ordinance, it shall, if not already in effect, go into effect as a valid ordinance of the city, ten days after the official canvass, otherwise such ordinance shall be repealed or rejected, and such repeal shall take effect ten days after the official canvass.

License or-
dinances.

SEC. 236. *License ordinances.* All ordinances providing for the suppression, prohibition, or licensing, either for regulation, revenue, or otherwise, of any saloon, hotel, restaurant, casino, recreation ground, or other place where wines, liquors, or any fermented, distilled, or other liquor or beverage containing alcohol, is sold, given away, consumed, or disposed of, or for the repeal or amendment of any such ordinance, anything in this charter to the contrary notwithstanding, shall, before the same shall have any force or effect, be voted upon and approved by the vote of a majority of the electors of said city voting at a general or special municipal election as provided in this article or article XXII. The provisions of this section shall apply to the repeal or amendment of all ordinances now in effect or that may hereafter be enacted.

ARTICLE XXIV.

MISCELLANEOUS PROVISIONS.

Meaning
of terms.

SEC. 237. *Meaning of terms.* The word "city" in this charter, means the city of Santa Cruz. A department, board, or officer in this charter mentioned, means a department, board, or officer of the city.

Surrender
of books
and
records

SEC. 238. *Surrender of books and records.* All officers, boards, commissioners, and departments of the city shall, upon vacating office, turn over to their successors, all books, papers, documents, records, archives, and other property which may be in their possession or under their charge.

Books and
records
open to
inspection.

SEC. 239. *Books and records open to inspection.* All books and records of the various offices and departments of the city, except those of the police department and the city attorney, shall, during business hours, be open to the inspection of any citizen or taxpayer, who may make copies of any portion thereof. Such copies shall be certified by the officer in charge

of the records on payment of a fee of twenty-five cents for each ten folios or fraction thereof.

SEC. 240. *Officers not to act as agent or attorney.* Neither the mayor, commissioners, nor city attorney shall, in any matter in which the city is interested, act as the agent, attorney, or legal advisor of, or be employed in any capacity by, or in any manner represent or be interested, either directly or indirectly, in any public service corporation carrying on or doing business within the city of Santa Cruz, nor shall they, or any of them, in any matter in which the city is an interested party, have as a client any person, firm, or corporation engaged in any business over which the council exercises police powers. A failure on the part of any of them to comply with the provisions of this section shall be sufficient cause for removal from office.

Officers not to act as agent or attorney.

SEC. 241. *Recourse for damages.* No recourse shall be had against the city for any damage or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, lane, avenue, alley, court, or place, by reason of any defective drainage, whether any of said defects originally existed or whether they were occasioned by construction, excavation, or embankment; nor shall there be any recourse against the city for want of repair of any sidewalk, street, avenue, lane, alley, court, or place, or for want of repair of any sewer; nor shall there be any recourse against the city for damage to person or property suffered or sustained by reason of accident on any sidewalk, street, avenue, lane, alley, court, or place, or by falling from any embankment thereon or into any excavation therein; but in such case the person, officer, or officers through whose negligence such defect exists, or remains unrepaired, shall be jointly and severally liable to the party injured for damages sustained.

Recourse for damages.

SEC. 242. *Officers to continue in office.* The officers of the city in office, at the time of the approval of this charter by the legislature, shall continue to hold office and discharge their duties until twelve o'clock noon on the first Monday in July, 1911, and until their successors are elected or appointed, and qualified; *provided*, that the members of the board of education shall hold their offices and discharge their duties only until twelve o'clock noon on the fourth Monday in May, 1911, and until their successors are elected, or appointed, and qualified.

Officers to continue in office.

SEC. 243. *Ordinances continued in force.* All ordinances and resolutions of the city and all rules and regulations prescribed for the government, control, and discipline of any of its departments, officers, or employees, which are, at the time of taking effect of this charter, and which are not inconsistent therewith, shall continue in force and effect until altered, amended, or repealed, in accordance with the provisions of this charter.

Ordinances continued in force.

SEC. 244. *Rights, actions, contracts.* All rights, actions, proceedings, prosecutions, and contracts of the city, or any of its departments or officers, pending or unexecuted when this charter goes into effect, and not inconsistent therewith, shall

Rights, actions, contracts.

be enforced, continued, or completed, in all respects as though begun or executed hereunder.

Time
charter
shall go
into effect.

SEC. 245. *Time charter shall go into effect.* This charter shall go into effect for all election purposes on the day of its adoption and ratification by the legislature, and for all other purposes, except as otherwise provided, on the first Monday in July, 1911, at twelve o'clock noon.

General
provision.

SEC. 246. *General provision.* In all matters pertaining to municipal affairs, concerning which no special provision is made in this charter, the general law shall be a part of this charter as far as the same may be applicable.

First
election.

SEC. 247. *First election.* The mayor and city council of the city, in office at the time this charter is approved and ratified by the legislature, shall provide for the holding of the first election of officers hereunder, shall canvass the returns, and declare the result of said election.

ARTICLE XXV.

AMENDMENTS.

Amend-
ment.

SEC. 248. *Amendment.* The amendment of freeholders' charters provided for in the constitution of the State of California, may be submitted by the council, but must be submitted by the council, in the manner provided in the constitution, whenever a petition is presented to such council as provided in article XXII of this charter.

Election
on amend-
ments.

SEC. 249. *Election on amendments.* The council must make all necessary provisions for submitting proposed amendments to the electors; and shall canvass the returns of such election in the same manner as in other elections.

Ballots.

SEC. 250. *Ballots.* The ballots used at such elections shall contain the words "For the Amendment," (stating the nature of the proposed amendment), and "Against the Amendment," (stating the nature of the proposed amendment).

CERTIFICATE.

Certificate.

WHEREAS, The city of Santa Cruz is a city containing a population of more than ten thousand inhabitants; did, on November 3, 1910, have a special municipal election; and, under and in accordance with the provisions of article XI, section 8, of the constitution of the State of California, did elect F. D. Baldwin, Chas. M. Cassin, David C. Clark, L. J. Dake, C. D. Hinkle, William T. Jeter, Samuel Leask, John B. Maher, Duncan McPherson, W. P. Netherton, S. A. Palmer, J. A. Pilkington, W. R. Springer, Henry Willey, and Charles B. Younger, a board of fifteen freeholders, to prepare and propose a charter for said city;

BE IT KNOWN, That, in pursuance of said provision of the constitution, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Santa Cruz, and that, in submitting and proposing such charter, the board of freeholders, pursuant to said provision of the constitution, also presents therewith, for the choice of the voters, and to be voted on separately, without prejudice

to the other provisions contained in the charter, an alternative proposition hereinafter stated; that said alternative proposition shall, if approved by a vote of the qualified electors, take the place of section 16 of said charter entitled "Levy and Collect Taxes"; that said alternative proposition shall be submitted to the voters for their approval or rejection at the same election at which the charter shall be submitted, and upon the ballots shall be printed, "Shall the alternative proposition providing for an additional tax levy for entertainment and publicity fund, take the place of section 16?"

Said alternative proposition is as follows:

ALTERNATIVE PROPOSITION.

"Section 16. *Levy and collect taxes.* To levy and collect taxes upon all property subject to taxation, for municipal purposes; *provided*, that the tax levied for any one year for all municipal purposes other than for the payment of the principal and interest on any bonds of the city or for school, library, and entertainment purposes, shall not exceed one dollar on each one hundred dollars of the assessed valuation of the taxable property in the city, except as hereinafter provided; *and provided, further*, that at the time the rate of city taxes is fixed, the council may levy, in addition to the taxes herein provided, a tax upon all taxable property in the city of not more than five cents on each one hundred dollars of the assessed value of said property, for a fund to be known as the entertainment and publicity fund, and such money so collected shall be used for the purpose of public entertainment and celebration and for advertising the city; and to levy and collect assessments upon property to pay for grading, regrading, laying out, opening, widening, narrowing, extending and improving streets, alleys, sidewalks, crossings, and other high-ways, public squares, parks, and places, the construction of sewers, the laying of water, gas, and other pipes and conduits."

Levy and
collect
taxes.

IN WITNESS WHEREOF, We have hereunto signed the same, in duplicate, at the city of Santa Cruz, county of Santa Cruz, in State of California, this seventeenth day of December, in the year of our Lord, one thousand nine hundred and ten.

SAMUEL LEASK, President.
DAVID C. CLARK, Secretary.
F. D. BALDWIN.
CHAS. M. CASSIN.
L. J. DAKE.
C. D. HINKLE.
WILLIAM T. JETER.
JOHN B. MAHER.
DUNCAN McPHERSON.
W. P. NETHERTON.
S. A. PALMER.
J. A. PILKINGTON.
W. R. SPRINGER.
HENRY WILLEY.
CHARLES B. YOUNGER.

OFFICE OF THE MAYOR OF THE CITY OF SANTA CRUZ.

CITY OF SANTA CRUZ,
 COUNTY OF SANTA CRUZ, }
 STATE OF CALIFORNIA. } SS.

I, T. W. Drullard mayor of the city of Santa Cruz, State of California, do hereby certify that the board of freeholders, whose names appear signed to the foregoing proposed charter, were on the 3d day of November, A. D. 1910, at a special municipal election held in said city of Santa Cruz on said day, duly elected by the qualified electors of said city, to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector and freeholder in said city for more than five years previous to said election, that the foregoing is a true copy of said charter prepared and returned to me, as mayor of said city, within ninety days after said election as required by section 8 of article XI of the constitution of this state; that such proposed charter was then published in the Santa Cruz Surf and in the Santa Cruz Morning Sentinel, which then were daily newspapers of general circulation, printed, published and circulated in said city of Santa Cruz, and that such publication was made for more than twenty days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter; that within not less than thirty days after the publication of said charter, as required by said section 8, to wit: on the 31st day of January, 1911, said charter was submitted to the qualified electors of said city;

That a special election duly held therein for the purpose of ratifying or rejecting said proposed charter, and for adopting or rejecting said alternative proposition presented with said charter for the choice of the voters and to be voted on separately;

That said proposed charter, as a whole, was duly ratified at said election by a majority of the votes of the qualified electors of said city of Santa Cruz voting at said special election and that the alternative proposition was rejected;

That all of said elections and publications and acts, matters and things in connection with and relating to said proposed charter and alternative proposition were held, made and occurred, pursuant to orders, resolutions, and publications of the city council of the said city of Santa Cruz, in compliance with section 8, article XI, of the constitution of the State of California;

And that the returns of said election were duly canvassed by the city council of the city of Santa Cruz on the first day of February, 1911, and the results declared as above set forth;

That in all matters and things pertaining to said proposed charter, the provisions of said section of the constitution and the law of the State of California pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of the city of Santa Cruz to be affixed this second day of February, 1911.

[SEAL]

T. W. DRULLARD,

Mayor of the City of Santa Cruz.

Attest: J. L. WRIGHT,

City Clerk of the City of Santa Cruz.

AND, WHEREAS, Said proposed charter so ratified, without said alternative proposition, has been duly presented and submitted to the legislature of the State of California for approval or rejection, without power to alter or amend, in accordance with section 8 of article XI of the constitution of the State of California; now, therefore, be it

Resolved by the assembly of the State of California, the senate thereof concurring (the majority of all the members elected to each house voting for the adoption of this resolution and concurring therein). That said charter of the city of Santa Cruz, without said alternative proposition, as said charter was presented to, adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole as and for the charter of said city of Santa Cruz.

CHAPTER 45.

Assembly Concurrent Resolution No. 20, approving the charter of the city of Pomona, county of Los Angeles, State of California, and the alternative proposition submitted therewith, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 16th day of February, 1911.

[Filed with Secretary of State March 10, 1911.]

WHEREAS, The city of Pomona, a municipal corporation of the county of Los Angeles, State of California, now is and was, at all times herein referred to, a city containing a population of more than three thousand five hundred (3,500) inhabitants; and

Charter of
Pomona.

WHEREAS, At a special election duly held in said city on the 3d day of November, 1910, under and in accordance with law and the provisions of section 8 of article XI of the constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city by the qualified electors thereof, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety (90) days after said election, prepare and propose a charter for the government of said city of Pomona; and

WHEREAS, Said charter was on the 3d day of January, 1911, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one copy with the president of the board of trustees of said city of Pomona, and

Charter of Pomona. the other copy with the county recorder of the said county of Los Angeles and filed in the office of the said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the "Pomona Daily Review" and in the "The Pomona Progress," each being a daily newspaper of general circulation in said city of Pomona, and the said charter being published as aforesaid for a period of more than twenty (20) days, the first publication thereof being made within twenty (20) days after the completion of said charter; and

WHEREAS, Said proposed charter was within thirty (30) days after the completion of said publication submitted by the board of trustees of the city of Pomona to the qualified electors of said city of Pomona at a special election, previously duly called and therein held on the 16th day of February, 1911; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said city of Pomona, voting at said special election, voted in favor of the ratification of said charter as proposed as a whole, excepting that a majority of said qualified electors voting at said election voted in favor of the ratification of the alternative proposition, which alternative proposition was thereafter chosen and substituted for section 89, article XV of said proposed charter; and

WHEREAS, Said board of trustees, after canvassing said returns, found and declared that the majority of said qualified electors voting at said special election had voted for ratifying said charter as above specified; and

WHEREAS, The same is now submitted to the legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California; and

WHEREAS, Said charter was ratified in the words and figures following, to wit:

CHARTER OF THE CITY OF POMONA PREPARED AND PROPOSED BY THE BOARD OF FREEHOLDERS ELECTED NOVEMBER 3D, 1910. IN PURSUANCE OF THE PROVISIONS OF SECTION 8, ARTICLE XI, OF THE CONSTITUTION OF THE STATE OF CALIFORNIA.

CHARTER OF THE CITY OF POMONA.

ARTICLE I.

NAME AND RIGHTS OF THE CITY.

SECTION 1. The municipal corporation now existing, and known as the City of Pomona, shall remain and continue a body politic and corporation in name and in fact by the name of the City of Pomona, and by such name shall have perpetual succession.

SEC. 2. The city of Pomona shall remain vested with, and

continue to have, hold and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this municipality and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

ARTICLE II.

BOUNDARIES AND WARDS OF THE CITY.

SEC. 3. The boundaries of the city of Pomona shall be as follows: Bound
aries.

Commencing at the southeast corner of the Pomona tract, according to the plat of said tract recorded in the recorder's office, in and for said county of Los Angeles; thence running northeasterly along the line of the township of San Jose to the N. E. corner of lot 24 of the "Northeast Pomona Tract"; thence westerly along the dividing line between lots as platted to the S. W. corner of lot 29 of the "Loop and Meserve Tract"; thence northerly along the dividing line between lots as platted to the S. W. corner of lot 14 of the "Loop and Meserve Tract"; thence west to the S. W. corner of lot 13 of the "Loop and Meserve Tract"; thence northerly on the dividing line between lots as platted, to the northeast corner of lot 6 of the "Loop and Meserve Tract"; thence westerly along the north line of said "Loop and Meserve Tract" to the northwest corner of lot 1 of said tract; thence south to the north line of Cucamonga avenue; thence along said line to and along the north line of the Mud Springs county road, so called, to a point opposite the northwest corner of the "Vejar Tract," so called; thence southwesterly along the west line of said "Vejar Tract," so called, to the north line of the "Alvarado Tract," so called; thence westerly along said line of said "Alvarado Tract" westward to a point which would be intersected by an extension of the west line of lots 227, 228 and 229 of the "Pomona Tract"; thence running southeasterly along such extension of said line to the southwest corner of lot 229 of the "Pomona Tract"; thence south $1\frac{1}{2}$ degrees east to a point of intersection with extended south line of blocks E, F, G, and H; thence easterly to and along the south line of said blocks E, F, G, and H, to the east line of San Jose township; thence northerly along said township line to the point of beginning.

SEC. 4. The city of Pomona is hereby divided into four wards, which shall be designated respectively, the first ward, the second ward, the third ward, and the fourth ward; and are described as follows: wards

First ward—All that portion of the city lying west of the center line of Garey avenue and north of the center line of the right of way of the main line of the Southern Pacific railroad.

Second ward—All that portion of the city lying west of the center line of Garey avenue and south of the center line of the right of way of the main line of the Southern Pacific railroad.

Third ward—All that portion of the city lying east of the center line of Garey avenue and south of the center line of the right of way of the main line of the Southern Pacific railroad.

Fourth ward—All that portion of the city lying east of the center line of Garey avenue and north of the center line of the right of way of the main line of the Southern Pacific railroad.

SEC. 5. The boundaries of the said wards may at any time hereafter be changed by ordinance passed by a four-fifths vote of the council; *provided*, said wards shall be kept as nearly equal in population as possible; and *provided, further*, that such change shall not be made more than once in two years and shall be made at least ninety days before any general municipal election.

ARTICLE III.

GENERAL PROVISIONS RELATING TO OFFICERS.

Elective
officers.

SEC. 6. The elective officers of the city shall be a mayor, four councilmen, a city auditor, who shall be ex officio city clerk, a city attorney, a city assessor, who shall be ex officio tax collector and treasurer, a police judge, a president of the board of education and four members of the board of education, all of whom shall be elected at the general municipal election, on a general ticket, from the city at large, but one councilman and one member of the board of education shall be nominated from each of the four wards of the city by the electors of the ward and shall be a resident of the ward from which he is nominated.

Appointive
officers.

The following officers shall be appointed by the council: a chief of police, a city engineer, a street superintendent, five trustees of the public library, a health officer, a chief of the fire department, a park superintendent, a building inspector and such other officers as the council shall, under this charter, have power to create, and the council shall combine the office of city engineer and street superintendent whenever it shall deem it advisable so to do.

Council.

SEC. 7. The council shall consist of the mayor and four councilmen, each of whom—including the mayor—shall have the right to vote on all questions coming before the council.

The board of education shall consist of the president of the board, who shall be nominated from the city at large, and four members, nominated from their respective wards, each of whom—including the president—shall have the right to vote on all questions coming before the board.

Eligibility.

SEC. 8. To be eligible for the office of mayor, councilman, auditor, attorney, assessor, or police judge, a person must be a citizen of the United States, a qualified elector of the city of Pomona, and shall have resided in such city for at least three years next preceding the date of such election.

SEC. 9. To be eligible for the office of president or member of the board of education the person must be a citizen of the United States, of the age of twenty-one years, and shall have

resided in the city of Pomona for at least three years next preceding the date of such election.

SEC. 10. The mayor, auditor, attorney, assessor, police judge ^{Term.} and president of the board of education shall each hold office for a term of two years from and after the first Monday after their election, and until their successors are elected and qualified; *provided*, that the term of office of all said officers elected at the first election under this charter shall be one year and eleven months.

SEC. 11. The four councilmen and four members of the ^{Term.} board of education shall each hold office for a term of four years from and after the first Monday after their election and until their successors are elected and qualified; *provided*, that the councilmen and members of the board of education first elected under this charter shall, at their first meeting, so classify themselves by lot that two councilmen and two members of the board of education shall hold office for one year and eleven months and two of them for three years and eleven months.

SEC. 12. In case any councilman or any member of the ^{Change of residence.} board of education shall change his residence from the ward from which he was nominated, his office shall immediately become vacant and shall be filled as directed in this charter; *provided, however*, that in case the boundaries of any ward are changed, no councilman or member of the board of education, whose residence is thereby included within a different ward from that from which he was nominated shall lose his office by reason of such change; *and provided, also*, that neither the mayor nor president of the board of education shall forfeit his office by reason of any change of his residence within the city limits.

SEC. 13. If a vacancy shall occur in the office of mayor, ^{Vacancy.} councilman, auditor, attorney, assessor, or police judge, the council shall appoint a person to fill such vacancy; but such appointee, if a councilman, must be a resident of the ward from which the former councilman was nominated, and such appointee shall hold office, subject to the provisions of the recall, only until the next regular election.

SEC. 14. If a vacancy shall occur in the office of president ^{Vacancy.} or member of the board of education, the board of education shall appoint a person to fill such vacancy; but such appointee shall hold office, subject to the provisions of the recall, only until the next regular election, and unless such appointee be the president of the board the person appointed must be a resident of the ward from which the former member was nominated.

SEC. 15. Officers and employees of the city, before entering upon the discharge of their official duties, shall give and execute to the city such official bonds as may be required by ^{Official bonds.} general law, this charter, or by ordinance of the city. All such official bonds must be given by some lawfully authorized and approved surety company, and the city shall pay the premium therefor; *provided*, that the premium paid shall not

exceed one half of one per cent per annum; *and provided, further*, that if the council deems the premium charged to be excessive, then in that event the council may accept bonds with approved personal sureties.

SEC. 16. Every bond shall contain the condition that the principal will well, truly, honestly and faithfully perform the duties of his office, and all bonds must be approved by the council, after first being approved as to form by the city attorney. The approval of the official bonds must be endorsed thereon and signed by the officers approving the same. All bonds, when approved, shall be filed with the auditor, except the bond of the auditor, which shall be filed with the mayor. All the provisions of any law of this state, relating to official bonds, not inconsistent with this charter, shall be complied with.

The mayor shall execute an official bond to the city in the sum of five thousand dollars, and each councilman in the sum of two thousand dollars; and the council shall fix the amount of bonds and the method of their approval to be required of other officers and employees.

SEC. 17. The council may at any time, by ordinance, change the penal sum of any official bond.

Oath of
office.

SEC. 18. Every officer of the city, before entering upon the duties of his office, shall take the oath of office as provided for in the constitution of this state, and shall file the same with the city clerk.

Salaries.

SEC. 19. The mayor shall receive an annual salary of twelve hundred dollars, payable in equal monthly installments.

Each councilman shall receive an annual salary of three hundred dollars, payable in equal monthly installments.

Except where such power is herein given to other boards of the city, the council shall fix, by ordinance, the salary of all other officers herein created or hereafter created by ordinance, whose salaries are not herein fixed or otherwise provided for.

Change of
salary.

SEC. 20. The salary of an elective officer may be changed by ordinance of the council, but such ordinance must be adopted at least sixty days previous to an election at which such officer is to be elected, and shall not take effect until the regular time for taking office after such election.

Absence
from city.

SEC. 21. If any member of the council or of any board or commission of the city shall absent himself from the city for more than thirty days consecutively, or if any other officer of the city shall absent himself from his office for more than ten days consecutively, without the consent of the council in every case, his office shall thereupon be declared vacant by the council. The council must not grant leave of absence to any officer, except for the purpose of attending to official business, for a longer period than sixty days; *provided*, that such permit may be renewed if good and sufficient reason exists therefor.

SEC. 22. Whoever, being a city officer or being in nomina-

tion for or while seeking nomination or appointment for any city office, shall use or promise to use, whether directly or indirectly, any official authority or influence, whether then possessed or merely anticipated, to aid any other person to secure any office or appointment in the service of the city or any nomination or increase of salary, upon the condition that his vote or political influence shall be given or used in behalf of any candidate, officer or political party or association, or upon any corrupt condition, shall be deemed guilty of a misdemeanor. And every person found guilty of such misdemeanor as aforesaid, shall, upon conviction thereof, be liable to be punished by a fine of not less than one hundred dollars or more than one thousand dollars, or to be imprisoned not less than ten days or more than one year, or to both said fine and said imprisonment, in the discretion of the court. If the person convicted be a public officer, he shall, in addition to any other punishment imposed, be deprived of his office and be forever debarred and disqualified from holding any position in the service of the city.

Misuse of
official in-
fluence.

SEC. 23. No officer or employee of the city shall become a party worker or solicitor in any city election, except in his own behalf. A violation of any of the provisions of this section shall be sufficient cause for his removal from office.

Party
worker.

SEC. 24. All officers and members of any board or commission provided for in this charter shall have the power to administer oaths and affirmations, and every such officer, board or commission shall have the power to issue subpoenas, to compel by subpoena the attendance of witnesses, the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such officer, board or commission. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpoena, or shall refuse to testify before any such officer, board or commission or to answer any question which any officer, or a majority of such board or commission shall decide to be proper and pertinent, he shall be deemed in contempt, and any such officer, board or commission shall have the power to take the proceedings in that behalf provided by the general laws of this state. The chief of police must, on request of such officer, or of any member of such board or commission, personally serve such subpoena, or detail a police officer or police officers to serve the same.

Power to
administer
oaths, etc.

ARTICLE IV.

THE MAYOR.

SEC. 25. The mayor shall see that all city ordinances are duly enforced. He shall be charged with the general oversight of the several departments of the municipal government, and shall see that all contracts made with the city are faithfully performed.

Powers
and duties.

SEC. 26. During the temporary absence or disability of the mayor, the vice-president of the council shall act as mayor *pro*

tempore. In case of the temporary absence or disability of both the mayor and vice-president, the council shall elect one of its members to be mayor *pro tempore.* In case of vacancy in the office of the mayor, the vice-president of the council shall act as mayor until such vacancy can be filled as provided in this charter.

SEC. 27. The mayor shall annually and from time to time give the council information relative to the affairs of the city, and recommend to its consideration such matters as he may deem expedient.

SEC. 28. The mayor shall be charged with the general supervision of all public utility companies in so far as they are subject to municipal control. He shall keep himself fully informed as to their compliance in all respects with the law, and he shall see that all franchises granted by the city are faithfully observed. The mayor shall, after making written recommendations to the council and receiving its approval, cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and to revoke, cancel or annul all franchises that may have been granted by the city to any person, firm or corporation which have become forfeitable in whole or in part or which for any reason are illegal and void and not binding upon the city. The city attorney, on demand of the mayor, must institute and prosecute the necessary actions to enforce the provisions of this section.

SEC. 29. The mayor shall exercise such other powers and perform such other duties as may be prescribed by law or ordinance.

ARTICLE V.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

SEC. 30. The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be distributed among and assigned to five departments, as follows:

1. Department of public works, which department shall be assigned to the mayor.
2. Department of finance and revenue.
3. Department of fire and health.
4. Department of police.
5. Department of public supplies.

SEC. 31. The council shall determine and assign the duties of the several departments, subject to the provisions of the preceding section; shall prescribe the powers and duties of officers and employees; may assign particular officers and employees to one or more of the departments; may require an officer or employee to perform duties in two or more departments, and may make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.

SEC. 32. The council at its first regular meeting after the election of its members, shall designate by majority vote one

Council to determine duties of departments.

councilman to be commissioner of finance and revenue, one to be commissioner of fire and health, one to be commissioner of police, and one to be commissioner of public supplies. If the council is unable to agree, the mayor shall have authority to make such designation. The council may change such designation by ordinance whenever it determines that the public service will be benefited thereby.

Assignment of councilmen to departments.

SEC. 33. All appointive officers may be removed by a majority vote of the council. The council, at any time when in its judgment the interests of the city so demand, may consolidate and place in charge of one such officer the functions and duties of two or more of such officers.

Removal of appointive officers.

SEC. 34. The council shall have power to appoint such other officers and deputies as the needs of the city may require and prescribe the duties pertaining thereto.

SEC. 35. The council shall employ, for a stipulated compensation, a competent public accountant who shall examine, at least once each year, the books, records and reports of all officers and employees who receive or disburse city moneys; and the books, records and reports of such officers and departments as the council may direct, and make duplicate reports thereof, and present one to the mayor, and file one with the city clerk. One of said yearly examinations shall be made just prior to the expiration of the official term of office. Such accountant shall have unlimited privilege of investigation, to examine, under oath or otherwise, all officers, clerks and employees of the city, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The council shall provide for the payment of the services of such accountant.

Accountant.

SEC. 36. Each department, board and commission shall annually, on such date as may be fixed by the council, render to the mayor a full report of all the operations of such department or commission for the year.

Reports.

SEC. 37. The council shall provide for the publication, in pamphlet form or otherwise, of the annual reports of the mayor and of the several departments, boards and commissions.

Publication.

SEC. 38. No member of the council, except the commissioner of public supplies, who may be the purchasing agent of the city, shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys; or be elected or appointed to any office created or the compensation of which is increased by the council while he was a member thereof, until one year after the expiration of the term for which he was elected.

Holding other city office.

SEC. 39. No councilman or other city officer shall be interested, directly or indirectly, in any contract to which the city is a party, or made by any officer of the city in behalf of the city. Any violation of this section shall be a misdemeanor,

Not to be interested in contracts.

and upon conviction thereof, besides the penalties that may be imposed by a court of competent jurisdiction, the council shall declare the office vacant, and any person convicted of a violation of this section shall be forever disqualified from holding any office under this charter. Nor shall any officer of the city be a surety on any bond given to the city, or to any person for the benefit of the city.

Political
and
religious
opinions.

SEC. 40. No appointment to position under the city government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services; and no appointment to or selection for or removal from any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or services.

ARTICLE VI.

THE COUNCIL.

Powers.

SEC. 41. The council shall be the governing body of the municipality. It shall exercise the corporate powers of the city, and, subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the constitution of the state.

Quorum.

SEC. 42. A majority of the members of the council shall constitute a quorum for the transaction of business at any meeting, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

President.

SEC. 43. The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its number to be vice-president.

Meetings.

SEC. 44. The council shall provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

Open to
public.

SEC. 45. All legislative sessions of the council, whether regular or special, shall be open to the public.

Qualifica-
tions of
members,
etc.

SEC. 46. The council shall judge of the qualifications of its members and of all election forms and determine contested elections of all city offices. The council shall establish rules for the conduct of its proceedings and punish any member or any other person for disorderly behavior at any meeting and shall cause the city clerk to keep a correct journal of all proceedings, and shall cause the ayes and noes to be taken and entered on the journal on the final action upon the appointment or removal of officers, the granting of franchises, making of contracts, auditing bills, ordering work to be done or supplies furnished, disposing of or leasing city property, the passage of any ordinance, the ordering of assessments for street improvements, or building of sewers, or upon any other act that may involve the payment of money, or the incurring of a debt by the city, and upon the payment of the

salaries of the municipal officers; and in all other cases upon the call of any member.

SEC. 47. The enacting clause of all ordinances passed by the council shall be in these words: "Be it ordained by the council of the city of Pomona as follows:"

Enacting clause.

No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the council.

SEC. 48. No ordinance for any purpose shall be passed by the council on the day of its introduction, nor within five days thereafter nor at any other than a regular or an adjourned regular meeting.

When ordinances become effective.

No resolution or order for the payment of money shall be passed at any other time than at a regular meeting or an adjourned regular meeting.

No resolution or ordinance granting any franchise shall be put upon its final passage within thirty days after its introduction, and no franchise shall be renewed before one year prior to its expiration.

SEC. 49. All resolutions and ordinances shall be signed by the mayor and attested by the city clerk and, before taking effect, all ordinances shall be published at least once in a newspaper published in said city, or posted in at least three public places therein for a period of ten days.

Approval of mayor.

SEC. 50. A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication or posting of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication or posting of an ordinance in the usual way.

"City ordinances."

SEC. 51. No final action shall be taken in any matter concerning the special department of any absent councilman unless such business has been made a special order of the day by action at a previous meeting of the council, or such action is taken at a regular meeting of the council.

Action concerning special department.

ARTICLE VII.

POWERS OF THE CITY AND OF THE COUNCIL.

SEC. 52. Without denial or disparagement of other powers held under the constitution and laws of the state, the city of Pomona shall have the right and power:

Powers of city.

1. To purchase, lease or receive such real estate and personal property within and without the limits of said city as may be necessary or proper for municipal purposes, and to operate, lease, control, dispose of and convey the same for the benefit of the city.

2. To erect and maintain buildings for municipal purposes.

Powers
of city.

3. To exercise the right of eminent domain for the purpose of acquiring real and personal property of every kind.

4. To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, schools, kindergartens, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, charitable institutions, jails, houses of correction and farm schools, workhouses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, street cleaning and sprinkling plants, quarries, and all other public buildings, places, works and institutions.

5. To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate water works, gas works, electric light, heat and power works, within or without the city, and to supply therefrom or purchase and supply the city and its inhabitants and also persons, firms and corporations outside the city, with water, gas and electricity.

6. To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate telephone and telegraph systems, cable, electric or other railways, and transportation service of any kind.

7. To sell gas, water, electric current and all products of any public utility operated by the city.

8. To acquire by purchase, condemnation or otherwise, within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility or to provide for and effectuate any other public purpose; and to sell, convey, encumber and dispose of the same for the common benefit.

9. To lease to corporations or individuals for the purpose of maintenance and operation any public utility owned by the city.

10. To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable and other purposes, and to do all acts necessary to carry out the purpose of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust be unconditional.

11. To borrow money for any of the purposes for which the city is authorized to provide and for carrying out any of the powers which the city is authorized to enjoy and exercise and to issue bonds therefor; *provided*, that in the procedure for the creation and issuance of such bonded indebtedness the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed.

12. To raise money by a special tax, in addition to the annual tax levy provided in section 119 of this charter. To authorize such special tax, the provisions of article XXI, relating to the initiative, or of article XXII, relating to the

referendum, shall be followed, and the levy of such tax must be approved by at least two thirds of the qualified electors who vote thereon. At such election the council may be authorized, in cases where public necessity requires the expenditure of any sum so voted before the next succeeding tax levy, to borrow such sum and provide in the next succeeding tax levy for its repayment with interest at not exceeding six per cent per annum. Or the council may be authorized to levy a special tax each year for a period of years not exceeding three years in all for any permanent municipal improvement and the money so raised may be expended each year after the same is collected and available.

*Powers
of city.*

13. To sue and defend in all courts and places and in all matters and proceedings.

SEC. 53. The qualified voters of the city shall have power through the initiative and otherwise, as provided by this charter and the general laws of the state, to enact appropriate legislation to carry out and enforce any of the above general powers of the city or any of the specified powers of the council.

SEC. 54. As the legislative organ of the city, the council, subject to the provisions and restrictions of this charter, shall have power:

1. To pass ordinances not in conflict with the constitution of this state or of the United States, or the provisions of this charter.

2. To provide a corporate seal, with appropriate device, to be affixed to all instruments or writings needing authentication.

3. To provide for the holding of municipal elections, give notice thereof, establish and alter election precincts, as provided for in this charter, and appoint necessary election officers.

4. To prescribe fines, forfeitures and penalties for the violation of any provision of this charter or of any ordinance; but no penalty shall exceed one thousand dollars or one year's imprisonment, or both.

5. To cause persons imprisoned for violation of any ordinance to labor on the streets or other public property or works within the city.

6. To provide for the summary abatement of any nuisance at the expense of the person or persons creating, causing, committing or maintaining such nuisance.

7. To organize and maintain police and fire departments, erect the necessary buildings and own all implements and apparatus required therefor.

8. To establish and maintain a fire alarm and police telegraph or telephone system, and manage and control the same, with the right to use the poles placed in the streets by public utility companies, whether such right has been set forth and reserved in their franchise or not.

9. To regulate or prohibit the manufacture, keeping and use of gasoline, benzine, distillate, powder, dynamite, fireworks and other explosive materials and substances.

Powers
of city.

10. To regulate the storage of hay, straw, oil and other inflammable and combustible materials.

11. To regulate the use of steam engines, gas engines, steam boilers, and electric motors and other machinery, and to prohibit their use in such localities as in the judgment of the council would endanger public health or safety, and to require the use of safety appliances.

12. To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

13. To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat, or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water or gas and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

14. To require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

15. To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible material in unsafe places, and to make provisions to guard against fires.

16. To regulate the size and construction of the entrances to and exits from all theatres, lecture rooms, halls, schools, churches, and other places for public gathering of every kind and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles or open places therein.

17. To regulate the speed of railroad trains, engines and cars passing through the city and the speed of cars of street or interurban railway companies using the public streets of the city, to require railroad companies to station flagmen, place gates, bells or viaducts at all such street crossings as the council may deem proper, to require street cars and local trains to be provided with fenders or other appliances for the better protection of the public; to prohibit the making up of railroad trains on any of the streets or street crossings of the city; to regulate the speed with which persons may ride or

drive or propel bicycles, automobiles or other vehicles along ^{Powers} or upon any of the streets or highways of the city. _{of city.}

18. To regulate or prohibit the exhibition or carrying of banners, placards, or advertisements, and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate and prevent the flying of banners, flags or signs across the streets or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets and to require their removal.

19. To compel the owner or occupant of buildings or grounds to remove dirt, rubbish and weeds from the sidewalk opposite thereto; and in his default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant, and to make such expense a lien upon such buildings or grounds.

20. To require or provide by ordinance for the removal from property, lands or lots all weeds, rubbish or any other material which may endanger or injure neighboring property, or the health, safety or welfare of the residents of the vicinity, and to make the cost thereof a lien and charge upon such lots or lands, and to make provisions for the enforcement of such lien by the sale of such lots or lands, or otherwise.

21. To require by ordinance the owners of real property fronting upon any street, lane, alley or other public place in which there are, or in which it is proposed to be constructed, sewer, water or gas, or other mains or conduits, to connect to the property line of their several premises therewith, or to cause such connections to be made and to make the cost thereof a lien and charge upon the property so connected and to make provisions for the enforcement of such lien by the sale of property or otherwise.

22. To regulate, license or prohibit the construction and use of billboards and signs.

23. To regulate and prevent the running at large of dogs, to provide for the destruction of vicious dogs, and to require the payment of license fees by the owners or persons having possession of dogs, and to impose penalties upon such persons for refusing to pay such license fees.

24. To prevent or regulate the running at large of any animals, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large.

25. To prohibit and punish cruelty to animals and to require the places where they are kept to be maintained in clean and healthful condition.

26. To provide for the care of the sick and the helpless and to make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city; to make quarantine laws and regulations; to regulate,

Powers
of city.

control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease.

27. To regulate or prohibit the operation of all manufactories, occupations or trades which may be of such a nature as to affect the public health or good order of the city or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them; to make regulations for the suppression of disagreeable, offensive and injurious noises.

28. To provide for and regulate the inspection by the health officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products, soda water and other drinks, candies and all other confectionery products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

29. To provide for and regulate the inspection of all dairies, and other places where a cow or cows are kept, either within or without the city limits, that offer for sale or sell any of their products in the city; also to provide for the inspection of slaughterhouses, vegetable and fruit gardens whose products are sold in the city.

30. To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition.

31. To regulate the construction, repair and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done.

32. To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

33. To license for purposes of regulation and revenue all and every kind of business not prohibited by law, ordinance or this charter, to be transacted or carried on in the city; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise.

34. To establish stands for hacks, public carriages, express wagons, and other public vehicles for hire, and regulate the charges of such hacks, public carriages, express wagons and other public vehicles, and to require schedules of such charges to be posted in or upon such public vehicles.

35. To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the keeping and use by dealers of proper weights and measures duly tested

and sealed; and to regulate the sale and quality of all oils and gasoline and provide for the testing thereof.

Powers
of city.

36. To regulate the use, distribution, quality, pressure and sale of water, gas, electric lights and power and other light and power within the city; and to fix and determine the price thereof; and to provide for the inspection and connection of all matters used in the measurements of said commodities.

37. To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements; to prevent and prohibit all descriptions of gambling and fraudulent devices and practices, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance and the selling of pools on races, and to authorize the destruction of all instruments used for the purpose of gambling.

38. To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights and all offensive, immoral, indecent and disorderly conduct and practices in the city.

39. To levy and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this charter provided.

40. To order the repaying by the treasurer of any taxes, percentages or costs erroneously or illegally collected.

41. To fix the fees and charges for all official services not otherwise provided for in this charter.

42. To provide for the lease of any lands or other property now or hereafter owned by the city, but all leases shall be made at public auction to the highest responsible bidder at the highest monthly rent, after publication of notice thereof for at least one week, stating explicitly the time and conditions of the proposed lease; *provided*, that the council may in its discretion reject any and all bids.

43. To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

44. To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

45. To provide for the execution of all trusts confided to the city.

46. To provide by ordinance for the planting, maintenance, or care of shade and ornamental trees in streets and other public places, and for the removal of unsightly and dead trees therefrom; and to make the cost thereof a lien and charge upon the abutting property, and to make provision for the enforcement of such lien.

47. To build and repair bridges; to establish, lay out, alter, keep open, close, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the city;

Powers
of city.

to drain, sprinkle, oil and light the same; to remove all obstructions therefrom; to establish or change the grades thereon; to grade, pave, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks thereon or on any part thereof; to cause to be planted, set out and cultivated, shade trees therein; and generally, to manage and control all such highways and places; and in the exercise of the powers herein granted, to expend, in their discretion, the ordinary annual income and revenue of the municipality in payment of the costs and expenses of the whole or any part of such work or improvement.

48. To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad and to regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by popular vote, as provided in articles XXI and XXII.

49. To construct, establish and maintain drains and sewers.

50. To prohibit the diversion or drainage into a public sewer of any refuse or waste material from gas works, chemical works or refineries or other sources destructive to the use of sewer pipe or conduit, and to prohibit the diversion or drainage into any public sewer of any matter that will render the sewage unfit for irrigation.

51. To prescribe sewerage districts, and to require and compel the owners of all buildings and dwellings situated within such districts to connect the same with the city sewer system and in case of default on the part of such owners to cause such work to be done and the cost thereof to be made a lien against such property.

52. To form, out of any territory within said city, storm water districts, and provide that the real estate in each district so formed be assessed to pay the expenses of constructing storm drains and acquiring rights of way therefor, for the purpose of diverting, conducting and caring for storm water and protecting property therein from injury therefrom; *provided*, no such district shall be formed if a protest, signed by the owners of two thirds in assessed value of all the real property in such proposed district as it appears on the assessment roll as assessed for city purposes, be filed before the final passage of the resolution or ordinance providing for the formation thereof.

53. To provide for the lighting of the streets, alleys, highways, public places, and public buildings and for supplying the city with water for municipal purposes.

54. To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, firm or corporation in the city, for the use of water,

heat, light, power or telephone service, supplied to the city or to the inhabitants thereof, and to prescribe the quality of the service. Powers
of city.

55. To regulate street railroads, their tracks and care, to compel the owners of two or more such street railroads using the same street to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between them.

56. To require every railroad to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the company, and to sprinkle the same.

57. To permit the laying down of spur or side tracks and running cars thereon for the purpose of connecting warehouses, manufactories, or other business industries and enterprises with any line of railroads which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks not to be used as a main line or a part thereof; and also for the purpose of excavating and filling in a street or portion of a street or the adjoining land and for such limited time as may be necessary for such purpose and no longer. Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the council.

58. To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, alleys, highways and public places in the city.

59. To regulate the size and location of all water pipes, gas pipes, and all other pipes and conduits laid or constructed in the streets, alleys and public places, and to require the filing of charts and maps of such pipes and conduits.

60. To establish and maintain a general employment bureau or agency.

61. To establish when deemed advisable a bureau of civil service and to appoint a commission, to serve without compensation, to administer the same under rules and regulations to be made by the council. Such commission shall, among other things provide for the classification of all employments in the administrative service of the city not excepted by the provisions of this charter, by the council or by the people, for open, competitive and free examinations as to fitness, for an eligible list from which vacancies shall be filled, for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record.

62. To establish when deemed advisable a civic art commission, a park commission, a playground commission and a com-

Powers
of city.

mission of public charities and such other commissions as may be deemed advisable, and to appoint commissioners on said commissions, to serve without compensation, with such powers and duties as may be fixed by the council.

63. To provide by ordinance a fund from which the expenses of all necessary matters of public entertainment and advertisement shall be met.

64. To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

65. To exercise such other powers as are now or may be hereafter granted by the legislature to the municipalities within the state, unless the exercise of such power is contrary to the provisions of this charter; to exercise all other useful powers for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not; and to enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city or of any of the provisions of this charter.

66. Lastly, this grant of power is to be liberally construed for the purpose of securing the well being of the municipality and its inhabitants.

67. In the absence of any procedure for carrying out or effectuating any granted or implied power or authority, the general law of this state where applicable and where not inconsistent with any express provision of this charter shall prevail and shall be followed.

ARTICLE VIII.

CITY AUDITOR AND EX OFFICIO CITY CLERK.

Duties.

SEC. 55. The city auditor shall act as the general accountant and fiscal agent of the city, and shall exercise a general superintendence over all of the officers of the city charged in any manner with the receipt, collection or disbursement of the city revenues, and shall prescribe the method of keeping the books and accounts of the city subject to the approval of the council.

He shall keep a complete set of books, in which he shall set forth in a plain and businesslike manner every money transaction of the city, so as to show at all times the state of each fund, from what source the money was derived, and for what purpose any money was expended, and also all collections made and paid into the treasury by each officer or any other person. He shall, on application of any person indebted to the city holding money payable into the city treasury, or desiring to pay money therein, certify to the city treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall, upon the deposit of the receipt of the city treasurer for money paid into the city treasury, charge the city treasurer with the amount received by him, and give the person paying the same a receipt therefor. It shall be his duty to apportion among the several funds all public money at any

time in the city treasury, not by law or ordinance specifically Duties. apportioned and appropriated, and forthwith notify the city treasurer of such apportionment or appropriation. He shall make out, sign and deliver to the proper officer all licenses other than building permits. He shall report to the council at the regular meeting of each month, and oftener if required by the council, the condition of each fund in the city treasury and also the receipts and disbursements. He shall make and present a report to the council at the meeting in the second week of July of each year, showing all financial business transactions of the city for the preceding year ending the 30th day of June last. He shall audit and approve all demands against the city before payment and keep a complete record of the same. He shall, on or before the first day of August in each year, make and present to the council a report as to the revenue and expenses of the city for the current fiscal year, in which he shall set forth estimates of (1), the revenue from other sources than taxation; (2), the itemized expenditures; (3), the itemized amounts necessary to be raised by taxation for each fund. He shall extend the tax roll and charge the total amount of the taxes to the tax collector, delivering the roll to him not later than September 15th of each year. He shall perform such other duties as shall be required of him by this charter or by ordinance.

CITY CLERK.

SEC. 56. The city auditor shall be ex officio city clerk and as such city clerk shall have the custody of, and be responsible for, all books, papers, records and archives belonging to the city, not in actual use by other officers, or elsewhere by special provision committed to their custody. He shall be present at each meeting of the council, and keep a record of its proceedings. He shall keep separate books in which respectively he shall record all ordinances and contracts and official bonds. He shall keep all the books properly indexed, and open to public inspection when not in actual use. He shall perform such other duties as shall be required of him by this charter or by ordinance.

ARTICLE IX.

CITY ATTORNEY.

SEC. 57. It shall be the duty of the city attorney to prosecute on behalf of the people all criminal cases arising upon violations of the provisions of this charter and city ordinances, and to attend to all suits, matters and things in which the city may be legally interested; *provided*, the council shall have control of all litigation of the city and may employ other attorneys to take charge of any such litigation, or to assist the city attorney therein. He shall give his advice or opinion in writing, whenever required by the mayor or council, and shall do and perform all such things touching his office as may be required of him by the council. He shall approve, by endorsement in writing, the form of all official or other bonds required

Duties.

by this charter, or by ordinance of the council, before the same are submitted to the council for final approval, and no such bonds shall be approved by the council without such approval by the city attorney. He shall approve by endorsement in writing the form of all ordinances, resolutions and the drafts of all contracts before the same are entered into on behalf of the city. He shall perform such other duties as shall be required of him by this charter or by ordinance.

ARTICLE X.

CITY ASSESSOR AND EX OFFICIO TAX COLLECTOR AND TREASURER.

SEC. 58. It shall be the duty of the city assessor, in addition to any duty that may be elsewhere prescribed for him by this charter or by ordinance, to make out, within such a time as may be prescribed by ordinance of said city, either now in force or which may hereafter be passed in pursuance hereof, a full, true and correct list of all the property, both real and personal, taxable by law, within the limits of said city, with the valuation thereof, and assess the same to the persons by whom it was owned or claimed, or in whose possession or control it was, at twelve o'clock meridian on the first Monday of March next preceding. Each taxpayer in said city shall make and deliver to the city assessor annually, and at such time as shall be provided for by ordinance, a statement under oath setting forth specifically all the real and personal property owned by such taxpayer, or in his possession or under his control at twelve o'clock meridian on the first Monday of March next preceding. It shall be the duty of the assessor to collect the taxes on all personal property, when the owner of said property is not seized of real estate in said city sufficient to afford ample security for the collection of said taxes, and he shall immediately deposit the taxes so collected with the city treasurer, together with the auditor's certificate therefor. He shall make up the tax roll showing the valuation of all taxable property and the total thereof and deliver the same to the auditor not later than August 1st of each year. He shall perform such other duties as shall be required of him by this charter or by ordinance.

CITY TAX COLLECTOR.

SEC. 59. The assessor shall be ex officio city tax collector, and as such tax collector he shall receive and collect all city taxes, general and special, and other branches of the city's revenue not otherwise provided for by this charter or by ordinance. He shall keep proper books, showing all moneys collected by him as tax collector; he shall also keep a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which said book shall be properly indexed and shall be at all suitable times subject to public inspection. He shall make daily deposits with the city treasurer of all moneys received by him in his capacity as tax collector, together with the proper

certificate of the auditor. He shall perform such other duties ^{Duties.} as shall be required of him by this charter or by ordinance.

CITY TREASURER.

SEC. 60. The city assessor shall also be ex officio city treasurer, and as such city treasurer he shall receive and keep all moneys that shall come to the city by taxation or otherwise, and to pay the same out on demands legally audited in the manner hereinafter provided; and without such auditing he shall disburse no public moneys whatever, except the principal and interest of the municipal debt when payable. He shall receive no money into the city treasury unless accompanied by the certificate of the city auditor provided for in section 55 hereof. He shall issue receipts in duplicate to all persons paying money into the treasury. He shall make a report at the close of each business day to the auditor, showing all moneys received during the day, together with the number of each receipt given by him therefor, and what account and from whom received and to what fund applied. He shall, on or before the seventh day of each month, make out and present to the council a full and complete statement of the receipts and expenditures for the preceding calendar month; and he shall make such special reports from time to time as may be required by the council. He shall perform such other duties as shall be required of him by this charter or by ordinance.

SEC. 61. The mayor, city attorney, city auditor, the commissioner of finance and revenue, or any special committee appointed by the council, separately or collectively, and with the aid of an accountant selected by such officer or committee, shall have the right and power to examine the books of the treasurer at all times; and the mayor, auditor, or commissioner of finance and revenue shall also have the right to inspect and count all public moneys under the treasurer's control, or on deposit elsewhere.

Examina-
tion of
books of
treasurer.

ARTICLE XI.

POLICE JUDGE.

SEC. 62. The judicial power of the city shall be vested in a police court, consisting of one police judge. Said police court shall have jurisdiction, concurrently with the justice's court, of all actions and proceedings, civil and criminal, arising within the corporate limits of the city, and which might be tried in such justice's court; and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture, prescribed for the breach of any city ordinance, of all actions founded upon any obligation or liability created by any ordinance, and of all prosecutions for any violations of any ordinance. In all civil actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of the city, where the fine, penalty or forfeiture imposed by the ordinance is not more than fifty dollars, the trial must be by the court, in civil actions

Jurisdic-
tion.

where the fine, penalty or forfeiture prescribed for the breach of any ordinance of the city is over fifty dollars, the defendant is entitled to a jury. Except as in this section otherwise provided, the rules of practice and mode of proceeding in said police court shall be the same as are or may be prescribed by laws for justices' courts in like cases, and appeals may be taken to the superior court of the county in which the city is situated, from all judgments of said police court in like manner and with a like effect as in cases of appeals from justices' courts.

Powers.

SEC. 63. The police judge shall have the powers and perform the duties of a magistrate. He may administer and certify oaths and affirmations, and take and certify acknowledgments. He shall be entitled to charge and receive for his services such fees as are or may be allowed by law to justices of the peace for like services, except that for his services in criminal prosecution for violation of ordinances he shall be entitled to receive only such monthly salary as the council shall by ordinance prescribe.

When justice of peace may act in place of police judge.

SEC. 64. In all cases in which the police judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the police judge may call in a justice of the peace residing in the city, to act in his place and stead; or if there be no justice of the peace residing in the city, or if all those so residing are likewise disqualified, then he may call in any justice of the peace residing in the county in which the city is situated.

ARTICLE XII.

POLICE, FIRE AND HEALTH DEPARTMENTS.

SEC. 65. The police department of the city of Pomona shall consist of a chief of police and such officers and policemen as shall, from time to time, be fixed and determined by the council.

Chief of police.

SEC. 66. The chief of police shall enforce the execution of all the laws and ordinances within the jurisdiction of the city; and for the suppression of any riot, public tumult, disturbance of the peace or resistance against the law or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may hereafter be conferred upon sheriffs by the laws of the state, and shall in all respects be entitled to the same protection, and his lawful orders shall be promptly executed by deputies, police officers and watchmen in the city of Pomona, and every citizen shall also lend aid when required for the arrest of offenders in maintenance of public order. He shall and is hereby authorized to execute and return all processes issued and directed to him by the police court or judge or other legal authority of said city. Unless otherwise provided by ordinance, he shall receive from the auditor all licenses, collect the same and make weekly

deposits with the treasurer together with the auditor's certificate of all funds of the city collected by him. He shall, at the end of each month, file with the auditor a statement of the money so collected and an affidavit stating that the money so paid is all the funds that he has collected or received during the preceding month. He shall have charge of the city prison and prisoners and of any chain gang which may be established by the council. He shall devote his entire time to the discharge of the duties of his office; and subject to the commissioner of police and such rules and regulations as the council may prescribe, shall have control of the police force. In addition to the duties in this charter specified, he shall discharge all duties required of him by the ordinances of the city or by law or the provisions of this charter.

SEC. 67. The council, subject to the provisions of this charter, shall have power to organize the police department and make all necessary rules and regulations for its efficient administration, ordain penalties for violation thereof, establish the number of its members and the amount of their salaries, including that of the chief of police, and do all other acts necessary to the efficient equipment and operation of the police department of the city. Regulations.

FIRE DEPARTMENT.

SEC. 68. The fire department of the city of Pomona shall consist of a chief and such number of officers and men of the department as the council shall, from time to time, fix and determine.

SEC. 69. The chief of the fire department shall, subject to the commissioner of fire and health and such rules and regulations as the council may prescribe, have entire control of the department. He shall have power to suspend or remove, subject to the approval of the commissioner of fire and health, any member of the fire department for disobedience of any lawful order, for the violation of rules and regulations of the department, and for neglect of duty or for conduct unbecoming a member of the force. He shall be charged with the especial duty of superintending the extinguishment of fires that endanger the municipality or destroy its property and he shall take measures to guard and protect all property imperiled thereby. In addition to the duties in this charter specified, he shall discharge all duties required of him by the ordinances of the city. Chief of fire department.

SEC. 70. The council, subject to the provisions of this charter, shall have power to organize the fire department and change the same, make all necessary rules and regulations for its efficient administration, ordain penalties for violations thereof, establish the number of its members and the amount of their salaries, including that of the chief of the fire department, and do all other acts necessary to the efficient equipment and operation of the fire department of the city. Regulations.

HEALTH DEPARTMENT.

Health
officer.

SEC. 71. The council shall appoint a competent person, who shall be a licensed physician, to be health officer, who shall, subject to the commissioner of fire and health, have such powers and perform such duties as are granted or imposed by the general laws of the state or by ordinance, including the powers of a police officer in matters pertaining to his office.

Engineer,
superintendent of
streets,
building
inspector

SEC. 72. The city engineer, superintendent of streets, park superintendent and building inspector, subject to the mayor as commissioner of public works, shall perform such duties as the council may prescribe by ordinance.

ARTICLE XIII.

BOARD OF EDUCATION.

Powers.

SEC. 73. The board of education shall have entire control and management of the public schools in the city in accordance with the constitution and general laws of the state, and is hereby vested with all the powers and charged with all the duties provided by this charter and by the general laws of the state for city boards of education.

Secretary.

SEC. 74. The board of education shall appoint a secretary, who may or may not be one of their own number, and shall prescribe the duties and fix the salary of such secretary.

Meetings.

SEC. 75. The board of education shall meet at such times and at such places as may be designated by resolution of said board. The board shall provide the manner in which special meetings shall be called.

Quorum.

SEC. 76. Three members of the board shall constitute a quorum, and the affirmative votes of three members shall be necessary to pass any measure, but a less number than three may adjourn from day to day and compel the attendance of absent members in such manner as the board may prescribe.

Rules.

SEC. 77. The board of education may determine the rules of its proceedings, but all meetings of the board shall be public.

Superintendent of
schools.

SEC. 78. The board of education shall appoint a superintendent of schools and fix his compensation.

Duties.

SEC. 79. The superintendent of schools shall be the executive officer of the board of education and he shall give his full time to the duties of his office. He shall be subject only to the board of education and all orders of the board relating to the direction of the principals and teachers shall be given through him. He must examine all plans for the construction or reconstruction of school buildings and report in writing to the board any objections he may find thereto. He shall have supervision of the course of instruction and of the discipline and conduct of the schools.

Nominate
teachers.

SEC. 80. The superintendent of schools shall nominate and recommend all teachers and principals for election by the board of education. He shall assign all teachers and prin-

cipals and make all transfers necessary to the successful operation of the schools.

SEC. 81. The board of education shall elect all teachers, but only from a list of candidates nominated and recommended by the superintendent of schools. The board of education may make rules in accordance with which the superintendent must make such nominations and recommendations.

SEC. 82. The board of education shall, at the end of each quarter, file with the auditor an itemized report and the council may in its discretion provide for the publication of such reports, together with other reports of the city officials and boards.

SEC. 83. The board of education shall annually file with the council a duplicate copy of its report to the county superintendent of schools which shall give a careful estimate of the whole amount of money to be received from the state and county for the support of the public schools in the city, together with a careful estimate of the amounts, specifying in detail the objects thereof, required for the adequate support of all departments of the public school system for the ensuing year in addition to the state and county funds.

ARTICLE XIV.

PUBLIC LIBRARY.

SEC. 84. The public library and reading room, known as the Pomona public library, is hereby continued in existence and shall be under the management of a board of five trustees, who shall be appointed by the council. The first board of trustees under this charter shall, at their first meeting, so classify themselves by lot that three of their number shall go out of office at the expiration of two years and two at the expiration of four years, otherwise their term of office shall be for four years. They shall organize by electing one of their number president and some suitable person as secretary, who shall act and hold office at the pleasure of the board.

SEC. 85. The position of trustee shall be one of honorary trust without salary, or compensation, and all appointments made by them shall be without regard to politics, and irrespective of sex. Said library trustees shall not be less than twenty-five years of age, and must have been residents of said city at least one year prior to their appointment.

SEC. 86. The board shall meet at least once each month and a majority shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. It shall elect a librarian and such assistants and employees as may be necessary. The secretary shall keep a full account of all property, money, receipts and expenditures and a record of all its proceedings.

SEC. 87. The board shall have power:

First—To make and enforce all rules, regulations and by-laws

Powers. necessary for the administration, government and protection of said library and all property belonging thereto, or that may be loaned thereto.

Second—To administer any trust declared or created for such library and reading-room.

Third—To define the powers and prescribe the duties of all officers; determine the number of, and elect all necessary subordinate officers and assistants, and at their pleasure remove any such officer, or assistants.

Fourth—To purchase necessary books, journals, publications and other personal property, and dispose of the same when deemed advisable.

Fifth—To fix salaries of the librarian and assistants, and other employees; to rent and equip such building or buildings, room, or rooms as may be necessary for such library and reading-room.

Sixth—To allow non-residents to borrow books upon such conditions as the board may prescribe.

Seventh—To provide memorial tablets and niches or other means to perpetuate the memory of any person who makes donations or bequests to public library.

Eighth—To do all that may be necessary to carry into effect the provisions of this charter with reference to said library and reading-room.

**Annual
report.**

SEC. 88. Said board, on or before the third Monday of July of each year, shall make a report to the council giving the condition of the library, with full statement of all property and money received, when derived, how used and expended, the number of books, journals and other publications on hand, the number added by purchase, gift or otherwise, during the next preceding fiscal year, the number lost or missing; the number and character of those loaned, and such other statistics, information and suggestions as may be of general interest and also a financial report showing all receipts and disbursements, with particulars thereof, and the names of all employees and the salaries paid to each.

ARTICLE XV.

ALCOHOLIC LIQUORS.

SEC. 89. No person either as principal, agent, servant or employee, shall open, establish, keep, maintain or carry on within the corporate limits of Pomona, any tipping-house, dram-shop, cellar, saloon bar, barroom, sample-room or other place where spirituous, vinous, malt or other alcoholic liquors, are sold or given away; *provided*, that this section shall not apply to hotels containing not less than ninety bona fide bedrooms, furnishing vinous or malt liquors to guests or customers in connection with and as a part of a regular meal under such restrictions and regulations as may be adopted by the council; *and provided, further*, that this section shall not apply to the sale of such liquors by regular licensed druggists

upon the written prescription of a practicing physician regularly licensed to practice his profession in the State of California, nor to the sale by such druggists of alcohol for mechanical or scientific uses.

SEC. 90. Any person violating section 89 of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment in the discretion of the court in which such conviction is had. Penalty.

ARTICLE XVI.

ELECTIONS.

SEC. 91. Elections to be held in said city for the purpose of electing the officers thereof and for all other purposes are of three kinds:

1. Primary nominating elections.
2. General municipal elections.
3. Special elections.

SEC. 92. General municipal elections shall be held in said city on the first Monday of May, 1911, on the first Monday of April, 1913, and on the first Monday of April every two years thereafter, at which shall be elected the elective officers provided for by this charter, who shall take office on the Monday next succeeding the day of such election. General elections.

SEC. 93. Special elections shall be held for such purposes and at such times as the council may determine, or at such times as are elsewhere provided in this charter, except that no special election shall be held less than fifteen days after the passage of an ordinance calling the same. All special elections shall be held and conducted, except as to the date thereof, and the result thereof be made known and declared in the same manner as herein provided for other elections. Special elections.

SEC. 94. The provisions of the general law of the state governing municipal elections, where the same are held separate from the general state elections, are hereby adopted as the law governing city elections, and the provisions of the general laws of the state governing elections for state and county officers shall govern city elections in matters for which no provision is made in this charter, and the council and the city clerk respectively shall exercise the powers and perform the duties conferred on, or imposed by, such laws on boards of supervisors and county clerks concerning elections; *provided*, that where this charter makes provision relating to any matters contained in such general laws, the said charter provisions shall govern. State laws adopted.

SEC. 95. All candidates for city offices shall be nominated in the manner provided in section 1188 of the Political Code of the State of California and succeeding sections relating to independent nominations, as now in force, except as hereinafter otherwise prescribed; *provided, however*, that nominating certificates for councilmen and members of the board of Nomination of candidates.

education shall be signed by at least twenty-five qualified electors of the ward from and by which the nomination is made and that all other nominating certificates shall be signed by at least fifty qualified electors of the city; *and provided, further*, that all nominating certificates shall be filed with the city clerk not more than sixty days nor less than forty days before the day of the general municipal election; but nominating certificates for candidates to be voted on at the first general municipal election held under this charter may be filed at any time prior to fifteen days before the day of election, and the provisions of this charter relating to primary elections shall not be applicable to the said first general municipal election.

No party designation on ballot.

When candidates for any office are nominated as specified in accordance with the provisions of section 1188 of the Political Code of the State of California, it is hereby provided and directed that no party name or designation shall appear on the certificate or ballots and that the names of the candidates for each office shall be arranged alphabetically on said ballot.

Primary elections.

SEC. 96. If a petition signed by qualified electors of the city equal in number to twenty per cent of the total number of qualified electors at the last preceding general municipal election shall be filed with the city clerk not less than thirty days nor more than forty days prior to the date of any general municipal election, requesting the council to call a primary nominating election, the council shall, after receiving the certificate of the clerk to the effect that the petition has been signed by the requisite number of qualified electors, call such primary election, and the candidates to be voted for at the general municipal election shall be nominated at such primary nominating election, and no name shall be printed upon the ballot for such general election other than those selected in the manner hereinafter prescribed.

When held.

SEC. 97. Such primary election shall be held on the second Monday preceding the general municipal election. The officers of election appointed for the general municipal election shall be the officers of the primary election and it shall be held at the same places so far as possible and the polls shall be opened and closed at the same hours. The names of all candidates nominated in accordance with the provisions of section 95, but no others, shall be printed upon the ballots to be used at such primary election.

Names of candidates published.

SEC. 98. At least seven days prior to the date of said primary election the city clerk shall cause to be published for three consecutive days, in at least two daily newspapers published in the city, or posted if so directed by the council for three days in three public places in the city, the names of all the persons so nominated and the offices for which the several candidates were respectively nominated as they will appear upon the primary ballots.

Ballots.

SEC. 99. The clerk shall cause the ballots to be printed and, except when voting machines are used, numbered and bound, which ballots shall contain the list of names of candi-

dates and respective offices as published, with the following caption:

“PRIMARY NOMINATING ELECTION.

City of Pomona (inserting date thereof).

“To vote, stamp a cross opposite the name of the candidate voted for, except that when the name of the candidate is written in by a voter the cross shall not be made.”

The names of the offices to be filled shall be arranged on the ballots in the order the officers of the city to be elected are named in this charter.

SEC. 100. The names of the candidates for each office shall be arranged on the ballot of the primary nominating election in alphabetical order. There shall be nothing on any ballot indicative of the party affiliation, source of candidacy or support of any candidate.

Arrange-
ment of
names.

SEC. 101. Each ballot shall contain blank spaces underneath the printed names for each office, wherein the voter may write the name of any candidate whose name is not printed on the ballot and for whom he may wish to vote, and in such case a cross shall not be stamped opposite such written name.

Blank
spaces.

SEC. 102. Any candidate to fill a vacancy and to serve the remainder of an unexpired term shall be designated on the ballot as a candidate to fill a vacancy.

Candidate
to fill va-
cancy.

SEC. 103. The two candidates receiving the highest number of votes for any given office at the primary nominating election shall be the candidates, and the only candidates, for such office whose names shall be printed upon the ballot to be used at the general municipal election; *provided*, that where more than one office of the same kind is to be filled, the candidates therefor, equaling in number twice the number of such offices, who receive the highest number of votes at the primary nominating election, shall be the candidates and the only candidates for such offices whose names shall be printed upon the ballot to be used at such general election.

Two can-
didates
receiving
highest
number of
votes.

SEC. 104. The ballot at such general election shall be in the same form as for such primary nominating election, so far as applicable, and without any indication as to the party affiliation, source of candidacy or support of any candidate.

Ballot.

SEC. 105. The conduct and carrying on of all city elections shall be under the control of the city council, and the council shall, by ordinance, provide for the holding of all city elections, and may district and subdivide the municipality into municipal election precincts for the holding of municipal elections, and change and alter such precincts and re-district the municipality for such elections as often as occasion may require. Unless the boundaries of the precincts shall be changed, as herein provided, they shall remain as fixed for the election of state and county officers at the last general election preceding the city election.

Election
precincts.

SEC. 106. At each city election each of the election officers shall receive such compensation for his services as the council shall fix, but not to exceed the sum of five dollars.

Compensa-
tion of
election
officers.

Canvass
of votes
of first
election.

SEC. 107. The board of trustees of the city of Pomona, in office at the time this charter is approved by the legislature, shall provide for the holding of the first general municipal election of officers under this charter, shall canvass the votes, declare the result, and approve the bonds of all officers elected at such election, the amounts of such bonds and the provisions relating thereto to be as herein provided.

Should
election
not be
held.

SEC. 108. If for any reason, the first general municipal election is not held on the day herein provided for, the validity of this charter and of such election is not affected thereby, and the board of trustees of the city of Pomona then in office must provide for the holding of said election as soon as possible thereafter.

Returns
filed with
clerk.

SEC. 109. The election returns from each municipal election precinct shall be filed with the city clerk, who shall immediately place them in the safe or vault in the city clerk's office, and no person shall be permitted to handle, inspect, examine or in any manner interfere with the same until canvassed by the council. After having been canvassed they shall be sealed up by the city clerk for six months and no person shall have access to them, except on the order of a court of general jurisdiction.

Canvass of
returns.

SEC. 110. On the first Monday after the election and at their usual time and place of meeting, the council shall meet and canvass the returns and declare the result.

Certificate
of election.

SEC. 111. After the result of an election is declared or when an appointment is made, the city clerk under his hand and official seal shall issue a certificate thereof and serve the same personally or by depositing such certificate with the postage prepaid, in the United States post office in Pomona, addressed to the person elected or appointed, and such person, must, within ten days after receiving such certificate, file his official bond, if a bond is required of him by this charter or the ordinances of the city, and take and subscribe to the oath of office required of him by this charter, which oath must be filed with the city clerk.

ARTICLE XVII.

FINANCE AND TAXATION.

Fiscal
year.

SEC. 112. The fiscal year of the city shall commence upon the first day of July of each year, or at such other time as may be fixed by ordinance.

Taxes.

SEC. 113. The council shall, by ordinance, provide a system for the assessment, levy and collection of all city taxes not inconsistent with the provisions of this charter.

SEC. 114. The council shall have power to avail itself by ordinance of any law of the State of California now or hereafter in force and comply with the requirements thereof whereby assessments may be made by the assessor of the county in which the city of Pomona is situated and taxes collected by the tax collector of said county for and on behalf of the city of Pomona. Other provisions of this charter concerning the assessment, levy and collection of taxes shall be

subject to the provisions of any such ordinance while the same shall be in force.

SEC. 115. On or before the first Monday in April in each year or on such date in each year as shall be fixed by the council, the heads of departments, offices, boards and commissions shall send to the auditor a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year. Estimates of expenses.

SEC. 116. The council shall meet annually prior to fixing the tax levy and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government for the next ensuing year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission, as the council may deem advisable. Budget of expenses.

SEC. 117. The council shall meet at their usual place of holding meetings on the first Monday in August of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day for a period of ten days. They shall have power to hear complaints and to correct, modify, strike out or to raise any assessment; *provided*, that notice shall be given to the party whose assessment is to be raised. Board of equalization.

SEC. 118. The council must finally adopt, not later than the first Tuesday in September, an ordinance or resolution levying upon the assessed valuation of the property in the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. They shall then deliver the assessment roll to the auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax. Rate of taxation.

SEC. 119. The tax levy authorized by the council to meet the municipal expenses for each fiscal year shall not exceed, except as herein provided, the rate of one dollar on each one hundred dollars of the assessed value of all real and personal property within the city. Maximum.

SEC. 120. The council shall have power to levy and collect taxes in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city and to provide for the establishment and support of public parks, playgrounds and free public libraries and reading rooms. Interest on bonds, etc.

SEC. 121. All taxes assessed, together with any percentage imposed for delinquency and the cost of collection, shall Taxes liens on property.

constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; *provided*, that when real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the state when offered for sale for state and county taxes; and the council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter.

Drawing
money
from
treasury.

SEC. 122. Money shall be drawn from the city treasury only upon warrants as herein authorized. Every demand against the city from whatever source, including the public library, when allowed by the council or proper board, shall be signed by the president and secretary or clerk of such body, and a warrant, numbered and dated the same as the demand issued and signed by the same officers, and both must, before it can be paid, be presented to the auditor, who shall satisfy himself whether the money is legally due and its payment authorized by law. If he allows it, he shall endorse upon the warrant the word "allowed," and the date of such allowance, and sign his name thereto. No demand shall be approved, allowed, audited or paid unless it specify each special item, and the date thereof.

Warrants.

SEC. 123. Warrants payable on demand shall be drawn upon the treasurer, or against any funds in his hands, only when at the time of drawing and issuing of such warrants there shall be sufficient money in the appropriate fund in the treasury to pay said warrants.

Uniform
system of
accounts.

SEC. 124. The council shall prescribe uniform forms of accounts which shall be observed by all officers and departments of the city which receive or disburse moneys. Whenever an act shall be passed by the state legislature calling for uniform municipal reports, the city authorities shall be governed thereby.

ARTICLE XVIII.

CONTRACTS.

By what
contracts
city shall
be bound.

SEC. 125. The city of Pomona shall not be and is not bound by any contract (except such a contract as is now or may be hereafter authorized by this charter to be made in behalf of the city by a board or officer of the city) unless the council shall have first caused notice to be published for not less than five days in a daily newspaper or posted for five days in three public places in the city, inviting proposals to perform the same, and thereafter shall have let said contract to the lowest

responsible bidder furnishing security for its performance satisfactory to the council; *provided*, that any such contract shall not be made or be binding on the city unless first authorized by resolution passed by the council; that any such contract shall be made in writing, the draft thereof approved by the council and the same ordered to be, and be signed on behalf of the city by the mayor or some other person authorized thereto by resolution; and that the approval as to form of such contract by the city attorney shall be endorsed on the draft thereof before the council shall have power to approve the same; *provided, further*, that the council may, by resolution, authorize any officer, committee or agent of the city to bind the city for the payment of a sum of money, not exceeding two hundred and fifty dollars, without a contract in writing and without any previous publication or posting of notice inviting proposals.

SEC. 126. When proposals for performing any public work or furnishing materials are invited, the council may reject any and all bids if deemed advisable and ask for new bids or provide for the work to be done by the department of public works; and in case no bid is received the council may provide for the work to be done by the department of public works.

Council
may reject
bid.

No contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officers, department or board.

It shall be the duty of the city attorney to see that all bonds relating to any such contract and required by resolution, ordinance, this charter or the general laws of the state are properly drawn, executed and delivered.

SEC. 127. The commissioner of public supplies shall be the city purchasing agent, until otherwise provided by the council, with such powers and duties as shall be prescribed by the council. The council may provide that all or any designated portion of the purchases and contracts under the jurisdiction of the council shall be made by said purchasing agent under rules to be provided therefor; and with the consent of other boards herein given the power to make purchases and contracts, the council may provide that all or a portion of such purchases and contracts may be made by said agent under similar or different rules. The council may provide that the purchasing agent may make all or any portion of the purchases of the city in the open market at the best prices obtainable and to the best advantage of the city, without advertising for bids.

City pur-
chasing
agent.

ARTICLE XIX.

STREETS AND SEWERS.

SEC. 128. Except as provided herein and unless otherwise provided by ordinance, the general law of the State of California relative to the improvement of, and work upon streets, lanes, alleys, courts, places and sidewalks, including the construction of sewers and providing for the laying out, opening,

State
street laws
made part
of charter.

extending, widening, straightening or closing up in whole or in part of any street, square, lane, alley, court or place within municipalities, and to condemn and acquire any and all land and property necessary and convenient for that purpose; and for providing a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and to provide for the payment of such bonds; and providing for the planting, maintenance and care of shade trees upon streets, lanes, alleys, courts and places within municipalities, and of hedges upon the lines thereof, and for the eradication of weeds within city limits, now in force, or which may hereafter be adopted by the legislature of this state is hereby made a part of this charter, and shall govern the council in such matters.

ARTICLE XX.

FRANCHISES.

Terms,
conditions.

SEC. 129. The council shall have power to designate the terms, conditions and duration of all franchises, subject to the general laws of the state and the provisions of this charter relating thereto; *provided*, that no exclusive franchise shall ever be granted.

Right to
regulate.

SEC. 130. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodations of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

Rates,
fares, etc.

SEC. 131. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise. The grant of every franchise for a street, suburban or interurban railroad shall provide that all United States mail carriers and all officials, policemen and firemen of the city shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the city, without paying therefor and with all the rights of other passengers.

Sprinkling,
paving,
etc.,
streets.

SEC. 132. Every grant of any franchise or privilege in, over, under or along any of the streets, highways or public places in the city for railway purposes, shall be subject to the conditions that the person, firm or corporation, exercising or enjoying the same shall sprinkle, clean, keep in repair, and pave and repave so much of said street, highway or other public place as may be occupied by said railway as lies between the railway track, and between the lines of double track, and for a space of two feet of said tracks.

SEC. 133. Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted, the city, at its election and upon the payment of a fair valuation therefor to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which the franchise was granted, become the property of the city, without any compensation to the grantee.

City may purchase at expiration of franchise.

SEC. 134. Every ordinance granting any franchise may further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and property of the grantee shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which it was granted, become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance.

Property may be taken over by city.

ARTICLE XXI.

INITIATIVE.

SEC. 135. Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city, equal in number to the percentages hereinafter contained; *provided*, notice of the intention to circulate such a petition, together with a copy of the proposed ordinance and a statement in not more than two hundred words, giving the proponents' reasons for the adoption of such ordinance, shall be filed with the city clerk at least five days before such petition is circulated. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed, and that notice of the intention to circulate said petition was filed with the city clerk at least five days prior to the time any signature was appended to said petition. Within ten days from the date of filing such petition the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and, if necessary, the council shall allow him extra help for that purpose, and he

shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay.

SEC. 136. If the petition accompanying the proposed ordinance is signed by qualified electors of the city, equal in number to fifteen per cent of the total number of registered electors at the last preceding general municipal election and contains a request that said ordinance be submitted forthwith to the vote of the people at a special election, then the council shall either:

Council may either pass ordinance or call special election.

(a) Pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to a referendum vote under the provisions of article XXII of this charter); or

(b) Within twenty-five days after the clerk shall have attached to the petition his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people.

Ordinance submitted to electors.

SEC. 137. If the petition be signed by qualified electors of the city, equal in number to at least five per cent of the total number of registered electors at the last preceding general municipal election, and said ordinance be not passed by the council as provided in the preceding subdivision, then such ordinance without alteration shall be submitted by the council to the vote of the people at the next general municipal election that shall occur at any time after twenty days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

Reasons for adoption or rejection of ordinance.

SEC. 138. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election, the council shall cause the ordinance or proposition to be printed, and it shall be the duty of the clerk to enclose a printed copy thereof, together with a statement in not more than two hundred words, giving the proponents' (or opponents' in case of a referendum election) reasons for the adoption (or rejection) of such ordinance, and the statement,—if any, in not more than two hundred words made by the council, giving the reasons why such proposed ordinance should not be (or should be) adopted, in an envelope with a sample ballot, and mail the same to each voter at least three days prior to the election, or the council may order such ordinance or proposition, together with the reasons for and against the adoption of the same, to be printed in the official news-

paper of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballots.

SEC. 139. The ballots used for voting upon such proposed ordinance shall set forth in full the title of the proposed ordinance and shall state the general nature of the proposed ordinance and shall contain the words, "For the Ordinance" and "Against the Ordinance." If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, said ordinance shall take effect five days after the declaration of the official canvass, which canvass shall be made within seven days after the day of election. Ballot.

SEC. 140. Any number of proposed ordinances under the initiative and any number of ordinances under the referendum may be voted upon at the same election in accordance with the provisions of this article. More than one may be voted on at same election.

SEC. 141. There shall not be held under this article of the charter more than one special election in any period of one year, unless the petitioners shall first file with the city auditor a certified check for an amount equal to the total cost of the last preceding general municipal election, for the purpose of defraying the expenses of said special election, and after said expenses are paid and deducted, the balance, if any, shall be returned to the petitioners. Not more than one special election in one year.

SEC. 142. A substantial compliance with the provisions of this article shall be sufficient for the holding of an election hereunder, and the approval or rejection of any measure submitted thereat, and the council shall by ordinance make such further regulations as may be necessary to carry out the provisions of this article.

ARTICLE XXII.

REFERENDUM.

SEC. 143. No ordinance passed by the council shall go into effect before thirty days from the time of its final passage, except when otherwise required by the general laws of the state or by the provisions of this charter, respecting street improvements and except an ordinance making the annual tax levy and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a four-fifths vote of the council; *provided*, that no grant of any franchise shall be construed to be an urgency measure but all franchises shall be subject to the referendum vote herein provided. If during said thirty days a petition signed by qualified electors of the city equal in number to at least twenty per cent of the total number of registered voters at the last preceding general municipal election, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation and it shall be When ordinances go into effect.

the duty of the council to reconsider such ordinance; and if the same be not entirely repealed, the council shall submit the ordinance as is provided in article XXI of this charter, to the vote of the electors of the city, either at the next general municipal election or at a special election to be called for that purpose and such ordinance shall not go into effect or become operative unless a majority of qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of section 135, except as to the percentage of signers and shall be examined and certified by the clerk in all respects as is therein provided, and notice of the intention to circulate such petition, together with a statement, in not more than two hundred words, giving the opponents' reasons for the rejection of such ordinance, shall be filed with the clerk at least five days before such petition is circulated.

May be submitted to electors.

SEC. 144. Any ordinance or measure that the council or the qualified electors of the city shall have authority to enact, the council may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in this charter for ordinances or measures submitted on petition. At any special election called under the provisions of this charter, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinance or measures herein provided for, if said other questions are such as may legally be submitted at such election. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

Not more than one special election in one year.

SEC. 145. There shall not be held under this article of the charter more than one special election in any period of one year unless there shall be first filed with the city auditor a certified check for an amount equal to the total cost of the last preceding general municipal election, for the purpose of defraying the expenses of said special election; and after said expenses are paid and deducted, the balance, if any, shall be returned to the person or persons who filed said check.

SEC. 146. Sections 138, 139 and 142 of this charter applying to the initiative shall govern elections held under the authority of this article so far as applicable.

SEC. 147. The council shall, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article.

ARTICLE XXIII.

RECALL.

Elective officers may be recalled.

SEC. 148. Every incumbent of an elective office, whether elected by popular vote or appointed thereto to fill a vacancy, shall be subject to removal from office by recall by the voters of the city. The procedure to effect such removal from office shall be as follows: A petition, signed by qualified electors of the city equal in number to at least twenty per cent of the

total number of registered electors at the last preceding general municipal election, demanding an election of a successor to the person sought to be removed shall be filed with the city clerk; *provided*, that at least five days before any petition for the recall of an officer is circulated for signatures thereto, an affidavit in triplicate by, or on behalf of, the person or persons proposing such recall, shall be filed with the city clerk who shall at once deliver one of said affidavits to the office of said officer sought to be recalled, and send one by registered mail to the residence of such officer. Said affidavit shall contain a statement of the intention to circulate a petition for the recall of said officer, a statement of not more than two hundred words, giving the grounds for such recall and the address of the party making the affidavit. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number, and one of the signers of each such paper shall make oath, before an officer authorized to administer oaths, that the statements therein made are true and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed, and that said affidavit was filed with the city clerk as hereinbefore prescribed. Within ten days from the date of filing such petition the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors; and, if necessary, the council shall allow him extra help for that purpose and he shall attach to said petition his certificate showing the result of said examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall within ten days after such amendment make like examination of the amended petition and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay, and the council shall order and fix a day for the holding of said election, not less than thirty nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

Sec. 149. The city council shall make, or cause to be made, all arrangements for the holding of such election and the same shall be conducted, returned and the result thereof declared in all respects as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. Other candidates may be nominated as provided in section 95; *provided, however*, that nomination certificates may be filed at any time prior to fifteen days before the day of election.

Recall
election.

Reasons
for recall.

SEC. 150. Upon both the sample and official ballots there shall be printed in not more than two hundred (200) words a statement of the reasons for demanding the recall of the officer as set forth in the recall petition, and the statement, if any, in not more than two hundred (200) words, made by the officer justifying his course in office.

Candidate
elected.

SEC. 151. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon the qualification of his successor. In case the party who receives the highest number of votes shall fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

No recall
petition
may be
presented
until officer
has been in
office six
months.

SEC. 152. No recall petition shall be filed against any elective officer until he has actually held his office for at least six months, and no second or subsequent recall petition shall be filed against the same officer for a period of six months from the time of the last recall election relating to said officer nor at any subsequent time during his term of office, unless the petitioners for such second or subsequent recall election shall first deposit with the auditor a certified check for an amount equal to the total cost of the last recall election for the purpose of defraying the expenses of the recall election petitioned for; if at the election said officer is recalled, said check shall be returned to the petitioners, but if said officer is not recalled, said check shall be cashed and turned into the general fund of the city.

SEC. 153. The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this section.

ARTICLE XXIV.

MISCELLANEOUS.

Charter
goes into
effect.

SEC. 154. For the purpose of nominating candidates and electing officers in accordance with this charter, this charter shall take effect from the time of the approval of the same by the legislature; for all other purposes it shall take effect on the second Monday in May, 1911.

Officers
continue
to hold
office.

SEC. 155. The members of the board of trustees, city clerk, city attorney, city assessor, city treasurer, city recorder and members of the board of education in office at the time of the approval of this charter by the legislature shall continue to hold office and discharge their duties until the election and qualification of the mayor, auditor, attorney, assessor, police judge and president and members of the board of education, respectively, first elected under this charter; the term of each and of all the other officers in office at the time this charter shall take effect shall cease and terminate when the council first elected hereunder shall by resolution so declare.

SEC. 156. All lawful city ordinances, resolutions and regulations in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed. Ordinances continued.

SEC. 157. The violation of any provision of this charter or of any ordinance of the city shall be deemed a misdemeanor, and may be prosecuted by the authorities of the city in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of a provision of this charter or of any ordinance may be imprisoned in the city jail, or, if the council or ordinance shall so prescribe, in the county jail of the county in which the city of Pomona is situated, in which case the expense of such imprisonment shall be a charge in favor of such county against the city of Pomona. Misdemeanor.

CERTIFICATE.

WHEREAS, The city of Pomona, a city containing a population of more than three thousand five hundred inhabitants, on the third day of November, nineteen hundred and ten, at a special election, and under and in accordance with the provisions of section eight, article XI of the constitution of the State of California, did elect the undersigned a board of fifteen freeholders to prepare and propose a charter for said city;

BE IT KNOWN, That in pursuance of said provision of the constitution and within a period of ninety days after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Pomona; and that in submitting and proposing such charter the board of freeholders, pursuant to said provision of the constitution, also presents with said charter for the choice of the voters, and to be voted on separately, without prejudice to the other provisions contained in the charter, an alternative proposition hereinafter stated, which shall, if approved by a majority of the voters voting thereon, take the place of section 89 of article XV of the proposed charter.

Said alternative proposition shall be submitted to the voters for their approval or rejection at the same election at which the charter shall be submitted and upon the ballots shall be printed: "Shall the alternative proposition, providing that there shall be no sale of alcoholic liquors in the city of Pomona, except by druggists under proper restrictions, take the place of section 89 of article XV?"

Said alternative proposition is as follows:

ALTERNATIVE PROPOSITION.

ARTICLE XV.

ALCOHOLIC LIQUORS.

SEC. 89. No person, either as principal, agent, servant or employee, shall open, establish, keep, maintain or carry on within the corporate limits of Pomona, any tippling-house.

dramshop, cellar, saloon, bar, barroom, sample-room or other place where spirituous, vinous, malt or other alcoholic liquors, are sold or given away; *provided*, that this section shall not apply to the sale of such liquors by regularly licensed druggists upon the written prescription of a practicing physician regularly licensed to practice his profession in the State of California, nor to the sale by such druggists of alcohol for mechanical or scientific uses, under such restrictions and regulations as may be fixed by the council.

IN WITNESS WHEREOF, We have hereunto set our hands in duplicate this thirty-first day of December, one thousand nine hundred and ten.

(Signed) FRED. J. SMITH, President.

(Signed) A. B. AVIS.

(Signed) FRANK W. BALFOUR.

(Signed) J. F. EVANS.

(Signed) W. T. FLEMING.

(Signed) R. B. HOFFMAN.

(Signed) CLARENCE H. LEE.

(Signed) J. F. LOBINGIER.

(Signed) LEE R. MATTHEWS.

(Signed) J. E. McCOMAS.

(Signed) N. W. MILLER.

(Signed) H. J. NICHOLS.

(Signed) F. H. OSLER.

(Signed) G. A. PHILLIPS.

(Signed) RUSSELL K. PITZER, Secretary.

Filed January 3d, 1911, at ten A. M., with Frank P. Firey, president of the board of trustees of the city of Pomona.

STATE OF CALIFORNIA, }
 COUNTY OF LOS ANGELES, } ss.
 CITY OF POMONA. }

I, Frank P. Firey, president of the board of trustees of the city of Pomona, State of California, do hereby certify that the board of freeholders, whose names appear signed to the foregoing proposed charter, were on the 3d day of November, 1910, at a special municipal election held in said city of Pomona on said day, duly elected by the qualified electors of said city, to prepare and propose a charter for said city; that each of said freeholders has been a qualified elector and freeholder in said city for more than five (5) years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me as president of said board of trustees within ninety (90) days after said election as required by section 8 of article XI of the constitution of the State of California; that said proposed charter was then published in the Pomona Progress and in the Pomona Daily Review, which then were daily newspapers of general circulation in the said city, and that publication was made for more than twenty days, and that the first publication of said proposed charter was made within twenty (20) days after the completion of

said charter; that within thirty (30) days after the publication of said charter, as required in said section 8 of article XI of the constitution of the State of California, to wit: On the 16th day of February, 1911, said charter was submitted at a special election duly called and held in the city of Pomona, for the purpose of ratifying or rejecting said proposed charter and the alternative proposition submitted therewith; that by a majority of the votes of the qualified electors voting at said election, said proposed charter was ratified as a whole, excepting that the alternative proposition therein contained being separately voted on, was ratified by a majority of such votes and was thereafter chosen and substituted for section 89 of article XV of said proposed charter; that the returns of said election were duly canvassed by the board of trustees of said city of Pomona on the 18th day of February, 1911, and the result thereof declared as above set forth, and that in all matters and things pertaining to said proposed charter, all provisions of said section of the constitution and the laws of the State of California, pertaining to the adoption of the charter, have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereto set my hand and caused the corporate seal of said city of Pomona to be affixed this 18th day of February, 1911.

[SEAL.]

FRANK P. FIREY,
President of the Board of Trustees
of the City of Pomona.

Attest: T. R. TROTTER,
City Clerk of the City of Pomona.

AND, WHEREAS, Said proposed charter, with said alternative proposition so ratified, has been duly presented and submitted to the legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California; now, therefore, be it

Resolved by the assembly of the State of California, the senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), That said charter of the city of Pomona, including said alternative proposition, as presented to, adopted and ratified by the qualified electors of said city, be, and the same is hereby, approved as a whole as and for the charter of the said city of Pomona.

CHAPTER 46.

Assembly Concurrent Resolution No. 23, approving the charter of the city of Vallejo, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 21st day of February, 1911.

[Filed with Secretary of State March 11, 1911.]

Charter of
Vallejo.

WHEREAS, The city of Vallejo, a municipal corporation of the county of Solano, State of California, now is and was at all times herein referred to a city containing a population of more than three thousand five hundred (3,500) but less than thirty thousand (30,000) inhabitants; and

WHEREAS, At a special election duly held in said city on the 11th day of October, 1910, under and in accordance with law and the provisions of section 8 of article XI of the constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city by the qualified electors thereof, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety (90) days after said election, prepare and propose a charter for the government of said city of Vallejo; and

WHEREAS, Said charter was on the 3d day of January, 1911, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed one copy with the mayor of the said city of Vallejo, and the other copy with the county recorder of the said county of Solano and filed in the office of the said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the "Vallejo Daily Times" and in the "Vallejo Evening News," each being a daily newspaper of general circulation in said city of Vallejo, and the said charter being published as aforesaid for a period of twenty (20) days, the first publication thereof being made within twenty (20) days after the completion of said charter; and

WHEREAS, Said proposed charter was within thirty (30) days after the completion of said publication submitted by the board of trustees of the city of Vallejo to the qualified electors of said city of Vallejo at a special election, previously duly called and therein held on the 21st day of February, 1911; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said city of Vallejo, voting at said special election, voted in favor of the ratification of said charter as proposed as a whole; and

WHEREAS, Said board of trustees, after canvassing said returns, found and declared that the majority of said qualified electors voting at said special election had voted for ratifying said charter as above specified; and

WHEREAS, The same is now submitted to the legislature of the State of California for its approval and ratification as a

whole without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California; and

WHEREAS, Said charter was ratified in the words and figures following, to wit:

CHARTER OF THE CITY OF VALLEJO PREPARED AND PROPOSED BY THE BOARD OF FREEHOLDERS ELECTED OCTOBER 11TH, 1910, IN PURSUANCE OF THE PROVISIONS OF SECTION 8, ARTICLE XI. OF THE CONSTITUTION OF THE STATE OF CALIFORNIA.

CHARTER OF THE CITY OF VALLEJO.

CONTENTS.

Article	I.	Name and rights of the city.
Article	II.	Boundaries.
Article	III.	Elections.
Article	IV.	Recall of elective officers.
Article	V.	Elective officers.
Article	VI.	The mayor.
Article	VII.	Executive and administrative departments.
Article	VIII.	The council.
Article	IX.	Powers of the city and of the council.
Article	X.	Finance and taxation.
Article	XI.	Public work and supplies.
Article	XII.	Franchises.
Article	XIII.	The initiative.
Article	XIV.	The referendum.
Article	XV.	Police court.
Article	XVI.	Police department.
Article	XVII.	The public schools.
Article	XVIII.	Miscellaneous.

ARTICLE I.

NAME AND RIGHTS OF THE CITY.

Name of the city.

SECTION 1. The municipal corporation now existing and known as the City of Vallejo shall remain and continue a body politic and corporate in name and in fact, by the name of the City of Vallejo, and by such name shall have perpetual succession.

Name of the city.

Rights and liabilities.

SEC. 2. The city of Vallejo shall remain vested with and continue to have, hold and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

Rights and liabilities.

ARTICLE II.

BOUNDARIES.

SEC. 3. The corporate limits of the city of Vallejo shall be as follows: Commencing at a point where Magazine street intersects with the water front, thence along the south side of Magazine street to the east side of Sixth street, thence along Sixth street to the south side of Benicia avenue, thence along Benicia avenue to the east side of Ninth street, thence along Ninth street to Solano avenue, thence running northerly along

Boundaries.

Contra Costa street, until the same meets the northern line of section eighteen in township three north, range three west, of Mount Diablo meridian, thence west along the United States section line to a point in the bay of San Pablo one half of a mile distant from the general western shore-line of Mare Island and the salt marsh, thence southerly in a line parallel with said shore-line to the center of the straits of Carquinez, and following up the center of the straits of Carquinez to a point due south of the point of beginning, and thence in a straight line to the point of beginning.

The streets and avenues herein mentioned have reference to the map of the city of Vallejo drawn by E. H. Rowe, in the year eighteen hundred and sixty-eight, and now on file for record in the office of the county recorder of Solano county.

ARTICLE III.

ELECTIONS.

General and special municipal elections.

General and special municipal elections.

SEC. 4. A municipal election shall be held in the city on the first Tuesday in May in the year 1911, and on the first Tuesday in April in 1913, and on the first Tuesday in April in every second year thereafter, and shall be known as the general municipal election. A second election shall be held, when necessary, as provided in section 5, on the second Tuesday after said general municipal election, and shall be known as the second general municipal election.

All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections.

Nomination and election of city officers.

Nomination and election of city officers.

SEC. 5. (1) The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as herein provided and not otherwise.

Condition of candidacy.

Condition of candidacy.

(2) The name of a candidate shall be printed upon the ballot when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

Form of nomination petition.

Form of nomination petition.

(3) The petition of nomination shall consist of not less than twenty-five individual certificates, which shall read substantially as follows:

PETITION OF NOMINATION.

Individual Certificate.

STATE OF CALIFORNIA, }
 COUNTY OF SOLANO, } SS.
 CITY OF VALLEJO. }

Precinct No.....

I, the undersigned, certify that I do hereby join in a petition for the nomination of....., whose resi-

dence is at No..... street, Vallejo, for the office of, to be voted for at the municipal election to be held in the City of Vallejo on the..... day of, 19....., and I further certify that I am a qualified elector and am not at this time a signer of any other petition nominating any other candidate for the above named office, or, in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office; that my residence is at No..... street, Vallejo, and that my occupation is.....

(Signed)

STATE OF CALIFORNIA, }
COUNTY OF SOLANO, } SS.
CITY OF VALLEJO. }

....., being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed)

Subscribed and sworn to before me this day of, 19.....

(Notary Public or Verification Deputy.)

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to..... at No. street, Vallejo, Cal.

Forms to be supplied by the city clerk.

(4) It shall be the duty of the city clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

Forms to be supplied by the city clerk.

Requirements of certificate.

(5) Each certificate must be a separate paper. All certificates must be of a uniform size as determined by the city clerk. Each certificate must contain the name of one signer thereto and no more. Each certificate shall contain the name of one candidate and no more. Each signer must be a qualified elector, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, nor, in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in such office. In case an elector has signed two or more conflicting certificates, all except the one first presented shall be rejected. Each signer must verify his certificate and make oath that the same is true before a notary public or a verification deputy, as provided for in this section. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient.

Requirements of certificate.

Verification deputies under this charter.

(6) All verification deputies under this charter shall be

Verifica-
tion depu-
ties under
this
charter.

citizens of the city. They shall be appointed by the city clerk upon written application of not less than five (5) qualified electors of the city. The said application shall set forth that the signers desire the appointment of the person whose name and address is given therein to be a verification deputy for the purpose of taking oaths of signers of certificates in the matter of a petition of nomination of candidates, in proceedings under recall, initiative or referendum provisions, or other matter provided for in this charter, as the case may be. Such verification deputies may administer oaths to electors who desire to affix their signatures to the petition mentioned in the said application, or who desire to revoke their signatures thereto, and for no other purpose. They need not use a seal. Their appointment shall not continue for more than ninety (90) days from the date thereof. They shall not be paid, in whole or in part, directly or indirectly, out of the city treasury.

Date of presenting petition and form thereof.

Date of
presenting
petition
and form
thereof.

(7) A petition of nomination, consisting of not less than twenty-five (25), nor more than fifty (50), individual certificates for any one candidate, may be presented to the city clerk not earlier than fifty days nor later than forty days before the election. The clerk shall endorse thereon the day, hour and minute upon which the petition was presented to him.

The certificates constituting such petition before being presented to the city clerk shall be fastened together in book form by placing the sheets in a pile arranged in alphabetical order according to surnames and fastening them together at one edge in a secure and suitable manner, and the certificates shall then be numbered consecutively.

Examination of petitions by city clerk.

Examina-
tion of
petitions
by city
clerk.

(8) When a petition of nomination is presented for filing to the city clerk, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this section. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition can not be filed, and shall return the petition to the person named as the person to whom the same may be returned in accordance with this section. If a petition be so found insufficient, it may be amended by the presentation to the city clerk of an additional petition containing additional individual certificates. The clerk shall forthwith proceed to examine the petition as hereinbefore provided. If necessary, the council shall provide extra help to enable the clerk to perform satisfactorily and promptly the duties imposed by this section.

Withdrawal of signature.

With-
drawal of
signature.

(9) Any signer to a certificate forming part of a petition of nomination may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk, and not other-

wise. He shall then be at liberty to sign a petition for another candidate for the same office.

Withdrawal of candidate.

(10) Any person whose name has been presented under this section as a candidate, may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election.

Withdrawal of candidate.

Filing of petitions.

(11) If either the original or the amended petition of nomination be found to conform to the requirements of this section, the city clerk shall file the same twenty-five days before the date of the election. When a petition of nomination shall have been filed by the clerk it shall not be withdrawn or added to and no signature shall be revoked thereafter.

Filing of petitions.

Preservation of petitions.

(12) The city clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under this section.

Preservation of petitions.

Election proclamation.

(13) Immediately after such petitions are filed, the city clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty days before the election certify such list as being the list of candidates nominated as required by the charter of the city of Vallejo, and the council shall cause said certified list of names and the offices to be filled, designating whether for a full term or unexpired term, to be published in the proclamation calling the election for three successive days, commencing seven days immediately preceding the election, in not more than one daily newspaper of general circulation published in the city of Vallejo. Said proclamation shall conform in all respects to the general state law governing the conduct of municipal elections, now or hereafter in force, except as above required.

Election proclamation.

Form of ballots.

(14) The city clerk shall cause the ballots to be printed and bound and numbered as provided for by the state law, except as otherwise required in this charter. The ballots shall contain the list of names and the respective offices, as published in the proclamation, and shall be in substantially the following form:

Form of ballots.

GENERAL (OR SPECIAL) MUNICIPAL ELECTION, CITY OF VALLEJO.

(Inserting date thereof.)

Instructions to Voters: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to

Instruc-
tions to
voters.

vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election and obtain another.

Requirements of ballot.

Require-
ments of
ballot.

(15) All ballots printed shall be precisely of the same size, quality, tint of paper, with precisely the same kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right-hand side for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this charter. The names of the candidates for each office shall be arranged in alphabetical order, by surnames, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate. All ballots shall, as to indistinguishability, conform to the provisions of this subdivision.

Every nominee to be on ballot.

Every
nominee
to be on
ballot.

(16) The name of no candidate who has been duly and regularly nominated and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

Arrangement of offices on ballot.

Arrange-
ment of
offices on
ballot.

(17) The offices to be filled shall be arranged in separate columns in the following order:

“For mayor (if any) vote for one.”

“For auditor and ex officio assessor (if any) vote for one.”

“For commissioner (if any) vote for (giving number).”

“For school directors (if any) vote for (giving number).”

Space for voting cross.

Space for
voting
cross.

(18) Half-inch squares shall be provided at the right of the name of each candidate wherein to mark the cross.

Blank spaces for additional candidates.

Blank
spaces for
additional
candidates.

(19) Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Sample ballots.

Sample
ballots.

(20) The city clerk shall cause to be printed sample ballots identical, except as to the character of paper, with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election.

Vote necessary for election.

(21) In case there is but one person to be elected to an

office, the candidate receiving a majority of the votes cast for all the candidates for that office shall be declared elected: in case there are two or more persons to be elected to an office, as that of commissioner or school director, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected; *provided, however*, that no person shall be declared elected to any office at such first election unless the number of votes received by him shall be greater than one half the number of ballots cast at such election.

Vote necessary for election.

Second election.

(22) If at any election held as above provided there be any office to which the required number of persons was not elected, then as to such office the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill said office. The candidates not elected at such first election, equal in number to twice the number to be elected to any given office, or less if so there be, who receive the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election; *provided*, that if there be any person who, under the provisions of this subdivision, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office.

Second election.

The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such second election shall be declared elected to such office.

Date of second election.

(23) The said second election, if necessary to be held, shall be held two weeks after the first election.

Date of second election.

Rules governing second election.

(24) All the provisions and conditions above set forth as to the conduct of an election, so far as they may be applicable, shall govern the second election, except that notice of election need be published twice only; *and provided, also*, that the same precincts and polling places shall, if possible, be used.

Rules governing second election.

Failure of person elected to qualify.

(25) If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, in the manner provided in this charter for filling vacancies.

Failure of person elected to qualify.

Informalities in election.

(26) No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter.

Informalities in election.

General election regulations.

General election regulations.

SEC. 6. (1) The provisions of the state law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections; *provided*, that the council shall meet as a canvassing board and duly canvass the election returns within four days after any municipal election.

Voting machines.

Voting machines.

(2) In case voting machines shall be used at municipal elections, the council shall have power, by ordinance, to modify the provisions of section 5 so far as may be necessary to adapt them to the use of voting machines.

ARTICLE IV.

RECALL OF ELECTIVE OFFICERS.

Applies to all elective officers.

Applies to all elective officers.

SEC. 7. (1) Every incumbent of an elective office, whether elected by popular vote or appointed thereto to fill a vacancy, shall be subject to removal from office by the proceedings provided in this article for the election of a successor to the officer sought to be removed. Such proceedings shall be known as recall proceedings, and shall be as follows:

Petition for recall.

Petition for recall.

(2) A petition signed by qualified electors equal to fifteen (15) per centum of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election at which a mayor was elected, demanding an election of a successor of the officer sought to be removed, shall be addressed to the council and presented to the city clerk. The petition may request that such election shall be held at a special municipal election or at the next general municipal election.

Form of petition.

Form of petition.

(3) The petition for recall shall be substantially as follows:
(*Individual Certificate.*)

PETITION FOR SUBMISSION OF QUESTION OF ELECTING A SUCCESSOR (OR SUCCESSORS) TO THE OFFICE OF
AT A SPECIAL MUNICIPAL ELECTION (OR THE GENERAL MUNICIPAL ELECTION).

(The above heading must be printed in type of 24-point roman face, caps and lower case.)

REASONS FOR THE RECALL OF (name of officer) FROM OFFICE.
(Here insert such reasons.)

• REASONS AGAINST THE RECALL OF (name of officer) FROM OFFICE. (Here insert such reasons.)

I, the undersigned, certify that I hereby join in a petition to the council requiring that it forthwith submit, as provided

in the charter of Vallejo, to the vote of the electors of the city of Vallejo, at a special (or next general) municipal election. the question whether (name of officer) shall be recalled from the office of (name of office).

I further certify: That I have read the above reasons for and against the recall of said officer and believe that should be recalled; that I am a qualified elector of the city of Vallejo, State of California; that I am not at this time a signer of any other like certificate; that I reside at No. street, in said city, and that my occupation is

(Signed).....

STATE OF CALIFORNIA,)
 COUNTY OF SOLANO,) SS.
 CITY OF VALLEJO.)

..... being duly sworn. deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed).....

Subscribed and sworn to before me this day of 19....

(Signed).....
 (Verification deputy or notary public.)

The petition of which this certificate forms a part, shall, if found insufficient, be returned to at No. street, Vallejo, California.

Filing and examination of petition.

(4) Each certificate must be on a separate sheet of paper and must contain the name of but one signer, who must make oath before a notary public or a verification deputy as to the truth and correctness of the statements made in such certificate. These certificates shall be fastened together, as provided herein for petitions of nomination, except that they shall be bound as near as may be in lots of fifty (50) certificates.

Filing and examination of petition.

Immediately upon the receipt of such petitions, the city clerk shall indorse thereon the time at which said petition was received by him. The city clerk shall thereupon immediately begin to examine said petition to ascertain whether or not it conforms to all the requirements of this charter.

Within ten days after such presentation he must finally determine whether or not it so conforms and shall forthwith attach to said petition his certificate showing the result of his examination, and forthwith send by registered mail a copy of said certificate to the person named as the person to whom said petition shall be returned in accordance with this section. If the petition be found not to conform to the requirements of this charter such certificate of the city clerk shall designate as to the petition and as to each individual certificate included therein and found to be defective, the defect therein. If by said certificate of the city clerk the petition is shown to be

insufficient, it may be amended by the presentation within fifteen days after the date of mailing of said certificate of the city clerk, of an additional recall petition containing additional recall certificates. The city clerk shall within seven days after the presentation of such additional recall petition make like examination and determination of the amended petition and attach to it a like certificate and mail a copy as aforesaid and, if his certificate shall show the amended petition to be insufficient, or if no additional recall petition shall have been presented, the petition shall be returned to the person named as the person to whom the petition is to be returned, without prejudice to the filing of a new petition to effect the same purpose. If and when the city clerk shall find the said petition or amended petition to conform to the requirements of this charter he shall indorse his finding upon the said petition or amended petition and immediately file and present the same to the council.

Withdrawal of signature.

With-
drawal of
signature.

(5) Any signer of a petition for the recall, the initiative or the referendum, may file with the city clerk a verified revocation of his signature to such petition. And in case said revocation is filed with the city clerk before the said petition is filed by the city clerk, the city clerk shall cancel the said signer's signature on said petition.

Statement of intention to circulate petition.

Statement
of inten-
tion to
circulate
petition.

(6) Before any petition for the recall of an officer is circulated for signatures thereto, an affidavit in triplicate by or on behalf of the person or persons proposing such recall shall be filed with the city clerk, who shall at once deliver one of said affidavits to the office of said officer sought to be recalled, and send one by registered mail to the residence of such officer. Said affidavit shall contain: A statement of the intention to circulate a petition for the recall of said officer; a statement in not more than two hundred (200) words giving the grounds for such recall; and the address of the party making the affidavit. Said officer sought to be recalled shall have five (5) days after the filing of such affidavit in which to formulate and send by registered mail to the address of the party making such affidavit a statement in not more than two hundred (200) words justifying said officer's course in office. These reasons for and against the recall of said officer shall be printed as a part of each individual certificate forming a part of the petition. No original petition for the recall of any officer upon the grounds set forth in such affidavit shall be presented to the city clerk later than forty (40) days after filing of such affidavits.

Election under recall petition.

Election
under
recall
petition.

(7) If the officer sought to be removed by recall shall not resign from office within five days after the petition is filed by the city clerk, and if the petition requests a special election, the council shall cause a special election to be held within not

less than fifty (50) nor more than sixty (60) days after the filing of said petition, or, if a general or special municipal election is to occur within sixty (60) days after the filing of said petition, the council may in its discretion postpone the holding of such election to such general or special municipal election.

Petition for non-performance. Life of petition.

(8) If the city clerk or any member of the council shall willfully fail or neglect to do or perform any act or duty, in this article prescribed or directed to be by them or any of them done or performed, then and in that event the said city clerk or such member of the council shall not draw or receive any salary during his further continuance in office and the auditor shall not audit or allow any claim therefor.

Petition for non-performance; life of petition.

If any question of recall, for which a petition has been filed, in accordance with the provisions of this charter, be not submitted to the voters at or within the time elsewhere specified in this charter, such petition shall remain in force until such question has been submitted to the voters.

Grounds of recall. Officer's justification.

(9) Upon both the sample and official ballots there shall be printed in not more than two hundred (200) words a statement of the reasons for demanding the recall of the officer as set forth in the recall petition and the statement, if any, in not more than two hundred (200) words, made by the officer justifying his course in office as set forth in the recall petition.

Grounds of recall; officer's justification.

Recall ballots.

(10) On the ballots at every election at which a question of recall is to be determined there shall be printed the names of those persons who have been nominated as candidates to succeed the person sought to be removed from office, in case he shall be removed from office. The nomination of candidates for places on such ballots shall be made in the same manner as provided in article III in this charter; excepting that the person whose recall and removal from office is petitioned for shall be deemed a candidate, and, unless within five days after the petition requiring the calling of the election is filed by the city clerk, he resigns his office or declines in a writing duly signed and verified by him and filed with the city clerk to permit his name to be printed upon the ballot, his name shall be printed upon the ballot as if he had been regularly nominated in accordance with the provisions of this charter. All requirements of this charter relating to ballots at municipal elections shall, so far as applicable, and except as herein otherwise provided, apply to all ballots at every election at which a question of recall is to be determined, and the calling of elections under this article shall be done in accordance with the provisions of this charter providing for the calling of municipal elections.

Recall ballots.

Election.

Election.

(11) The election under recall proceedings shall conform to the provisions of section 5.

In case a second election is necessary, all the provisions of section 5 in relation thereto shall govern.

Incumbent, when removed.

Incumbent, when removed.

(12) The officer sought to be removed shall, if he do not resign, continue to perform the duties of his office until the result of the election shall have been duly declared, when, if he shall not have been reelected he shall be deemed removed from office.

The council shall canvass the returns and declare the result of the election within four (4) days after the day on which the first or second election, as the case may be, was held. The candidate declared elected, if he be a person other than the officer sought to be removed, shall assume the duties thereof immediately upon taking the oath of office and filing a bond in the sum required of his predecessor in said office.

In case of a tie vote at the second election for any office the council shall by lot choose from the candidates receiving such tie vote the one to fill such office.

Percentage for subsequent recall.

Percentage for subsequent recall.

(13) If the officer sought to be removed shall be reelected to said office at any election held under such recall proceedings, it shall require thirty (30) per centum of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election at which a mayor was elected to initiate a subsequent recall election against such officer during the term for which he was elected.

No recall petition for first six months.

No recall petition for first six months.

(14) No recall petition shall be filed against any officer until he has actually held his office for at least six months.

Incapacity of recalled official.

Incapacity of recalled official.

(15) No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such recall or resignation.

Further regulations.

Further regulations.

(16) The council shall by ordinance make such further regulations as may be necessary to carry out the provisions of this section, and to adopt the provisions of section five (5) thereto.

ARTICLE V.

ELECTIVE OFFICERS.

The elective officers.

The elective officers.

SEC. 8. The elective officers of the city shall be a mayor, an auditor, who shall be ex officio assessor, two commissioners, and three school directors.

The council shall consist of the mayor and the two commissioners, each of whom, including the mayor, shall have the right to vote on all questions coming before the council.

The board of education shall consist of the three school directors.

Elected at large.

SEC. 9. The mayor, auditor, commissioners and school directors shall be elected at the general municipal election on a general ticket at large.

Elected at large.

Eligibility of mayor, auditor, and commissioners.

SEC. 10. To be eligible to the office of mayor, auditor, or commissioner, a person must be a citizen of the United States and a qualified elector of the State of California and of the city of Vallejo.

Eligibility of mayor, auditor, and commissioners.

Eligibility of school directors.

SEC. 11. To be eligible to the office of school director, a person must be a citizen of the United States of the age of twenty-one years and a resident of the school district.

Eligibility of school directors.

Vacancy in office of mayor, auditor or commissioner.

SEC. 12. (1) If a vacancy shall occur in the office of mayor, auditor or commissioner, the council shall appoint a person to fill such vacancy. If at any municipal election held under section 5 of this charter a mayor, auditor or the required number of commissioners be not elected by reason of a tie vote among any of the candidates therefor, then the council after the qualification of the persons, if any, elected thereto at such election, shall appoint one of the persons receiving such tie vote to fill such office as in the case of a vacancy therein. In each case the person so appointed shall hold office, subject to the provisions of the recall until the next general municipal election, when his successor shall be elected for the full or unexpired term as the case may be.

Vacancy in office of mayor, auditor or commissioner.

Vacancy in office of school director.

(2) If a vacancy shall occur in the office of school director, the board of education shall appoint a person to fill such vacancy. If at any municipal election held under section 5 of this charter a school director be not elected by reason of a tie vote among any of the candidates therefor, then the board of education after the qualification of the persons, if any, elected thereto at such election, shall appoint one of the persons receiving such tie vote to fill such office as in case of vacancy therein. In each case a person so appointed shall hold office, subject to the provisions of the recall, until the next general municipal election, when his successor shall be elected for the full or unexpired term as the case may be.

Vacancy in office of school director.

Vacancy—What constitutes.

SEC. 13. A vacancy shall be deemed and considered to exist in any elective office when the person elected thereto fails to qualify within ten days after notice of election has been

Vacancy: what constitutes.

handed to him or sent by registered mail to his last known address, dies, resigns, is recalled and removed from office, ceases to be a resident of the city, absents himself continuously therefrom for a period of more than thirty days without permission from the council, is convicted of a felony, judicially determined to be incompetent, forfeits his office under the provisions of this charter, or is removed from office by judicial proceeding.

Mayor's and auditor's term of office.

Mayor's
and audi-
tor's term
of office.

SEC. 14. The mayor and auditor shall each hold office for a term of four years from and after the first day of July after his election, and until his successor is elected and qualified, unless sooner removed from office by recall or otherwise; *provided, however*, that the term of office of the auditor first elected under this charter shall be for two years only.

Commissioners' term of office.

Commis-
sioners'
term of
office.

SEC. 15. The commissioners shall hold office for a term of four years from and after the first day of July after their election and until their successors are elected and qualified, unless sooner removed from office by recall or otherwise; *provided*, that the commissioners first elected under this charter shall, at their first meeting, so classify themselves by lot that one of them shall hold office for two years and one of them for four years. At each general municipal election after the first under this charter, there shall be elected one commissioner.

School directors' term of office.

School
directors'
term of
office.

SEC. 16. The school directors shall hold office for a term of four years from and after the first day of July after their election and until their successors are elected and qualified, unless sooner removed from office by recall or otherwise; *provided*, that the school directors first elected under this charter shall, at their first meeting, so classify themselves by lot that one of them shall hold office for two years and two of them for four years. At each general municipal election after the first under this charter, there shall be elected one or two school directors, as the case may be.

Official bonds.

Official
bonds.

SEC. 17. The mayor, auditor, each commissioner and each school director shall, before entering upon the duties of his office, give and execute to the city a bond with a surety company as sole surety, the mayor and auditor each, in the penal sum of ten thousand dollars, each commissioner in the penal sum of five thousand dollars, and each school director in the penal sum of two thousand five hundred dollars. Every bond shall contain the conditions that the principal will well, truly, honestly and faithfully perform the duties of his office. The bonds of the mayor must be approved by the council and the bonds of the auditor and the several commissioners and school directors must be approved by the mayor. The council shall fix the amount of bonds and the methods of their approval to be

required of appointive officers. The approval of the official bonds must be endorsed thereon and signed by the officer or officers approving the same. All bonds, except that of the city clerk, when approved, shall be filed with the city clerk. The bond of the city clerk shall be filed with the auditor. All the provisions of any law of this state, relating to official bonds, not inconsistent with this charter, shall be complied with. The neglect or failure to exact a bond from appointed officers shall make the commissioners themselves liable for any loss which may occur to the city by reason of such neglect or failure.

Oath of office.

SEC. 18. Every officer of the city, before entering upon the duties of his office, shall take the oath of office as provided for in the constitution of this state, and shall file the same with the city clerk. Oath of office.

Salaries.

SEC. 19. The mayor shall receive an annual salary of two thousand four hundred dollars, payable in equal monthly installments. Salaries.

The auditor and ex officio assessor shall receive an annual salary of one thousand five hundred dollars, payable in equal monthly installments.

Each commissioner shall receive an annual salary of eighteen hundred dollars, payable in equal monthly installments.

Each school director shall receive five dollars for each regular meeting of the board of education which he shall attend; *provided*, that he shall not receive more than fifteen dollars in any one month.

Administering oaths. Subpoenas.

SEC. 20. Every elective officer, every chief official and every member of any board or commission provided for in this charter shall have the power to administer oaths and affirmations, and every such officer, board or commission shall have the power to issue subpoenas, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such officer, board or commission. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpoena, or shall refuse to testify before any such officer, board or commission or to answer any question which any officer, or a majority of such board or commission shall decide to be proper or pertinent, he shall be deemed in contempt, and any such officer, board or commission shall have power to take the proceedings in that behalf provided by the general laws of this state. The chief of police must, on request of such officer, or of any member of such board or commission, detail a police officer or police officers to serve such subpoena. Administering oaths; subpoenas.

ARTICLE VI.

THE MAYOR.

The chief executive.

The chief executive.

SEC. 21. The mayor shall be the chief executive officer of the city and shall see that all the ordinances thereof are duly enforced. He shall be charged with the general oversight of the several departments of the municipal government. He shall see that all contracts made with the city are faithfully performed.

Mayor pro tempore.

Mayor pro tempore.

SEC. 22. During the temporary absence or disability of the mayor, the vice-president of the council shall act as mayor *pro tempore*. In case of vacancy in the office of the mayor, the vice-president of the council shall act as mayor until such vacancy can be filled as provided in this charter.

Mayor's reports.

Mayor's reports.

SEC. 23. The mayor shall annually and from time to time give the council information relative to the affairs of the city and recommend to its consideration such matters as he may deem expedient.

Mayor to have city's books examined.

Mayor to have city's books examined.

SEC. 24. The mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a certified public accountant, who shall examine, at least twice each year, the books, records, and reports of the auditor and of all officers and employees who receive or disburse city moneys, and the books, records and reports of such other officers and departments as the mayor may direct and make triplicate reports thereof, and present one each to the mayor and auditor, and file one with the city clerk. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employees of the city, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The council shall provide for the payment of the services of such accountant.

Supervision of public utility companies.

Supervision of public utility companies.

SEC. 25. The mayor shall be charged with the general supervision of all public utility companies in so far as they are subject to municipal control; he shall keep himself fully informed as to their compliance in all respects with the law, and he shall see that all franchises granted by the city are faithfully observed. The mayor shall, and the council may, cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and to revoke, cancel or annul all franchises that may have

been granted by the city to any persons, firm or corporation which have become forfeitable in whole or in part or which for any reason are illegal and void and not binding upon the city. The city attorney, on demand of the mayor or the council, must institute and prosecute the necessary actions to enforce the provisions of this section.

Powers and duties prescribed by ordinance.

SEC. 26. The mayor shall exercise such other powers and perform such other duties as may be prescribed by law or ordinance.

Powers and duties prescribed by ordinance.

ARTICLE VII.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

The three municipal departments.

SEC. 27. The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be distributed among and assigned to three departments, as follows:

The three municipal departments.

1. Department of public finance and supplies.
2. Department of public health and safety.
3. Department of public works.

Council to assign powers and duties.

SEC. 28. (1) The mayor shall be commissioner of public finance and supplies and the council at its first regular meeting after every general municipal election, or within ten days thereafter shall, by majority vote, designate and assign one of its members to be commissioner of public health and safety, and one to be commissioner of public works; *provided, however*, if the council be unable to agree within said ten (10) days upon such designation, the mayor shall have the authority to make such designation.

Council to assign powers and duties.

(2) The council may change such designations and assignments, except that of department of public finance and supplies, by ordinance, whenever it shall determine that the public service requires such change.

(3) The council shall prescribe by ordinance the powers and duties of all officers and employees when the same are not prescribed by this charter, and may prescribe for departments, officers, boards and employees powers and duties in addition to those prescribed by this charter, not inconsistent therewith; may assign or reassign particular officers and employees to duty in more than one department of the city government; may require an officer or employee to perform duties in two or more departments of the city government; and may make rules and regulations, not in conflict with law or this charter, for the efficient and economical conduct of the business of the city.

Except as in this charter otherwise provided, these several departments shall be composed, officered and organized and the persons employed therein shall be chosen as the council may by ordinance provide, and the council must, at all times, keep in full force and effect ordinances making provision for all such matters.

Department of public finance and supplies.

Department of
public
finance and
supplies.

SEC. 29. (1) The department of public finance and supplies, under the charge of the mayor, shall have supervision of the relations of the city with the government of the United States, the states of the Union, the county of Solano and other municipalities; it shall have supervision over all boards and commissions not assigned to any other department; over all accounts, revenues and financial matters of the city, except as otherwise provided in this charter; over the purchase of all supplies on behalf of the city for every department, office, board, commission and official thereof; and over the city clerk, attorney, treasurer, and library trustees, and their respective offices and departments, and all employe'es, deputies or assistants therein.

Department of public health and safety.

Department of
public
health and
safety.

(2) The department of public health and safety, under the charge of the commissioner of public health and safety, shall have supervision over the chief of police, fire chief, health officer and poundmaster, and their respective offices and departments, and all employe'es, deputies and assistants therein; over all buildings, property and apparatus used in any of said departments and offices; over the removal and disposal of garbage.

Department of public works.

Department of
public
works.

(3) The department of public works, under the charge of the commissioner of public works, shall have supervision over the city engineer, street superintendent, building inspector, sanitary inspector, wharfinger, and electrician, and their respective offices or departments, and all employe'es, deputies or assistants therein; over the construction of any and all public buildings and structures, under plans duly approved by the commissioner of the respective department; over the repair and maintenance of any and all buildings owned by the city; over all buildings belonging to or used by the city, except as otherwise provided in this charter; over the public water works and all public utilities owned, controlled or operated by the city, and not assigned to another department, including construction, maintenance, repair and operation of such public utilities; over all wharves, docks, slips, quays, and water front property, belonging to or under the control of the city; over all the public streets, ways, avenues, alleys, places or boulevards, and of the lighting of the same and the manner of their use; over all work done on, in or under said streets, whether in the nature of construction, maintenance or repair, and of all pipes, conduits, tunnels and other installation placed under the streets, and of all tracks, poles, and other installation placed on or above the streets; and over any quarry or quarries, and any plant or plants for the production, making or assembling of asphalt, or of any substance or material for use in the building, maintenance or repair of streets, operated by the city.

Redistribution of duties among the three departments.

(4) The council may, whenever it shall determine that the public service requires such change, redistribute any offices, matters or duties assigned by this section to a particular one of the three departments. Any other office, matter or duty may be assigned by the council, at its discretion, to any of the said departments.

Redistribution of duties among the three departments.

The chief officials.

SEC. 30. The chief officials of the city shall be city clerk, treasurer, who shall be ex officio tax collector, attorney, engineer, chief of police, fire chief, street superintendent, health officer and three library trustees. They shall be appointed and may be removed by a majority vote of the council. The council, at any time when in its judgment the interests of the city so demand, may consolidate and place in charge of one such officer the functions and duties of two or more of such officers. The council shall by ordinance prescribe the duties of all the chief officials. The council shall at the first regular meeting after the election of its members, or as soon thereafter as practicable, proceed to the appointment of the chief officials of the city and the determination of their duties as provided in this section.

The chief officials.

Subordinate officers and employees.

SEC. 31. The council shall have power by ordinance to create and discontinue offices, deputyships, assistantships and employments other than those prescribed in this charter, to provide the modes of filling them, to prescribe the duties pertaining thereto, according to its judgment of the needs of the city, and to determine the mode of removing any such officer, deputy, assistant or employee, except as otherwise provided in this charter.

Subordinate officers and employees.

Compensation of officers and employees.

SEC. 32. The compensation of all city officers provided for by section 30 of this charter, except library trustees, who shall receive no remuneration, shall be by salary to be fixed by the council. The council shall also fix the compensation of all other officers and employees of the city, except as in this charter otherwise provided. No officer or employee shall be allowed any fees, perquisites, emoluments, rewards or compensation, aside from the salary or compensation as fixed by the council, but all fees received by him in connection with his official duties shall be paid by him into the city treasury.

Compensation of officers and employees.

Reports of departments.

SEC. 33. Each department and commission shall, annually on such date as may be fixed by the council, render to the mayor a full report of all the operations of such department or commission for the year.

Reports of departments.

Reports to be published.

SEC. 34. The council shall provide for the publication of

Reports to
be pub-
lished.

the annual reports of the mayor and of the several departments and commissions.

Councilman to hold no other office.

Council-
man to
hold no
other
office.

SEC. 35. No member of the council, except as provided in this charter, shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys; or be elected or appointed to any office created or the compensation of which is increased by the council while he was a member thereof, until one year after the expiration of the term for which he was elected.

Officers not to be interested in contracts or franchises.

Officers not
to be in-
terested in
contracts
or fran-
chises.

SEC. 36. No officer shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the city. No officer shall be in the employ of any public service corporation in the city or of any person having any contract with the city or of any grantee of a franchise granted by the city. No such officer or employee shall accept or receive, directly or indirectly, from any person, firm or corporation operating within the territorial limits of said city, any interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line or telephone exchange, or other business using or operating under a public franchise, any frank, free ticket of free service, or accept or receive, directly or indirectly, from any such person, firm or corporation, any other service upon terms more favorable than are granted to the public generally. Such prohibition of free transportation shall not apply to policemen or firemen in uniform; nor shall any free service to city officials heretofore provided by any franchise or ordinance be affected by this section. Any contract or agreement made in contravention of this section shall be void. Any violation of the provisions of this section shall be deemed a misdemeanor. The council shall enforce the provisions of this section by appropriate legislation.

Political and religious tests and influence.

Political
and
religious
tests and
influence.

SEC. 37. No appointment to position under the city government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services, and no appointment to or selection for or removal from any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or services.

Any officer or employee of such city, who by solicitation or otherwise, shall exert his influence directly or indirectly to influence other officers or employees of such city to adopt

his political views or to favor any particular person or candidate for office, or who shall in any manner contribute money, labor, or other valuable thing to any person for election purposes, shall be guilty of a misdemeanor.

ARTICLE VIII.

THE COUNCIL.

The council, the governing body.

SEC. 38. The council shall be the governing body of the municipality. It shall exercise corporate powers of the city, and, subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the constitution of the state.

The council, the governing body.

President and vice-president.

SEC. 39. The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its number to be vice-president.

President and vice-president.

Meetings of council.

SEC. 40. Meetings of the council shall be held daily, Sundays and legal holidays excepted.

Meetings of council.

Meetings to be public.

SEC. 41. All legislative sessions of the council, whether regular or special, at which any official action is taken shall be open to the public.

Meetings to be public.

Quorum.

SEC. 42. A majority of the members of the council shall constitute a quorum for the transaction of business.

Quorum.

Rules of proceeding.

SEC. 43. The council shall establish rules for its proceedings.

Rules of proceeding.

Ordinances and resolutions.

SEC. 44. (1) The council shall act only by ordinance or resolution.

Ordinances and resolutions.

Ayes and noes.

(2) The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council.

Ayes and noes.

Majority vote of council.

(3) No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of two members of the council.

Majority vote of council.

Subject and title.

(4) Every ordinance or resolution, except an ordinance making appropriations, shall be confined to one subject, which shall be clearly expressed in the title, and every ordinance making appropriations shall be confined to the subject of

Subject and title.

appropriation. If any subject shall be embraced in an ordinance which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in its title.

Enacting clause of ordinances.

Enacting clause of ordinances.

(5) The enacting clause of all ordinances passed by the council shall be in these words: "Be it ordained by the council of the city of Vallejo as follows:".

Requirements of an ordinance.

Requirements of an ordinance.

(6) To constitute an ordinance a bill must before final action thereon be passed to print and published with the eyes and noses for two days, and, in case of any amendment being made thereto before the final adoption of the ordinance, must in a like manner be republished as amended for not less than one day.

Ordinances required in certain cases.

Ordinances required in certain cases.

(7) No action providing for any specific improvements or the appropriation or expenditure of any public money, except sums less than five hundred dollars; for the appropriation, acquisition, transfer, sale or lease of public property; for the levying of any tax or assessment; for the granting of any franchise; for establishing or changing fire limits; or for the imposing of any penalty, shall be taken except by ordinance; *provided*, that such exceptions be observed as may be called for in cases where the council takes action in pursuance of a general law of the state.

Reconsideration.

Reconsideration.

(8) When any bill is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the council held not less than one week after the meeting at which such motion was made.

Signing and attesting.

Signing and attesting.

(9) All resolutions and ordinances shall be signed by the mayor and attested by the city clerk.

Revision and amendment.

Revision and amendment.

(10) No ordinance shall be revised, reenacted or amended by reference to its title only; but the ordinance to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

Repeal.

Repeal.

(11) No ordinance nor section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

Ordinances granting franchises.

(12) No bill for the grant of any franchise shall be put upon its final passage within thirty days after its introduction, and no franchise shall be renewed before one year prior to its expiration. Ordinances granting franchises.

Record of city ordinances.

(13) A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinances, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way. Record of city ordinances.

Protection of absent commissioner.

SEC. 45. No final action shall be taken in any matter concerning the special department of any absent commissioner unless such business has been made a special order of the day by action at a previous meeting of the council, or such action is taken at a regular meeting of the council. Protection of absent commissioner.

Publication of charter and ordinances.

SEC. 46. The council shall cause all ordinances to be properly classified and indexed and kept at the city hall in a form readily accessible to all persons interested therein, and may from time to time cause the charter of the city and the ordinances in force, either together or separately, to be published in book form. Publication of charter and ordinances.

ARTICLE IX.

POWERS OF THE CITY AND OF THE COUNCIL.

General powers of the city.

SEC. 47. Without denial or disparagement of other powers now held by or that may hereafter be given to the city under or by the constitution or the laws of the state, the city of Valjeo shall have power: General powers of the city.

Seal.

(1) To make, have and use a corporate seal and to alter the same at pleasure. Seal.

To sue and be sued.

(2) To sue and be sued in all actions and proceedings whatever. To sue and be sued.

To receive gifts.

(3) To receive bequests, gifts and donations of all kinds of property in fee simple or in trust for public, charitable or other purposes; and to do all things and acts necessary to carry out the purpose or purposes of such gifts, bequests and dona- To receive gifts.

tions, with power to manage, sell, lease or otherwise handle or dispose of the same in accordance with the terms of the gift, bequest or donation.

To acquire property.

To acquire property.

(4) To acquire by purchase, condemnation or otherwise, take, hold, lease, sell, grant, convey and encumber such real and personal or mixed property or interest therein, whether located within or without the limits of the city, as may be necessary or convenient for the purposes of the city.

Public buildings, works and institutions.

Public buildings, works, and institutions.

(5) To acquire by purchase, condemnation or otherwise, and to construct, establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, schools, kindergartens, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, free municipal employment offices, charitable institutions, jails, houses of correction and farm schools, workhouses, detention houses, morgues, cemeteries, crematories, garbage collection, garbage disposal and garbage reduction works, street cleaning and street sprinkling plants and apparatus, quarries, plants for the production, making or assembling of asphalt or of any other substance or material for use in the building, maintenance or repair of streets; plants, appliances and equipment for the construction, maintenance and repair of wharves, docks, slips and quays, and for the maintenance of proper depths of water on and along the water front of the city, including pile drivers, dredging machines, scows, tugs and suitable machinery; wharves, docks, waterways, canals and all other public buildings, places, works and institutions.

Belt railway.

Belt railway

(6) To construct or to acquire by purchase and to maintain and operate belt lines of railroad along the water front or elsewhere within the city, with the necessary spurs in connection for the purpose of connecting warehouses, manufactories or other business industries and enterprises with each other and with any other railroad or railroads which do now or may hereafter enter the city, and to connect such lines of railroad with each other and to connect such warehouses, manufactories or enterprises, and railroads with docks and ships and to connect docks and ships with each other.

Water front and wharves.

Water front and wharves.

(7) To improve, keep in repair and control the water front of the city; to fix the rates of wharfage, dockage and tolls and provide for the collection thereof; to license, regulate and control, or restrain the landing, anchorage and moorage of steamboats, sailing vessels, rafts, tug boats and all other water craft within the jurisdiction of the city.

To deepen, widen, dock, cover, wall, alter or change the channels of waterways and courses, and to provide for the construction and maintenance of all such works as may be

required for the accommodation of commerce, including canals, ferries, slips, public landing places, wharves, docks and levees, and including the acquiring and maintenance of machinery and other appliances for the expeditious and economical handling of merchandise; and to control and regulate the use thereof.

Water, light, heat and power.

(8) To provide for supplying the city and its inhabitants with water, gas, electricity or either or any thereof, or with any means of heat, illumination, power or refrigeration: and to acquire by purchase, condemnation, construction, lease or otherwise, and to establish, maintain, equip, own and operate plants and equipments for the production and management or distribution of gas, electricity, heat, refrigeration or power in any of their forms, by pipes, wire or other means.

Water,
light, heat
and power.

Tunnels and conduits.

(9) To acquire by purchase, condemnation, construction, lease or otherwise, and to establish, maintain equip and operate tunnels and conduits through or under any street, right of way or other public property, and to lease or rent the use of such tunnels and conduits; *provided, however,* that the exclusive use of any tunnel or conduit shall never be leased or rented to any one person, firm or corporation.

Tunnels
and con-
duits.

Telephone, telegraph and transportation.

(10) To acquire by purchase, condemnation, construction, lease or otherwise, and to establish, maintain, equip, own and operate telephone and telegraph systems, railways and ferries and transportation service of any kind, when not contrary to the general law.

Telephone,
telegraph
and trans-
portation.

Sale of products of public utilities.

(11) To sell within or without the city, gas, water, electric current and any form of light, heat or power and all products of, or service by, any public utility conducted or operated by the city.

Sale of
products
of public
utilities.

Lease of public utilities.

(12) To lease to persons, firms or corporations for the purpose of maintenance and operation or use, any public utility owned or controlled by the city; *provided,* that such leases shall be made only by ordinance to the highest bidder and for a period not to exceed ten years; *provided,* that nothing in this charter shall authorize, warrant, or empower the council to ever sell, or assign, convey, mortgage, or hypothecate any part of, or interest in, the water system, or any property belonging thereto, or any rents or income therefrom now belonging to the city of Vallejo, or that may hereafter be acquired by the said city; *provided further, however,* that the council may let, from year to year, such land or lands for agricultural purposes, or lease, for a term not to exceed ten (10) years, such land or lands for quarry purposes, that lie within the bound-

Lease of
public
utilities.

aries of the water system as they may think proper, and that will not endanger the safety, supply, or quality of the water required for public use.

Joint
ownership
of water
supply,
and other
utilities.

Joint ownership of water supply, and other utilities.

(13) To join with one or more cities incorporated under the constitution and laws of the state in order to acquire and develop jointly a source or sources of water supply, or other public utilities, for municipal and domestic purposes, and to construct the works necessary for their joint and several purposes and needs, and to unite with such cities in bond issues therefor, as may be provided for by the laws of this state.

Borrowing money, bonds, general.

Borrowing
money,
bonds,
general.

(14) To borrow money for any of the purposes for which the city is authorized to provide and for carrying out any of the powers which the city is authorized to enjoy and exercise and to issue bonds therefor; *provided*, that in the procedure for the creation of such bonded indebtedness and for the issuance of such bonds the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed.

To raise money by a special tax, in addition to the annual tax levy provided in section 56 of this charter. To authorize such special tax, the provisions of article XIII relating to the initiative, or of article XIV relating to the referendum shall be followed, and the levy of such tax must be approved by at least two thirds of the qualified electors who vote thereon. At such election the council may be authorized, in cases where public necessity requires the expenditure of any sum so voted before the next succeeding tax levy, to borrow such sum and provide in the next succeeding tax levy for its repayment with interest at not exceeding five per cent per annum. Or the council may be authorized to levy a special tax each year for a period of years not exceeding three years in all, for any permanent municipal improvement, and the money so raised may be expended each year after the same is collected and available.

Borrowing money, bonds, special.

Borrowing
money,
bonds,
special.

(15) To borrow money for any or all of the following specified purposes:

To improve and keep in repair the water front of the city; to deepen, widen, dock, cover, wall, alter or change the channels of waterways and courses and provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, ferries, slips, public landing places, wharves, docks and levees, and including the acquiring and maintenance of machinery and other appliances for the expeditious and economical handling of merchandise; to acquire by purchase, condemnation or otherwise, and to construct, establish and maintain plants, appliances and equipment for the construction, maintenance and

repair of wharves, docks, slips and quays, and for the maintenance of proper depths of water on and along the water front, including pile drivers, dredging machines, scows, docks and suitable machinery; to construct or acquire by purchase and to maintain and operate belt lines of railroads as provided for in subdivision 6 hereof; and to issue, as security for the money so borrowed, bonds of the city, and to provide for the payment of the principal and interest thereof out of the revenues from any or all of the properties in this subdivision mentioned; *provided*, that in the procedure for the creation of such bonded indebtedness and for the issuance of such bonds the general laws of the State of California, in force at the time such proceedings are taken, shall be observed and followed, so far as applicable.

Direct legislation by people.

SEC. 48. The electors of the city shall have power, through the initiative and otherwise, as provided by this charter, to enact appropriate legislation to carry out and enforce any of the above general powers of the city or any of the specified powers of the council. Direct legislation by people.

Powers of the council.

SEC. 49. Except as herein otherwise expressly provided, the council shall exercise all the general powers of the city herein set forth and all powers now held by or that may hereafter be given to the city under the constitution or the laws of the state; but only in the manner and under the conditions of this charter, and subject to all the provisions thereof. In addition to all such powers, the council, subject to the provisions and restrictions of this charter, shall have power: Powers of the council.

Local laws.

(1) To make and enforce local, police, sanitary and other laws and regulations. Local laws.

Violation of charter and ordinances.

(2) To prescribe fines, forfeitures and penalties for the violation of any provision in this charter or of any ordinance; but no penalty shall exceed five hundred (\$500) dollars or six months' imprisonment, or both. Violation of charter and ordinances.

Nuisances.

(3) To declare what shall constitute a nuisance and to provide for the summary abatement of the same at the expense of the person or persons creating, causing, committing or maintaining such nuisances, or otherwise. Nuisances.

Rewards.

(4) To offer rewards not exceeding two hundred and fifty (\$250) dollars in any one instance for the apprehension and conviction of any person who commits a felony in the city, and to authorize the payment thereof from the general fund. Rewards.

*Police and fire departments.*Police
and fire
depart-
ments.

(5) To organize, provide, maintain and operate police and fire departments, erect necessary buildings and acquire all implements and apparatus necessary therefor, subject to the provisions of this charter.

*Police and fire alarm systems.*Police and
fire alarm
systems.

(6) To establish, operate and maintain a fire alarm and police telegraph or telephone system and maintain and control the same.

Explosives.

Explosives.

(7) To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, guncotton, nitroglycerine, fireworks and other explosive materials and substances.

*Inflammable materials.*Inflam-
mable
materials.

(8) To regulate the storage of hay, straw, gasoline, benzine, oil and other inflammable and combustible materials.

*Engines and boilers.*Engines
and
boilers.

(9) To regulate the use of steam engines, gas engines, steam boilers, electric motors and all other means of generating heat or power, and to prohibit their use in such localities as in their judgment would endanger public health, safety or comfort.

Fire limits.

Fire limits.

(10) To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings, within such fire limits.

*Building regulations.*Building
regula-
tions.

(11) To regulate the construction of and the materials used in all buildings, chimneys, stacks, scaffolding, staging, and false work and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers; the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water, steam, oil or gas, and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

*Fire escapes.*Fire
escapes.

(12) To require the owners and lessees of buildings or other structures to place on them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

Protection against fires.

(13) To prevent the construction and to cause the removal of dangerous chimneys, fire places, hearths, stoves, stove-pipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible or explosive material in unsafe places, and to make other provisions to guard against fires.

Protection
against
fires.

Provisions for safety in theatres, halls, etc.

(14) To regulate the size and construction of the entrances to and exits from all theatres, lecture rooms, halls, schools, churches, and other places for public gatherings of every kind and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles or open places therein, and to regulate the size and position of aisles, open places, stairways and exits in such theatres, lecture rooms, halls, schools, churches and other places for public gatherings of any kind.

Provisions
for safety
in theatres,
halls, etc.

Provision for safety in streets.

(15) To regulate the speed of railroad trains, engines and cars, street, interurban and other railroad cars in or passing through the city, and to require persons, firms or corporations operating street, interurban or other railroads in the city to station flagmen, place gates or other safety devices and construct and use bridges, viaducts, tunnels or subways at street crossings and at railroad crossings as the council may deem proper. To require street car and local trains to be provided with fenders or other appliances for the better protection of the public. To prohibit the making up of railroad trains, on any of the streets, street crossings or street intersections of the city. To regulate the speed with which and the manner in which persons may ride or drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the city.

Provision
for safety
in streets.

Improper use of streets.

(16) To regulate or prohibit the exhibition, distribution, posting or carrying of banners, placards, posters, cards, pictures, signs or advertisements in or on the streets, or on or upon buildings, fences, billboards or other structures, or on or upon any pole in any sidewalk, alley, street, lane, court, park or other public place; to regulate or prohibit the suspension of banners, flags, signs, advertisements, posters, pictures or cards across or over any sidewalk, alley, street, lane, court, park, or other public place, or such suspension from fences, poles, houses, or other structures; to regulate or prohibit traffic, business, peddling or selling of goods, wares, merchandise, or other things in or upon any sidewalk, street, alley, lane, court, park or other public place; to regulate or prohibit the flying of kites in or from any sidewalk, alley, street, lane, court, park or other public place; to prohibit and prevent encroachments upon or obstruction in or to any sidewalk, street, alley, lane, court, park

Improper
use of
streets.

or other public place, and to provide for the removal of such encroachment or obstruction.

To regulate all public meetings and gatherings, parades and processions in the streets or parks, and to determine what public meetings, gatherings, parades or processions upon the streets or parks shall be unlawful and to declare the same nuisances.

Shade trees.

Shade
trees.

(17) To provide for the planting, maintenance or care of shade and ornamental trees in streets and other public places, and for the removal of unsightly and dead trees therefrom; and to make the cost thereof a lien and charge upon the abutting property, and to make provision for the enforcement of such lien.

Clearing of sidewalks.

Clearing
of side-
walks.

(18) To require the owners of real property in the city to remove grass, weeds, rubbish or obstructions from the public sidewalks in front of their property, and, upon their default, to cause such work to be done and the cost thereof to be made a lien and charge upon such property, and to make provision for the enforcement of such lien.

Sewer and other connections.

Sewer and
other con-
nections.

(19) To require the owners of real property fronting upon any street, lane, alley or other public place, in which there are sewers, water or gas mains or other mains or conduits, to connect therewith their several premises (allowing not more than fifty feet of frontage to any premises), before such street, lane, alley or other public place, or the portion thereof upon which such property fronts, is paved or otherwise improved, and upon their default, to cause such connections to be made and to make the cost thereof a lien and charge upon the property so connected, and to make provision for the enforcement of such lien.

General regulation of streets.

General
regulation
of streets.

(20) Except as otherwise provided in this charter, or in the constitution of the State of California, to regulate and control, for any and every purpose, the use of the streets, lanes, alleys, courts and sidewalks and other public places of the city.

Billboards and signs.

Billboards
and signs.

(21) To regulate, license or prohibit the construction and use of billboards, signs and fences.

Animals.

Animals.

(22) To regulate and prevent the running at large of any animals, to provide for the destruction of vicious dogs, to require the payment of license fees by the owners or persons having possession of dogs, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large.

Cruelty to animals.

(23) To prohibit and punish cruelty to animals, and to require the places where they are kept to be maintained in a clean and healthful condition. Cruelty to animals.

Preservation of health.

(24) To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease, or coming from places where infectious or contagious diseases are epidemic or endemic. Preservation of health.

Dangerous and offensive occupations; disagreeable noises.

(25) To regulate or prohibit the operation of all manufactories, occupations, businesses or trades which may be of such a nature as to affect the public health, safety or comfort or good order of the city or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them; to pass ordinances for the regulation and suppression of disagreeable, offensive or injurious noises or odors. Dangerous and offensive occupations; disagreeable noises.

Inspection of food products.

(26) To provide for and regulate the inspection of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products, manufactured, produced or offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products. Inspection of food products.

Dairies.

(27) To provide for and regulate the inspection of all dairies that offer for sale or sell any of their products in the city. Dairies.

Lodging, tenement and apartment houses.

(28) To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition. Lodging, tenement and apartment houses.

Sewer connections.

(29) To regulate or prohibit the construction, repair or use of sewers, sinks, gutters, wells, cesspools and vaults, and to compel the draining, cleaning or emptying of the same, and to designate the time and manner in which the work of draining, cleaning or emptying of the same shall be done. Sewer connections.

Garbage.

Garbage.

(30) To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

*Licensing businesses.*Licensing
businesses.

(31) To license for purposes of regulation or revenue all and every kind of business not prohibited by law; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise; *provided, however*, that no such license shall be granted for the sale or giving away of spirituous, malt, vinous or alcoholic liquors in a saloon or public bar or other places located in residence portions of the city, that is to say in any half block which is bounded on one side by an alley and on the other three sides by streets in which there are more residences than business houses, nor on the same side of any block in which is located any church building or synagogue in use as a place of public worship which is owned in fee by any sect, denomination or association of persons worshipping therein, public school or public library; and every person who within such residential or other restricted district sells, barbers, gives away in lieu of selling, or exposes for sale any such liquors, shall be deemed guilty of a misdemeanor. The above prohibitory provisions of this subdivision are subject to the following provisos:

First—That the council may, under such regulations as it may adopt, authorize as well within as without such restricted districts, the sale of such liquors by any regularly licensed druggist for medicinal purposes upon the written prescription of a practicing physician entitled to practice medicine under the laws of the State of California, or the sale of such liquors for chemical, mechanical or scientific purposes;

Second—That the prohibitions as to location provided in this subdivision shall not prevent the renewal of any such license to a person who was a licensee of such license on the first day of December, 1910, and which license or renewal thereof continues until this charter goes into effect;

Third—That the future erection of any church building or other place of worship, schoolhouse or public library or the acquisition in the future of any property which may thereafter be used for church purposes, place of worship, schoolhouse or public library, shall not operate to revoke, prevent the renewal of any existing license or prohibit the granting of a new license within these boundaries: Commencing at the water front; thence along the center line of the alley between Virginia and Capitol streets to the center line of Sonoma street; thence along the center line of Sonoma street to the alley between Georgia and Virginia streets; thence along the center line of the alley to Sutter street; thence along the center line of Sutter street to the center line of Georgia street; thence along the center line of Georgia street to the center line of Sonoma street; thence along the center line of Sonoma street to the center line of York street; thence along the center line

of York street to the center line of Marin street; thence along the center line of Marin street to the alley between Georgia and York streets; thence along the center line of the alley to the water front.

Regulation of public vehicles.

(32) To establish stands for hacks, public carriages, automobiles, express wagons and other public vehicles for hire, and regulate the charges of such hacks, public carriages, automobiles, express wagons, and other public vehicles, and to require schedules of such charges to be conspicuously posted in or upon such public vehicles, and to provide penalties for collecting of charges in excess of such schedules.

Regulation
of public
vehicles.

Weights and measures.

(33) To provide for the inspection and scaling of all weights and measures used in the city, and to enforce the keeping and use by dealers of proper and correct weights and measures duly tested and sealed.

Weights
and
measures.

Public shows. Gambling.

(34) To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements; to prevent and prohibit all descriptions of gambling or fraudulent devices and practices, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance, and the selling of pools on races, and to authorize the confiscation and destruction of all instruments used for the purpose of gambling.

Public
shows;
gambling.

Public order and decency.

(35) To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights, vagrancy, mendicancy, prostitution and all offensive, immoral, indecent and disorderly conduct and practices in the city.

Public
order and
decency.

Taxation.

(36) To levy taxes and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this charter provided.

Taxation.

Erroneously collected taxes.

(37) To order the repaying by the treasurer of any taxes, percentages or costs erroneously or illegally collected.

Errone-
ously
collected
taxes.

Fees.

(38) To fix the fees and charges for all official services not otherwise provided for in this charter.

Fees.

Public entertainments.

(39) To appropriate and spend money from the funds of the city for any or all of the following purposes:

Public
entertain-
ments.

(a) Reception and entertainment of public guests.

(b) Assistance of public celebrations held by the city at large.

(c) To aid in or carry on the work of inducing immigration to the city.

(d) To exhibit manufactured and other products of the city.

(e) Generally for the purpose of advertising the city.

Provided, however, that the aggregate expenditures for all of said purposes shall not exceed in any fiscal year the sum of one and one half ($1\frac{1}{2}$) cents on each one hundred (\$100) dollars valuation of the assessable property of the city of Vallejo.

Lease of lands owned by the city.

Lease of
lands
owned by
the city.

(40) To provide for the lease of any lands now or hereafter owned by the city, except as otherwise provided in this charter, but all leases shall be made at public auction to the highest responsible bidder at the highest rent, after publication of notice thereof for five days, stating explicitly the time and conditions of the proposed lease; *provided,* that no such lease shall be for a period of more than ten years; *and provided,* that the council may in its discretion reject any and all bids.

Purchase of property under execution.

Purchase
of prop-
erty under
execution.

(41) To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

Sale of useless property.

Sale of
useless
property.

(42) To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

Trusts.

Trusts.

(43) To provide for the execution of all trusts confided to the city.

Street grades.

Street
grades.

(44) To establish or change the grade of any street or public place.

Street work.

Street
work.

(45) To order the whole or any portion, either in length or width, of any street, avenue, lane, alley, court, public place, or sidewalk within the city of Vallejo to be graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, oiled or recoiled, sewerred or resewerred, and to order sidewalks, manholes, culverts, bridges, cesspools, gutters, funnels, curbing, and crosswalks to be constructed therein or thereon, and to order stormwater ditches and channels, breakwaters, levees or walls of rock or other material to protect the same from overflow or injury, and to order any other work to be done which shall be necessary to complete the work or any portion of said streets, avenues,

lanes, alleys, courts, public places, or sidewalks; also to order any other work or improvement therein or thereon; to provide for the care of shade trees planted therein or thereon, and to cause shade trees to be planted, set out and cultivated therein or thereon; and also to order a sewer or sewers, with outlets, for drainage or sanitary purposes in, on, over, or through private property.

Whenever, in the judgment of the council, the cost and expense of any of the foregoing improvements should be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto.

Street opening.

(46) To order the opening, extending, widening, straightening or closing of any street, lane, alley, court, or public place within the city or over the tide land or lands within the city covered by the waters of the Mare Island Straits, and to condemn or acquire any and all property necessary or convenient for that purpose. Street opening.

Whenever, in the judgment of the council the cost and expense of any of the foregoing improvements should be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto, except that no commissioner, secretary or attorney shall be appointed, and that all the duties imposed on commissioners, secretaries and attorneys under the general law shall be performed under the direction of the commissioner of public works and the city attorney of the city, neither of whom shall receive compensation therefor; *provided*, that nothing contained in this subdivision shall be construed as affecting any pending proceeding.

To make provision for the deposit with the treasurer, by any person, firm or corporation desiring to open any sidewalk, street, alley, lane, court, park or other public place, for the purpose of laying or removing any pipe, wire, conduit, sewer or other structure therein, of moneys sufficient to cover the cost of refilling and covering such opening and restoring the sidewalk, street, lane, alley, court, park or other public place to the condition in which it was before such opening was made, and to provide for the doing of such work at the expense of the person, firm or corporation making such opening, such expense to be paid out of such deposit.

Light and water.

(47) To provide for the lighting of the streets, highways, public places, and public buildings and for supplying the city with water for municipal and other purposes. Light and water.

Boulevards.

(48) To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any rail- Boulevards.

road, interurban, suburban or street railway and to regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for any railroad, interurban, suburban or street railway or street railway of any kind shall be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by vote of the electors, as provided in this charter.

Closed or abandoned streets.

Closed or
abandoned
streets.

(49) Whenever any street or portion of a street shall be abandoned or closed by ordinance, to convey by deed such street or portion of street so abandoned or closed to the owners of the lands adjacent thereto in such wise as the council shall deem that equity requires. But the council shall have no power to convey by deed or otherwise without adequate compensation any street or portion of a street which shall have been acquired by the city by deed from any person or persons whatever. And this section shall not be construed as empowering or authorizing the council to close any street or portion thereof merely by the consent of owners of land adjacent thereto and when the public convenience does not so require.

Regulation of public utility rates.

Regulation
of public
utility
rates.

(50) To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates of compensation to be collected by any person, firm or corporation in the city, for the use of water, heat, light, power or telephone service, supplied to the city or to the inhabitants thereof, and to prescribe the character and quality of the service.

Rates to be uniform.

Rates to be
uniform.

(51) It is hereby provided that in fixing the rates charged by all such persons, firms or corporations, supplying water, heat, light, power or telephone service to the city or to the inhabitants thereof, the council may classify the customers of such persons, firm or corporation into distinct and separate classes, such classification to be based on the quantity and kind of service rendered; and the rates for such water, heat, light, power or telephone service shall be uniform per unit of measurement on such basis, and it shall be lawful for the council, in regulating such rates, to establish in any class, a lower schedule of charges per unit of measurement for large consumers than for small consumers; but such rates, when established, must be strictly adhered to, and such reduction to large consumers shall not apply to nor be made to cover the aggregate consumption in separate and distinct plants, residences or places of business.

Regulation of street railroads.

Regulation
of street
railroads.

(52) To regulate street railroads, their tracks and cars; to compel the owners of two or more such street railroads using the same street for any distance not exceeding fifteen (15)

blocks, to use the same tracks and to divide equitably between them the cost of construction and the cost of maintenance thereof.

Railroads to keep streets in repair.

(53) To require any person, firm or corporation exercising or enjoying any franchise, permit or privilege in, over, under or along any of the streets, highways or public places in the city for railway purposes, to sprinkle, clean, plank or replank, pave or repave, macadamize or remacadamize, oil or reoil, the entire length of the street, highway or other public place used by the track or tracks of said railway, and between the rails, and for two feet on each side thereof, and between the tracks, if there be more than one, and to keep the same constantly in repair, flush with the street, and with good crossings, and to require such street work to be done with such kind of materials and in such manner as the council may by ordinance direct, at the same time and as a part of the same operation as the work on the remainder in width of said street, highway or other public place, to the satisfaction of the commissioner of public works.

Railroads
to keep
streets in
repair.

Spur tracks.

(54) To permit the laying down of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories, or other business industries and enterprises with any line of railroad or railroads that may be built along the water front or with any other line or lines of railroad which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof; and also for the purpose of excavating and filling in a street or portion of a street or the adjoining land, during such limited time as may be necessary for such purpose and no longer.

Spur
tracks.

Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions of this subdivision shall be revocable at the pleasure of the council.

Regulation of poles and wires.

(55) To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city; and to cause the immediate removal of all anchor posts or anchor wires or any other device now existing for bracing poles, and to prevent the placing of any such devices in the future.

Regulation
of poles
and wires.

Size and location of pipes.

Size and location of pipes.

(56) To regulate the quality, size and location of all water pipes, gas pipes, mains, fire plugs and all other pipes and conduits laid or constructed in the streets or public places, to provide for and regulate the construction, maintenance and repair of pipes, hydrants, fire plugs, cisterns, pumps and such other appliances as may be requisite to effect the distribution of water and gas in the city, and to require the filing of charts and maps showing the size, character and location of such pipes, hydrants, fire plugs, cisterns and conduits.

Elections.

Elections.

(57) To make rules and regulations governing elections not inconsistent with this charter, or the general laws of the State of California.

Pawnbrokers, junk dealers, etc.

Pawnbrokers, junk dealers, etc.

(58) To regulate and control the business of pawnbrokers, junk dealers, peddlers, dealers in second-hand merchandise, auctioneers and employment office keepers, and prescribe the mode of conducting the same.

Public charities.

Public charities.

(59) To create a charity fund by placing therein an amount not to exceed the sum of twenty-five dollars for any one month, and the same to be disbursed for charitable purposes only, subject to the discretion of the council after each case is investigated and reported on by the commissioner of public health and safety.

Public buildings.

Public buildings.

(60) To provide suitable rooms and buildings for the courts, boards and officers of the city, and such furniture, fuel, lights, stationery and other supplies as are necessary for the convenient transaction of the public business.

Civil service commission.

Civil service commission.

(61) To establish a bureau of civil service and to appoint a commission, to serve without compensation, to administer the same under rules and regulations to be made by the council. Such commission shall, among other things, provide for the classification of all employments in the administrative service of the city not excepted by the provisions of this charter, by the council or by the people, for open, competitive and free examinations as to fitness, for an eligible list from which vacancies shall be filled, for a period of probation before the employment is made permanent, and for promotion on the basis of merit, experience and record.

Civic art commission.

Civic art commission.

(62) To establish a civic art commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Park and playground commission.

(63) To establish a park and playground commission, and to appoint thereon five commissioners, three of whom shall be of one sex and two of the other, to serve without compensation, with such powers and duties as may be fixed by the council. Park and playground commission.

Commission of public charities.

(64) To establish a commission of public charities and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council. Commission of public charities.

Municipal ownership.

(65) To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities. Municipal ownership.

Additional powers.

(66) To enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city or any of the provisions of this charter, and to exercise all powers not in conflict with the constitution of the state, with this charter or with ordinances adopted by the people of the city. Additional powers.

ARTICLE X.

FINANCE AND TAXATION.

The fiscal year.

SEC. 50. The fiscal year of the city shall commence upon the first day of July of each year, and end on the thirtieth day of June of the following year. The fiscal year.

Tax system.

SEC. 51. (1) Except as in this article otherwise provided, the assessment of property taxable in the city for municipal purposes, the equalization of assessments and collection of taxes, and the sale of property for unpaid taxes and the redemption of property sold for taxes, shall be made and had at the same time and manner, and with like effect, as now or may be hereafter provided by law for the assessment of property, equalization of assessments, levy and collection of taxes and sale of property for unpaid taxes for state and county purposes, and redemption thereof; and all provisions of law applicable to such assessment, equalization, levy, collection and sale for state and county purposes, are hereby applied to and shall be the law governing such assessment, equalization, levy, collection and sale for municipal purposes; and the respective officers of the city shall have, possess and perform the same powers and duties in all matters concerning revenue and taxation for municipal purposes as are by law conferred or imposed upon county officers in matters concerning revenue and taxation for state and county purposes; and to that end:

1st. All powers and duties so by law conferred or imposed upon the county assessor are hereby conferred and imposed upon the city assessor.

Powers
and
duties.

2d. All powers and duties so by law conferred or imposed upon the board of supervisors are hereby conferred and imposed upon the council.

3d. All powers and duties so by law conferred or imposed upon the district attorney are hereby conferred and imposed upon the city attorney.

4th. All powers and duties so by law conferred or imposed upon the county tax collector are hereby conferred and imposed upon the city tax collector.

5th. All powers and duties so by law conferred or imposed upon the county treasurer are hereby conferred and imposed upon the city treasurer.

6th. All powers and duties so by law conferred or imposed upon the county clerk or county auditor are hereby conferred and imposed upon the city clerk and city auditor.

The assessor need not require from any person any statement as to any property not taxable in the city, nor transmit or send to any officer other than the officers of the city any statement or report whatsoever, nor make any record or entry as to equalization by the state board of equalization, or as to school, road or other districts.

(2) On or before the first Monday in July in each year the assessor shall complete his list, or assessment roll, and shall attach his certificate thereto, and deliver it, and the books and any maps he may have accompanying the same, and all the original lists of property given to him, to the city clerk, and the clerk shall thereupon notify the board of equalization of the fact. Said roll shall be kept in his office for public inspection.

(3) The assessor must make the abstract provided for in section (3678) of the Political Code. Should any such abstract or list be found to contain any instrument relating to lands situated partly within and partly without the city, it shall be the duty of the assessor to determine the proportion of valuation of such instrument to be assessed in the city and assess the same accordingly.

(4) The council may, by resolution, extend, for not exceeding thirty days, the time fixed in this article for the performance of any act.

(5) No city officer shall be required, by virtue of anything contained in this article, to send or transmit any statement or report to any state officer or board.

(6) The assessor shall be governed, as to the amount of taxes to be by him collected on personal property, by the city tax rate of the previous year.

(7) All papers and instruments required to be filed or recorded with or by the county recorder by the revenue and taxation laws of the state shall, under said laws as applied to the city, be in like manner and with like effect filed with and recorded by the county recorder of Solano county.

(8) The assessment of property within the city of Vallejo, or assessable by the city, made by the city assessor of the city

of Vallejo and the state board of equalization shall be the basis of taxation for the city.

(9) It shall be the duty of the assessor, at any time subsequent to the first Monday in July and prior to the fourth Monday in August of each year, to assess any property which shall not be on the regular list, and he shall enter such assessment in a separate portion of the tax list or assessment roll, under the head of "Subsequent Assessments," and shall deliver the same, certified by him, or a true copy thereof, to the city clerk, to be by him compared with the entries on the assessment roll.

Department estimates of annual requirements.

SEC. 52. On or before the first Monday in April in each year or on such date in each year as shall be fixed by the council, the heads of departments, offices, boards, and commissions shall send to the commissioner of public finance and supplies a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year.

Department estimates of annual requirements.

Annual estimate of city's requirements and revenues.

SEC. 53. On or before the first Monday in May in each year, or on such date in each year as shall be fixed by the council, the commissioner of public finance and supplies shall submit to the council an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding funded indebtedness of the city, and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

Annual estimate of city's requirements and revenue.

Annual budget.

SEC. 54. The council shall meet annually prior to fixing the tax levy and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government for the next ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission as the council may deem advisable.

Annual budget.

Board of equalization.

SEC. 55. The council shall meet at their usual place of holding meetings on the first Monday in August of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, in order to examine the assessment book and equalize the assessment of property in the city. They must continue in session for that purpose, from time to time, until the business of equalization is disposed of, but not later than

Board of equalization.

the last Monday in August. All complaints and protests by taxpayers against any assessments must be filed with the city clerk not later than the twentieth day of August. The said board of equalization shall have power to correct, modify, to lower, or to raise any assessment; *provided*, (1) that notice shall be given to the party whose assessment is proposed to be raised; *and provided*, (2) where any person neglecting or refusing to make a statement in writing under oath is required by law or ordinance, setting forth all the real and personal property owned by or in possession of such person, and the assessor has, as it is hereby made his duty to do, made an estimate of the value of the property of such person, the assessment so made by the assessor shall not be reduced by the said board.

Annual tax levy.

Annual
tax levy.

SEC. 56. The council must finally adopt, not later than the first Tuesday in September, an ordinance levying upon the assessed valuation of the property in the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. It shall then deliver the assessment roll to the auditor and ex officio assessor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor and ex officio assessor as being the assessment roll of said tax.

Limit of tax levy.

Limit of
tax levy.

SEC. 57. The tax levy authorized by the council to meet the municipal expenses for each fiscal year shall not exceed, except as herein provided, the rate of one dollar on each one hundred dollars of the assessed value of all real and personal property within the city. Such levy shall be placed in the general fund, which may be apportioned by the council, except as otherwise provided in this charter.

Bond tax. Library tax.

Bond tax;
library
tax.

SEC. 58. The council shall have power to levy and collect taxes, in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city and to provide for the establishment and support of free public libraries and reading rooms.

Cash basis fund.

Cash basis
fund.

SEC. 59. The council shall create and maintain a permanent revolving fund, to be known as the cash basis fund, for the purpose of putting the payment of the running expenses of the city on a cash basis. For this purpose the council shall provide that, from the money collected from the annual tax levy and from money received from other sources, a sum equal

to not less than two and one half cents on each one hundred dollars of the assessed value of said property shall be placed in such fund until the accumulated amount in such fund shall be sufficient to meet all legal demands against the treasury for the first four months or other necessary period of the succeeding fiscal year. The council shall have power to transfer from the cash basis fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the council to provide that all money so transferred from the cash basis fund be returned thereto before the end of the fiscal year.

Tax liens.

SEC. 60. All taxes assessed, together with any percentages imposed for delinquency and the cost of collection shall constitute liens on the property assessed; every tax upon personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; *provided*, that when real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with the like effect and with like right of redemption, as it may be struck off and sold to the state when offered for sale for state and county taxes, except that no certificate or receipt need be delivered to the state controller, and the council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter.

Duties of the auditor.

SEC. 61. The auditor shall be ex officio assessor. As assessor he shall perform all the duties prescribed by this charter or by law for assessing property in the city for purposes of taxation. As auditor he shall keep and number a record of all demands allowed by him, showing the date of approval, amount and name of original holder, the number, on what account and out of what fund payable. He shall be required to be constantly acquainted with the exact condition of the treasury. He shall, within one week after the close of each month, or oftener if required, report to the council the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which shall be set forth in a plain and businesslike manner every money transaction of the city, so that he can tell at any time the exact condition of the city's finances. He shall make an annual report showing the sources from which the city's revenue was derived and how expended. The auditor must prepare, countersign and deliver from time to time to the treasurer, and to every officer authorized by law

Duties
of the
auditor.

to charge or collect any fee, commission, percentage, allowance or compensation for the performance of any official service or duty, as many receipts as may be required, charging therewith the treasurer or other officials receiving them. He shall draw and sign all warrants upon the treasury. Every demand against the city from whatever source, including the school department and the Vallejo free library, when allowed by the council or proper board, shall have stamped upon it the date of approval by such body and shall be signed by the president and secretary or clerk of such body and shall then be presented to the auditor, who shall satisfy himself whether the money is legally due and remains unpaid and its payment authorized by law, and out of what fund. After such examination he shall approve or reject the claim in whole or in part and indorse on such demand his approval or rejection over his signature, together with the date thereof. If it is approved the fund out of which it is to be paid shall be designated. If it is not approved, unless the party presenting it is willing to take in full for the entire demand the sum offered, the auditor shall reject it and return it, with his reasons for rejection, to the body which originally authorized it; then, if it is allowed by a two-thirds vote of the entire body authorizing it, it shall be audited in the same manner as if it had not been rejected; *provided*, the body had the authority to make the expenditure out of which the claim arose. No demand upon the city treasury shall be considered, presented for action, or acted upon, allowed or approved unless it specified on its face each several item composing it and the amount and date thereof. Every demand on any fund shall be numbered and acted upon by the auditor in the order of its presentation to him; and when allowed either in whole or in part, the warrant therefor shall be numbered and entitled to payment out of said fund in the same order as allowed. No demand upon the treasury shall be allowed by the auditor in favor of any officer or other person, or any firm, company or corporation, or his or its assigns, who is in any manner indebted to the city upon an obligation due the city, without first deducting therefrom the amount of such indebtedness. He shall, on application of any person indebted to the city, holding money payable into the city treasury or desiring to pay money therein, certify to the treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall charge the treasurer with the amount received. It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and forthwith notify the treasurer of such apportionment. If for any reason a warrant remains unpaid for a period of three (3) years, during all of which time funds have been available to meet it, the auditor may cancel it upon his records, but he must at the same time enter a record of it upon a book kept for that purpose, and should demand be made for payment of the claim involved at a subsequent date, draw a warrant in payment therefor against the general fund of the fiscal year then current.

Money to meet warrants.

SEC. 62. When the running expenses of the city have been placed on a cash basis, warrants payable on demand shall be drawn upon the treasurer, or against any funds in his hands, only when at the time of the drawing and issuing of such warrants there shall be sufficient money in the appropriate fund in the treasury to pay said warrants.

Money to meet warrants.

Disposition of money collected.

SEC. 63. Every officer collecting or receiving any moneys belonging to or for the use of the city shall settle for the same with the auditor on or before the last day of each month, or at more frequent intervals as may be directed by the council, and immediately pay all the same into the treasury, on the order of the auditor, for the benefit of the funds to which such moneys severally belong. When the last day of the month falls upon Sunday or a legal holiday, the said payments shall be made on the next preceding business day. The council may provide, in its discretion, for the deposit of the city moneys in banks in accordance with the state law.

Disposition of money collected.

Uniform accounts and reports.

SEC. 64. The council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the city which receive or disburse moneys. Whenever an act shall be passed by the state legislature calling for uniform municipal reports, the city authorities shall be governed thereby.

Uniform accounts and reports.

ARTICLE XI.

PUBLIC WORK AND SUPPLIES.

Form and conditions of contracts.

SEC. 65. (1) All contracts shall be drawn under the supervision of the city attorney. All contracts must be in writing, executed in the name of the city of Vallejo by an officer or officers authorized to sign the same, and must be countersigned by the auditor, who shall number and register the same in a book kept for that purpose.

Form and conditions of contracts.

Procedure in making contracts.

(2) The council shall, by ordinance, provide a regular and orderly procedure for the letting, making and satisfactory performance of all public contracts, to the end that the interests of the city may be properly safeguarded. Such procedure shall, among other things, provide for the making of proposals for doing public work and for furnishing material or supplies to the city on printed forms prepared and supplied by the city; for forms and requirements of affidavits of genuineness and good faith in making bids, with penalties for the disregard thereof; for proper security, in money or otherwise, to accompany bids, and the forfeiture thereof on failure to fulfill any contract; for the time and manner of receiving, opening, examining, declaring, rejecting, and awarding bids; for the

Procedure in making contracts.

signing and filing of an adequate number of copies of all contracts; and for the proper execution in favor of the city of sufficient bonds to insure the faithful and satisfactory performance of every contract.

Endorsement of auditor upon contracts.

Endorsement of auditor upon contracts.

(3) No contracts made, the expense of whose execution is not provided by law or ordinance to be paid by assessment upon the property benefited, shall be binding or of any force, unless the auditor shall endorse thereon his certificate that there remains unexpended and unapplied as herein provided, a balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract, as certified by the board or officer making the same. This provision shall not apply to work done, or supplies furnished, involving expenditure of less than two hundred and fifty dollars, unless the same is required by law to be done by contract at public letting. The auditor shall make such endorsement upon every such contract so presented to him, if there remains unapplied and unexpended such amount so certified by the board or officer making the contract, and thereafter such sum shall be held and retained to pay the expense incurred until the contract shall be fully performed. The auditor shall furnish weekly to the head of each department a statement of the unexpended balances of the appropriation for his department.

Progressive payments on contracts.

Progressive payments on contracts.

SEC. 66. Any contract may provide for progressive payments, if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

Public work to be done by contract.

Public work to be done by contract.

SEC. 67. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays or water fronts, or in or about embankments or other works for protection against overflow or erosion, and in furnishing any supplies and materials for the same, or for any other use by the city, or in the purchasing of any supplies to be used by the city, when the expenditure required for the same exceeds the sum of five hundred dollars, shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for five consecutive days in one newspaper for sealed proposals for the work contemplated or supplies to be furnished. Such notice shall distinctly and specifically state the work contem-

plated or supplies to be furnished: *provided, however*, the council may reject any and all bids, if deemed excessive, and advertise for bids, or provide for the work to be done by the department of public works or the supplies to be purchased in the open market; but in no case shall such supplies be bought at a price as high as the lowest bid received from a responsible bidder. In case no bid is received the council may likewise provide for the work to be done by the department of public works or the supplies to be purchased in the open market.

Contracts for official advertising.

SEC. 68. The council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the council shall advertise for three consecutive days, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The council shall let the contracts for such official advertising to the lowest responsible bidder publishing a newspaper in the city which is a newspaper of general circulation; *provided*, that the council may reject any or all bids if found excessive, and advertise for new bids; *and provided, further*, that except in cases made mandatory by any law of the state or any provision of this charter, the council may provide for publication by printed or typewritten bulletins which shall be posted in not less than three public places within the city. No bill shall be paid by the city for advertising in excess of the minimum rates charged other advertisers.

Contracts
for official
advertis-
ing.

Contracts for lighting.

SEC. 69. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for electric light or any illuminating material at a higher rate than the minimum price charged to any other consumer during the life of said contract with the city be valid.

Contracts
for light-
ing.

Contracts for water.

SEC. 70. No contract for supplying water for the use of the municipality in any of its departments shall be valid wherein the rates exceed the minimum rates charged to other consumers during the life of said contract with the city.

Contracts
for water.

Hours of labor.

SEC. 71. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the city and its officers, or by a contractor or subcontractor, shall be eight hours during any one calendar day.

Hours of
labor.

Collusion with bidder—effect on officer.

SEC. 72. Any officer of the city, or of any department thereof, who shall aid or assist a bidder securing a contract to

Collusion with bidder: effect on officer.

furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office, and be forever ineligible to hold any office or employment in or under the city of Vallejo.

Penalty for collusion.

Penalty for collusion.

SEC. 73. If at any time it shall be found that the person, firm or corporation to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, then the contract so awarded shall be null and void, and the contractor and his bondsmen shall be liable to the city for all loss or damage which the city may suffer thereby, and the council, or board, as the case may be, may advertise for a new contract for said work.

ARTICLE XII.

FRANCHISES.

Property rights of the city inalienable.

Property rights of the city inalienable.

SEC. 74. The rights of the city in and to its water front, wharf property, land under water, public buildings, wharves, docks, streets, highways, public parks and all other public places, except as otherwise provided in this charter, are hereby declared inalienable.

No use of streets without a franchise.

No use of streets without a franchise.

SEC. 75. No person, firm or corporation shall ever exercise any franchise, permit or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the constitution of California or the constitution or laws of the United States, in, upon, over, under or along any street, highway, or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article of this charter.

Franchises to use streets.

Franchises to use streets.

SEC. 76. Every franchise, permit or privilege for the purposes hereinafter enumerated in this section shall, except as otherwise provided in the constitution of the State of California, be granted by the council upon the conditions specified in this article and not otherwise:

(1) Every franchise, permit or privilege to construct or maintain or operate a street railroad, a suburban railroad, or an interurban railroad along, upon, over, in, under or across

any street, lane, alley, court, highway, road, park, or other public place in the city of Vallejo.

(2) Every franchise, permit or privilege to lay or maintain or operate pipes or conduits along, upon, over, in, under or across any street, lane, alley, court, highway, road, park, or other public place in the city of Vallejo for the purpose of transmitting water, gas, steam, oil, air or other substances.

(3) Every franchise, permit or privilege to erect or maintain or operate poles or to string wires along, upon, over, under, in or across any street, lane, alley, court, highway, road, park or other public place in the city of Vallejo, for the purpose of transmitting electricity or electrical energy.

Nothing in this section shall be construed as applying to spur or side tracks provided for in subdivision fifty-four (54) of section 49 of this charter.

Applications for franchises.

SEC. 77. (1) An applicant for a franchise, permit or privilege shall file with the council an application therefor, and thereupon the council shall, if it proposes to grant the same, advertise the fact of said application, together with a statement that it is proposed to grant the same, in one or more newspapers of the city. The publication of such advertisement must run for ten successive days, Sundays and legal holidays excepted, and must be completed not less than fifteen and not more than thirty days before any further action can be taken on such application.

Applica-
tions for
franchises.

Conditions of grant.

(2) The advertisement must state the character of the franchise, permit or privilege it is proposed to grant, and, if it be a street railroad, or a suburban or interurban railroad, the route to be traversed; that sealed bids therefor will be opened at a stated time and place, and that the franchise, permit or privilege will be awarded to the bidder offering to pay to the city during the life of the franchise, permit or privilege, the highest percentage of the gross annual receipts received from the use, operation or possession of the franchise, permit or privilege; *provided*, that such percentage be not less than one per cent of said gross annual receipts during the first five years, not less than two per cent the next ten years, and not less than three per cent during the remainder of the life of the franchise; *provided*, that if the franchise, permit or privilege be a renewal of a right already in existence, the payment of the highest percentage of the gross receipts shall begin immediately on the taking effect of the new franchise; *and provided*, *further*, that the council shall have the right to reject any and all bids.

Conditions
of grant.

Bidding for the franchise.

(3) At the time of opening the sealed bids, any responsible person, firm or corporation present in person, or represented, may bid for such franchise or privilege not less than one fourth of one per cent of the gross annual receipts above the

Bidding
for the
franchise.

highest sealed bid therefor, and such bid so made may be raised not less than one fourth of one per cent of the gross annual receipts by any other responsible bidder, and such bidding may continue until finally such franchise shall be struck off, sold and awarded by the council to the person, firm or corporation offering the highest percentage of the gross annual receipts arising from the use, operation or possession of such franchise; *provided*, that if, in the judgment of the council, no adequate or responsible bid has been made, the council may withdraw such franchise from sale or advertise for new bids.

Deposit as guarantee of good faith.

Deposit as
guarantee
of good
faith.

(4) Every application for a franchise, permit or privilege under this article and every bid except that of the applicant under this article, shall be accompanied by a cash deposit of two thousand dollars or a certified check for said amount, payable to the city clerk, certified to by some responsible bank, as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the granting of such franchise, permit or privilege.

Upon the franchise, permit or privilege being awarded, all deposits made by unsuccessful bidders shall be returned. The deposit of the successful bidder shall be retained until the approval and filing of the bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, permit or privilege, shall be returned.

Free competition in bidding.

Free com-
petition in
bidding.

(5) No clause or condition of any kind shall be inserted in any advertisement of any franchise, permit or privilege offered for sale under the terms of this article which shall directly or indirectly restrict free and open competition in bidding therefor.

Bond.

Bond.

(6) The successful bidder for any franchise, permit or privilege awarded under this article shall file a bond running to the city to be approved by the council, in the penal sum prescribed by the council and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise, permit or privilege, and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond.

Such bond shall be filed with the council within five days after such franchise, permit or privilege is awarded, and within thirty days after the filing and approval of such bond

such franchise, permit or privilege shall by the council be granted by ordinance, subject to the referendum provisions of this charter, to the person, firm or corporation to whom it shall have been struck off, sold, or awarded, and in case such bond shall not be so filed, the award of such franchise, permit or privilege shall be set aside and any money deposited in connection with the awarding of the franchise, permit or privilege shall be forfeited and the franchise, permit or privilege shall, in the discretion of the council, be readvertised and again offered for sale in the same manner and under the same restrictions as heretofore provided.

Life of franchise.

SEC. 78. The maximum length of time for which a franchise, permit or privilege to use the streets, alleys, highways, lands, waters, or other public places in the city may be granted to any person, firm or corporation shall be thirty-five (35) years.

Life of franchise.

Beginning and completion of work.

SEC. 79. Construction work under any franchise, permit or privilege granted in accordance with the terms of this article shall be commenced in good faith within not more than four months from the date of the taking effect of the ordinance granting such franchise, permit or privilege, and if not so commenced within said time, said franchise, permit or privilege shall be forfeited. Work under any franchise, permit or privilege so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, permit or privilege, which time shall be not more than three years from the date of the taking effect of the ordinance granting said franchise, permit or privilege, and if not so completed within said time, said franchise, permit or privilege shall be forfeited: *provided*, that if good cause be shown, the council may by resolution extend the time for completion thereof not exceeding three months; *and provided*, that the limitations and provisions hereof, as to the time within which work shall be completed, shall not apply to extensions of service under franchises, permits or privileges other than for railroads, street railroads, suburban or interurban railroads.

Beginning and completion of work.

Service and accommodation.

SEC. 80. The grant of every franchise, permit or privilege shall be subject to the right of the city, whether or not reserved in such grant, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise, permit or privilege, and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

Service and accommodation.

Regulation of public utility rates.

Regulation
of public
utility
rates.

SEC. 81. (1) The grant of every franchise, permit or privilege shall be subject to the right of the city, whether or not reserved in such grant to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise, permit or privilege. The grant of every franchise, permit or privilege for a railroad, street railroad, or suburban or interurban railroad shall provide that all United States mail carriers when in uniform, and all policemen, firemen and employees of the electrical department of the city while in the actual discharge of their duties, be allowed to ride on all cars of such railroad within the boundaries of the city, without paying fare therefor and with all the rights of other passengers.

(2) Every ordinance granting any franchise, permit or privilege shall provide that the council shall have the right annually to regulate and fix a price or rate at which commodities, productions or services shall be sold or rendered under such franchise, permit or privilege. But the council in the exercise of this right shall not fix said price or rate at a lower price or rate than will produce a net revenue to the grantee of said franchise, permit or privilege, his successors or assigns, of less than six per centum per annum, computed on the actual cost of construction of the plant and property actually used and employed in the transaction of the business of said grantee, his successors or assigns, under said franchise, permit or privilege.

Right of city to assume ownership.

Right of
city to
assume
ownership.

SEC. 82. Every ordinance granting any franchise, permit or privilege provided for in this article shall provide that at the expiration of the period for which the franchise, permit or privilege is granted, or at such time before said expiration as may be specified in said ordinance, the city, at its election, may, upon the payment of a fair valuation therefor, to be made in the manner provided in the ordinance, purchase and take over to itself the property and plant of the grantee, his successors or assigns, used in the enjoyment of the said franchise, permit or privilege. In no case, however, shall the value of the franchise, permit or privilege of the values commonly known as "good will" or "going value" be considered or taken into account in fixing such valuation. The grantee, his successors or assigns, of any franchise, permit or privilege under this article shall be required in said ordinance to file monthly with the city clerk an itemized statement of the expenditures for new construction during the calendar month next preceding the filing of said statement; and said statement shall be verified by the oath of the president and secretary of the grantee, his successor or assign, if such grantee, successor or assign, be a corporation, or by the oaths of a majority of the members of the firm, if the said grantee, successor or assign be a firm, or by his oath, if the grantee, his successor or assign be a person. No cost of main-

tenance, operation, repair or renewal shall be considered to be a cost of construction. Or it may be provided in the ordinance granting a franchise, permit or privilege under this article that the property and plant of the grantee, his successors or assigns, used in the enjoyment of the said franchise, permit or privilege shall, at the expiration of the period for which the franchise, permit or privilege was granted, revert to and become the property of the city without any compensation being made by the city to said grantee, his successors or assigns. But in no case shall any property of any such grantee, his successor or assigns, be taken over by the city with or without compensation, without being subject to the referendum vote as in this charter provided, if referendum be demanded by the people.

No conveyance necessary for city's ownership.

SEC. 83. Every ordinance granting any franchise, permit or privilege shall provide that the city may take over to itself and become the owner of the property and plant of any grantee as provided in this article, without the execution of any instrument or conveyance. The granting of the franchise, permit or privilege shall be set forth in all ordinances granting franchises, permits or privileges as a valuable consideration, for which the grantee, his successors and assigns, agrees to conform to the terms and conditions of the said ordinance.

No conveyance necessary for city's ownership.

Lease or assignment of franchise.

SEC. 84. No franchise, permit or privilege granted by the city shall be, in whole or in part, leased, assigned, or otherwise disposed of, or transferred without the express consent of the city given by ordinance, and no dealings with any one on the part of the city to require the performance of any act or payment of any compensation by any one shall be deemed to operate as such consent; *provided*, that nothing herein shall be construed to prevent the grantees from the city of such franchise, permit or privilege from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate business.

Lease or assignment of franchise.

Street sprinkling, cleaning and paving.

SEC. 85. Every grant of any franchise, permit or privilege in, over, under or along any of the streets, highways, or public places in the city for railroad, street railway, suburban or interurban railway purposes, shall be subject to the conditions that the person, firm or corporation exercising or enjoying the same shall sprinkle, clean, plank or replank, pave or repave, macadamize or remacadamize, oil or recoil the entire length of the street, highway or other public place used by the track or tracks of such railroad or railway, and between the rails, and for two feet on each side thereof, and between the tracks if there be more than one, and keep the same constantly in repair, flush with the street, and with good crossings; and such street

Street sprinkling, cleaning and paving.

work must be done with such kind of materials and in such manner as the council may by ordinance direct, at the same time and as a part of the same operation as the work on the remainder in width of said street, highway or other public place, to the satisfaction of the commissioner of public works.

Examination of company's books. Audit.

Examina-
tion of
company's
books:
audit.

SEC. 86. All ordinances granting franchises, permits or privileges under this article shall provide that the grantee, his successors or assigns, shall keep, in such manner as the council may from time to time require, vouchers, records, and books of accounts. The city of Vallejo, by and through its mayor, auditor, deputy auditor, accountants or such other agents as may, from time to time, be appointed by the mayor, auditor or council, shall have the right at all reasonable times to examine all the books, vouchers, records and other papers of all persons, firms or corporations exercising or enjoying any franchise, permit or privilege under this article. A refusal to keep said books, vouchers and records in the manner provided above or to produce for inspection in the city of Vallejo said books, vouchers and records at all reasonable times for examination by the mayor, auditor, deputy auditor, accountants or other agents appointed by the mayor, auditor or council, shall work a forfeiture of the said franchise, permit or privilege.

Annual reports of company.

Annual
reports of
company.

SEC. 87. Every person, firm or corporation operating any business under a franchise, permit or privilege granted under this article shall file annually with the city auditor on such date as shall be fixed by the council a report for the preceding year. Such report shall be in writing, verified by the affidavit of such person or persons, or officers of the corporation, as the council shall direct, and shall contain a statement, in such form and details as shall from time to time be prescribed by the council of all the gross receipts arising from all the business done by said person, firm or corporation, under said franchise, permit or privilege within the city of Vallejo, for the year immediately preceding such report. Such report shall contain such further statements as may be required by the council concerning the character and amount of business done under said franchise, permit or privilege, and the amount of receipts and expenses connected therewith, and also an itemized account of the money expended under said franchise, permit or privilege for new construction, repairs and betterments during the year.

Books of records and reference.

Books of
records
and refer-
ence.

SEC. 88. The mayor shall provide and cause to be kept in the office of the city clerk the following books of record and reference:

(1) A franchise record, indexed and of proper form, in which shall be transcribed accurate and correct copies of all franchises or grants by the city to any person, persons, or corporation owning or operating any public utility. The

index of said record shall give the name of the grantee and thereafter the name of any assignee thereof. Said record shall be a complete history of all franchises granted by the city and shall include a comprehensive and convenient reference to actions, contests or proceedings at law, if any, affecting the same.

(2) A public utility record of every person, persons or corporation owning or operating any public utility under any franchise granted by the city, in which shall be transcribed accurate and correct copies of each and every franchise granted by the city to said person, persons, or corporation, or which may be controlled or acquired by them or it, together with copies of all annual reports and inspection reports, as herein provided, and such other matters of information and public interest concerning the same as the mayor may from time to time require. In case annual reports are not filed and inspections are not made, as provided, the mayor shall record such fact in the public utility record, and in writing, report the same to the council.

Payment of gross receipts.

SEC. 89. The stipulated percentage of gross receipts provided in this charter to be paid for the use and enjoyment of any franchise, permit or privilege shall be paid annually at the time of filing the annual report provided for in section 87 of this charter to be filed by persons, firms or corporations holding franchises, permits or privileges. Failure to pay such percentage shall work a forfeiture of the franchise.

Payment
of gross
receipts.

Forfeiture for non-compliance.

SEC. 90. Every ordinance granting any franchise, permit or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the council shall have power to declare the termination and forfeiture of any such franchise, permit or privilege, the same as though in each instance such power was expressly reserved; and wherever the charter shall provide that any ordinance granting a franchise, permit or privilege shall contain any terms or conditions whatsoever, the said terms and conditions shall be considered as included in said franchise, permit or privilege, whether or not specified in the ordinance granting said franchise, permit or privilege.

Forfeiture
for non-
compliance.

Limitations on water front franchise.

SEC. 91. All franchises, permits or privileges for railroads to, in, on, over or upon any portion of the bed of Mare Island Straits shall be subject to the right of any and all other railroads or railroad companies to have their cars switched and transported by the operators of railroads under such franchises, permits or privileges, to designated points and for designated purposes, on, to and over all tracks operated under said franchises, permits or privileges, upon payment of a reasonable compensation for such switching and transportation.

Limitations
on
water
front
franchise.

Nothing shall, under any franchise, permit or privilege, be constructed upon, in, over or under any portion of the bed of Mare Island Straits which shall obstruct, hinder or prevent the construction, maintenance and operation of such continuous belt lines of railroad along the whole length of the water front as the council may provide for.

Switching rights.

Switching rights.

SEC. 92. All franchises, permits and privileges for the construction or maintenance or operation of any railroad, other than street railroads, shall contain a stipulation and condition that all other persons, firms or corporations building or maintaining or operating other railroads (not street railroads) in the city of Vallejo and all persons, firms or corporations desiring to avail themselves of the benefits and privileges and rights conferred by any such franchise, permit or privilege shall have a common right to have their cars switched and transported by the holder or holders of such franchise, permit or privilege on railroad tracks constructed or maintained or operated under the terms of such franchise, permit or privilege; and such tracks shall be operated on equal and reasonable pro rata rates with equal facilities for such purposes, and such rights, rates and facilities shall be extended without discrimination to all persons, firms and corporations desiring the same.

Franchise not in use forfeited.

Franchise not in use forfeited.

SEC. 93. All franchises and privileges, heretofore granted by the city which are not in actual use or enjoyment or which the grantees thereof have not in good faith commenced to exercise, shall be and become forfeited and invalid, unless such grantees or their assigns shall, within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such franchise, permit or privilege.

Ordinance in plain terms.

Ordinance in plain terms.

SEC. 94. No franchise, permit or privilege or license shall be considered as granted by any ordinance except when granted in said ordinance in plain and unambiguous terms, and any and every ambiguity therein shall be construed in favor of the city and against the claimant under such ordinance.

Franchises specify streets.

Franchises specify streets.

SEC. 95. All franchises, permits or privileges for railroads, street railroads, suburban or interurban railroads hereafter granted shall plainly specify on what particular streets, alleys, avenues or other public property the same shall apply, and all other franchises, permits or privileges shall so specify as far as practicable. No franchise, permit or privilege shall hereafter be granted by the city in general terms or to apply to the city generally.

License tax.

SEC. 96. The city shall have the right to license or tax

street cars, telephones, gas meters, electric meters, water meters and all other devices for measuring service; also telephone, telegraph, electric light and power poles, subways, conduits and wires. The said license or tax shall be in addition to all other lawful taxes levied thereon or upon the property of the holder thereof.

License tax.

Other conditions may be imposed by council.

SEC. 97. Nothing in this charter shall be construed as prohibiting the council from inserting in any ordinance granting any franchise, permit or privilege such other conditions or requirements, not inconsistent with the provisions of this charter, as the council may desire to insert therein or the people may by the initiative indicate their desire to have so inserted.

Other conditions may be imposed by council.

Franchises for railroads other than street, suburban or inter-urban railroads.

SEC. 98. The council may grant franchises for the construction, maintenance and operation of railroads other than street railroads, suburban railroads or interurban railroads along, upon, over, in, under or across any street or streets or other public place in the city of Vallejo, but only in the manner and upon the terms and conditions next hereinafter set forth, that is to say: The provisions of section 74 relating to property rights of the city; of section 77 relating to applications for franchises; of section 78 relating to life of franchises; of section 79 relating to beginning and completion of work; of section 80 relating to service and accommodation; of section 81 relating to regulation of public utility rates; of section 82 relating to right of the city to assume ownership; of section 83 relating to conveyances; of section 84 relating to leases and assignments of franchises; of section 85 relating to street sprinkling, cleaning and paving; of section 88 relating to books of record and reference; of section 90 relating to forfeiture for non-compliance; of section 91 relating to limitations on water front franchises; of section 92 relating to switching rights; of section 93 relating to forfeiture of franchises not in use; of section 94 relating to terms of ordinances; of section 95 relating to specification of streets; and of section 97 relating to additional conditions, shall apply to and govern all franchises, permits or privileges granted for the construction or maintenance or operation of any railroad, including railroads other than street railroads, suburban railroads and interurban railroads; and anything in this article to the contrary notwithstanding, no other section contained in this article (article XII) shall apply to or govern the granting of franchises, permits or privileges for the construction or maintenance or operation of railroads other than street railroads, suburban railroads or interurban railroads; *provided*, that the application of the provisions of said section 77 (relating to application for franchises) to the granting of franchises, permits or privileges for railroads other than street railroads, suburban or interurban railroads, shall be subject to this exception, that is to say, that instead of receiving

Franchises for railroads other than street, suburban or inter-urban railroads.

bids for a percentage of the gross annual receipts as provided for in said section 77, the franchise, permit or privilege shall be awarded to the bidder offering to pay to the city, during the life of the franchise, permit or privilege, the highest average annual rental, and the advertisement shall so state, and that in the raising of bids above the amount of the highest sealed bid the first increased bid must be at least five per cent greater than the amount of the highest sealed bid; *and provided*, that in the application to the granting of franchises for railroads other than street railroads, suburban or interurban railroads, the provisions of section 81 (relating to regulation of public utility rates) shall apply only to the local service of such railroads; *and provided*, that in the application to the granting of franchises for railroads other than street railroads, suburban or interurban railroads, the provisions of said section 82 (relating to rights of the city to assume ownership) shall not be construed as requiring such franchise, permit or privilege to permit the city to take over to itself any of the rolling stock or other movable property of the grantee, his successors or assigns, used in the enjoyment of such franchise, permit or privilege.

ARTICLE XIII.

THE INITIATIVE.

Preliminaries to filing petition.

Preliminaries to filing petition.

SEC. 99. (1) The qualified electors of the city shall have power to propose by petition, and to adopt at the polls any ordinance which may be enacted under this charter. Such ordinance may be proposed by filing with the city clerk a petition setting forth said ordinance in full signed by qualified electors of the city as many in number as hereinafter required of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election.

Before any petition for such submission of a proposed ordinance shall be circulated, an affidavit by or on behalf of its proponents shall be filed with the city clerk containing the following: A copy of the proposed ordinance; a statement in not more than two hundred (200) words giving the proponent's reasons for the adoption of such ordinance; a statement of the intention to secure the submission of said ordinance to a vote of the electors by an initiative petition; and the address of the party making such affidavit. The council shall have five (5) days after the filing of such affidavit in which to formulate and send by registered mail to the address given in such affidavit a statement in not more than two hundred (200) words of the reasons why such proposed ordinance should not be adopted. These reasons for and against the adoption of the proposed ordinance shall be printed as a part of each individual certificate forming a part of the petition.

Form and condition of petition.

(2) The initiative petition shall consist of individual certificates signed by qualified electors of the city as many in number

as hereinafter required. The form and conditions of each certificate and mode of certification and verification shall be substantially as follows: Form and condition of petition.

(Individual Certificate.)

INITIATIVE PETITION TO THE COUNCIL.

Requiring the submission at a special (or general) municipal election.

(The above heading must be printed in type of a 24-point roman face, caps and lower case.)

Of a proposed ordinance entitled: (Here insert title of ordinance.)

PROPONENT'S REASONS
FOR ADOPTING
ORDINANCE:
(Here insert such reasons.)

COUNCIL'S REASONS FOR
NOT ADOPTING
ORDINANCE:
(Here insert such reasons.)

I, the undersigned, certify that I hereby join in a petition to the council requiring that it forthwith submit to the vote of the electors of the city of Vallejo, at a special municipal election (or general municipal election), that certain proposed ordinance entitled (here insert title of ordinance), to a copy of which this certificate is attached; unless said ordinance be passed by the council, without alteration, when and as provided in the charter of the city of Vallejo.

I further certify: That I have read the proposed ordinance and the above reasons for and against the adoption of said ordinance and am in favor of its adoption; that I am a qualified elector of the city of Vallejo, State of California; that I am not at this time a signer of any other like certificate; that I reside at No. street, between street and street, in said city; and that my occupation is

(Signed)

STATE OF CALIFORNIA,
COUNTY OF SOLANO, }
CITY OF VALLEJO, } ss.

....., being duly sworn, deposes and says: That he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed)

Subscribed and sworn to before me this day of, 19....

(Signed)

Verification Deputy (or Notary Public.)

The petition of which this certificate forms a part shall, if found insufficient, be returned to at No. street, Vallejo, California.

The provisions of subdivision 4, of section 7 of this charter, applying to recall petitions, shall apply to petitions filed under this article.

*Fifteen per cent petition.*Fifteen
per cent
petition.

(3) If the petition accompanying the proposed ordinance be signed by qualified electors equal in number to fifteen per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then either:

(a) The council shall pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition; or,

(b) Within twenty-five days after the clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which such ordinance, without alteration, shall be submitted to the vote of the electors, unless some general or special municipal election occurs not earlier than thirty (30) days and not later than ninety (90) days after the city clerk shall have attached such certificate of sufficiency, in which latter event said measure shall be voted on at such special or general municipal election.

*Five per cent petition.*Five per
cent peti-
tion.

(4) If a petition be signed by qualified electors equal in number to five per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected and contain a request that said ordinance be submitted to a vote of the electors at a general municipal election, then such ordinance, without alteration, shall be so submitted by the council at the next general municipal election that shall occur at any time after twenty (20) days from the date of the attachment of the certificate of sufficiency to the petition accompanying such ordinance, unless the council shall have, prior to the time of calling such election, passed such ordinance without alteration.

*Limitations for petitions.*Limita-
tions for
petitions.

(5) No individual certificate provided for in this article shall be valid or sufficient unless the same shall have been signed within three (3) months prior to the presentation to the clerk of the petition of which it forms a part. No initiative petition requesting the submission of an ordinance at a special municipal election and having an insufficient number of signatures to require such special election but having the required number for submission of said measure at a general municipal election, shall by virtue thereof be sufficient to require the submission of such ordinance at a general municipal election. No initiative petition requesting the submission of an ordinance at a general municipal election and having a sufficient number of signatures to have required the submission of said ordinance at a special municipal election, shall, by virtue thereof, be sufficient to require the calling of a special municipal election.

Measure to be mailed to voters.

(6) Whenever any ordinance is required under the initiative or referendum provisions of this charter to be submitted to the voters of the city at any election, the council shall cause the ordinance, together with such arguments for and against it as may have been printed on the individual certificates constituting the initiative or referendary petition to be printed, and it shall be the duty of the city clerk to enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter, at least five (5) days prior to the election. The council may cause said ordinance to be printed once in a newspaper of general circulation published in the city one week preceding the date of such election.

Measure to be mailed to voters.

Election.

(7) The ballots used when voting upon such proposed ordinance shall set forth in full the title of the proposed ordinance and shall state the general nature of the proposed ordinance and shall contain the words "For the Ordinance" and "Against the Ordinance." If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall take effect five (5) days after the declaration of the official canvass.

Election.

Several ordinances at one election.

(8) Any number of proposed ordinances under the initiative and any number of ordinances under the referendum may be voted upon at the same election, in accordance with the provisions of this article.

Several ordinances at one election.

Limit to special elections.

(9) There shall not be held under this article more than one special election in any period of six months.

Limit to special elections.

Competing and conflicting measures. Repeal.

(10) When there are two or more ordinances proposed to secure the same general purpose, the council shall so declare, and shall have the ballot so printed that the voter (first) can choose between any ordinance or none, and (second) can express his preference for any one. If a majority of the votes on the first question is affirmative, then the ordinance receiving the highest number of votes shall become law, and the others shall fail of passage. In case two or more ordinances are tied for the highest vote, they shall be resubmitted at the next ensuing general municipal election. If there is a conflict between two or more ordinances adopted at the same election, then the ordinance receiving the highest affirmative vote shall prevail. No ordinance approved by the electorate under the provisions of this article shall be amended or repealed except by vote of the electorate unless such ordinance shall otherwise provide.

Competing and conflicting measures; repeal.

Election is mandatory.

(11) If any ordinance proposed by initiative petition or

Election is
mandatory.

upon which a referendum vote is requested by petition, in accordance with the provisions of this charter, be not submitted to the voters at or within the time elsewhere specified in this charter, such petition shall remain in force until such ordinance has been submitted to a vote, and no bond issue or other ordinance proposed by the council shall be submitted to the voters unless at the same election, or prior thereto, there shall be submitted to the voters the ordinance or ordinances upon which a vote is requested by petition, if any vote be so requested and upon which a vote has not been taken at or within the time elsewhere specified in this charter. This section is prohibitory and mandatory.

Substantial compliance.

Substan-
tial com-
pliance.

(12) A substantial compliance with the provisions of this article shall be sufficient for the holding of an election hereunder and the approval or rejection of any measure submitted thereat.

Further regulations.

Further
regula-
tions.

(13) The council shall, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article and to adapt the provisions of article III thereto.

ARTICLE XIV.

THE REFERENDUM.

Mode of protesting against ordinances.

Mode of
protesting
against
ordinances.

SEC. 100. (1) No ordinance passed by the council shall go into effect before thirty days from the time of its final passage except when otherwise required by the general laws of the state or by the provisions of this charter respecting street improvements, and except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a unanimous vote of the council; *provided*, that no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendum vote provided in section 101. If during said thirty days a petition signed by qualified electors of the city equal in number to at least ten per centum of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation and it shall be the duty of the council to reconsider such ordinance, and if the same be not entirely repealed, the council shall submit the ordinance to the vote of the electors of the city, either at the next general municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof.

Preliminaries of filing petitions.

(2) Before any petition for the submission of an ordinance to the referendary vote of the electors shall be circulated, an affidavit by or on behalf of its opponents shall be filed with the city clerk containing the following: A copy of the ordinance or measure; a statement in not more than two hundred (200) words giving the opponents' reasons against the adoption of such ordinance; a statement of the intention to secure the repeal of such ordinance, or else its submission to a vote of the electors by the referendary petition, and the address of the party making such affidavit. The council shall have five (5) days after the filing of such affidavit in which to formulate and send by registered mail to the address given in such affidavit a statement in not more than two hundred (200) words of the reasons why such ordinance should be adopted. These reasons for and against the adoption of the ordinance shall be printed as a part of the individual certificate forming a part of the petition.

Preliminaries of filing petitions.

Form and conditions of petition.

(3) The referendary petition shall consist of individual certificates signed by qualified electors as many in number as hereinbefore required. The forms and conditions of each certificate and mode of certification and verification shall be substantially as follows:

Form and conditions of petition.

(Individual Certificate.)

REFERENDARY PETITION TO THE COUNCIL.

Requiring the submission at a special (or general) municipal election.

(The above heading must be printed in type of a 24-point roman face, caps and lower case.)

Of that ordinance entitled: (Here insert title of ordinance or measure.)

OPPONENTS' REASONS
AGAINST ADOPTING
ORDINANCE.

(Here insert such
reasons.)

COUNCIL'S REASONS
FOR ADOPTING
ORDINANCE.

(Here insert such
reasons.)

I, the undersigned, certify that I hereby join in a petition to the council requiring that it forthwith repeal or else submit, as provided in the charter, to the vote of the electors of the city of Vallejo, at a special municipal election (or general municipal election), that certain ordinance entitled (here insert title of ordinance), to a copy of which this certificate is attached, passed by the council on the day of, 19.....

I further certify: That I have read the ordinance hereby protested against and the above reasons for and against the adopting of said ordinance, and am against its adoption; that I am a qualified elector of the city of Vallejo, State of Cali-

fornia; that I am not at this time a signer of any other like certificate; that I reside at No. street, between street and street, in said city, and that my occupation is.....
 (Signed)

STATE OF CALIFORNIA,
 COUNTY OF SOLANO, }
 CITY OF VALLEJO, } SS.

..... being duly sworn, deposes and says:
 That he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed)

Subscribed and sworn to before me this.....day of 19....

(Signed)

Verification Deputy or (Notary Public.)

The petition of which this certificate forms a part shall, if found insufficient, be returned to at No. street, Vallejo, California.

The provisions of subdivision 4 of section 7 of this charter, applying to recall petitions, shall apply to petitions filed under this article.

Time of election.

Time of election.

(4) If a petition be filed more than thirty days and less than ninety days prior to a general election the ordinance or measure shall be submitted at such general election. Otherwise it shall be submitted at the next general election or at a special election called prior thereto, as the council shall decide.

Conduct of election.

Conduct of election.

(5) Subdivisions six (6), seven (7), eight (8), and twelve (12) of section 99 of this charter, applying to the initiative shall govern elections held under authority of this article, so far as applicable.

Result of election.

Result of election.

(6) If a majority of votes cast on any ordinance or measure submitted on petition or referred by the council on its own motion to the electors in accordance with the provisions of this article shall be in favor thereof, it shall go into effect five (5) days after the declaration of the official canvass; otherwise it shall be considered repealed or rejected. The provisions of subdivision ten (10) of section 99, relating to conflicting and competing measures under initiative elections shall apply to conflicting and competing measures under referendary elections.

Franchise measure.

Franchise measure.

SEC. 101. No ordinance passed by the council granting any franchise shall go into effect until the expiration of sixty (60) days from the date it becomes final. At the end of such sixty (60) days such ordinance shall be in force and effect unless

within such period there shall be filed with the city clerk a referendum petition signed by qualified electors equal in number to five (5) per cent of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election at which a mayor was elected, requesting that such ordinance be submitted to the electors at the next occurring general or special municipal election. If such referendum petition is duly filed with the city clerk, requiring that a franchise be referred to a vote of the electors at the next occurring general or special municipal election, and if the applicant for the franchise desires action thereon earlier than the next occurring general or special municipal election, then a special municipal election for the determination of such question may be called by the council; *provided*, that the applicant pay one half of the expenses of such special election, as such expense may be determined by the council. If the amount required by this charter to be deposited by every applicant for a franchise is not sufficient to cover the expense of such special election, then the applicant must deposit such additional sum as may be necessary therefor; *provided*, that all amounts unexpended from such deposit shall be returned to the applicant. In case such referendum petition is duly filed, such ordinance shall not go into effect until approved by a majority of the voters voting thereon at an election as herein provided.

Reference of measures to popular vote.

SEC. 102. Any ordinance or measure that the council or the qualified electors of the city shall have authority to enact, the council may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in this charter for ordinances submitted on petition.

Reference of measures to popular vote.

Further regulations.

SEC. 103. The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article, and to adapt the provisions of section 5 of article III thereto.

Further regulations.

ARTICLE XV.

POLICE COURT.

Judicial power of the city.

SEC. 104. There is hereby created and established in and for the city of Vallejo a court which shall be known as the police court of the city of Vallejo. The judicial power of the city shall be vested in said court, to be held by the police judge of the city.

Judicial power of the city.

Term of police judge.

SEC. 105. The police judge shall be appointed for a term of two years, subject, however, to removal at any time by unanimous vote of the council.

Term of police judge.

*Court room.*Court
room.

SEC. 106. The council shall furnish the police court a suitable court room and office, and the dockets, blanks and other papers necessary to the transaction of its business.

*Bailiffs. Writs. Clerk.*Bailiffs:
writs:
clerk.

SEC. 107. The chief of police, when requested by the police judge, shall provide a bailiff for the police court, and shall in all cases cause its writ and processes to be promptly executed. The council shall appoint a clerk for said court whenever it is deemed necessary or expedient, and shall fix his compensation.

*Powers of magistrate.*Powers of
magis-
trate.

SEC. 108. The police judge shall have the powers and perform the duties of a magistrate as provided by the laws of the State of California, and may administer and certify oaths and affirmations and take and certify acknowledgments.

*Exclusive jurisdiction.*Exclusive
juri-dic-
tion.

SEC. 109. The police court shall have exclusive jurisdiction of all actions and proceedings, civil or criminal, for the violation of any ordinance of the city; of all actions for the recovery of any fine, penalty or forfeiture prescribed or provided for the breach of any ordinance; of all actions founded upon any obligations or liability created by ordinance, and shall have exclusive jurisdiction of all matters and proceedings the jurisdiction of which is now or may hereafter be exclusively vested in police courts by the laws of the State of California.

*Concurrent jurisdiction.*Concurrent
juri-dic-
tion.

SEC. 110. The police court shall have jurisdiction concurrently with the justices' courts of all matters, actions, and proceedings, both civil and criminal, arising within the limits of the city, of which the justices' courts have now or may hereafter have jurisdiction; and the police judge shall have like authority, power and jurisdiction as are now or may hereafter be conferred by the general laws of the State of California.

*Pleadings and practice.*Pleadings
and
practice.

SEC. 111. In all proceedings in and appeals from the police court, the pleadings, practice and procedure now applicable under the laws of the State of California or that may hereafter be made so applicable to justices' courts or police courts are hereby adopted and made applicable to the police court of the city of Vallejo.

Appeals.

Appeals.

SEC. 112. Appeals may be taken to the superior court of the State of California in and for the county of Solano, from the judgments and orders of the police court in all cases in which appeals now are or may hereafter be taken by law to said superior court from justices' courts and police courts.

Court always open.

SEC. 113. The police court shall always be open for the transaction of business except on Sundays and other non-judicial days. Court always open.

Disqualification of police judge.

SEC. 114. In all cases in which the police judge is a party or in which he is interested, or when he is related to any party to an action or proceeding by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the police judge shall call a justice of the peace residing in the county of Solano to act in his place and stead, and while so acting said justice shall be vested with all powers, authority and jurisdiction of the duly qualified judge of the police court. Disqualification of police judge.

Fines the property of the city.

SEC. 115. All fines, penalties, forfeitures and other moneys received or collected by the police judge, for or on account of the city of Vallejo, shall be immediately paid into the city treasury for the use of the city. Fines the property of the city.

Rules.

SEC. 116. The police judge shall adopt all necessary rules and regulations for conducting the business of the court. Rules.

ARTICLE XVI.

POLICE DEPARTMENT.

Organization.

SEC. 117. The police department, which shall be under the supervision of the commissioner of public health and safety, shall consist of a chief of police, and such sergeants, patrolmen, and other officers and employees as in the judgment of the council the needs of the service may require. Organization.

Appointments.

SEC. 118. The chief of police shall be appointed by the commissioner of public health and safety, subject to confirmation by the council; sergeants shall be appointed or disrated by the chief of police; patrolmen and other officers and members of the police department shall be appointed by the commissioner of public health and safety; *provided*, (1) that sergeants be appointed only from patrolmen who have served as such not less than two (2) years; *and provided*, (2) that the chief of police, sergeants, patrolmen and other officers of the police department appointed prior to the first day of December, 1910, who are in good standing at the time this charter goes into effect, and all who may be hereafter appointed, shall be retained in their respective positions except as otherwise provided in this charter. Appointments.

Number of patrolmen.

SEC. 119. Patrolmen shall be appointed in such numbers as not to exceed one patrolman for every fifteen hundred (1,500)

Number of patrolmen. inhabitants of the city of Vallejo. In determining the population for the purposes of this section, said population is hereby declared and established to be on the basis of five (5) inhabitants for every registered voter as the same shall at any time appear on the great register of the county of Solano.

Salaries.

Salaries. SEC. 120. The chief of police, sergeants and patrolmen shall receive annual compensation as follows:

Chief of police, for the first year of service after date of appointment, \$1,500; for the second year of such service, \$1,620; for the third year of such service and thereafter, \$1,800.

Sergeants, for the first year of service after date of appointment, \$1,320; for the second year of such service, \$1,440; for the third year of such service and thereafter, \$1,500.

Patrolmen, for the first year of service after date of appointment, \$1,020; for the second year of such service, \$1,140; for the third year of such service and thereafter, \$1,200.

ARTICLE XVII.

THE PUBLIC SCHOOLS.

The board of education.

The board of education. SEC. 121. The board of education shall have entire control and management of the public schools in the city in accordance with the constitution and general laws of the state, and is hereby vested with all the powers and charged with all the duties provided by this charter and by the general laws of the state for city boards of education.

Meetings to be public.

Meetings to be public. SEC. 122. All meetings of the board of education shall be public.

Superintendent of schools.

Superintendent of schools. SEC. 123. The board of education shall appoint a superintendent of schools, who shall be the holder of a high school certificate or a secondary school certificate under the general law of the state, and shall fix his compensation.

Powers and duties of the superintendent.

Powers and duties of the superintendent. SEC. 124. The superintendent of schools shall be the secretary and executive officer of the board of education and he shall give his full time to the duties of his office. He shall be subject only to the board of education and all orders of the board relating to the direction of the principals, teachers and janitors shall be given through him. He must examine all plans for the construction and reconstruction of school buildings and report in writing to the board any objection he may find thereto. He shall have supervision of the course of instruction of the discipline and conduct of the schools.

Powers of superintendent with reference to teachers.

SEC. 125. The superintendent of schools shall nominate and

recommend all teachers and principals for election by the board of education. He shall assign all teachers and principals and make all transfers necessary to the successful operation of the schools.

Powers of superintendent with reference to teachers.

Election of teachers.

SEC. 126. The board of education shall elect all teachers, but only from a list of candidates nominated and recommended by the superintendent of schools. The board of education may make rules in accordance with which the superintendent must make such nominations and recommendations.

Election of teachers.

Tenure of teachers.

SEC. 127. Every person employed as a regular teacher by the school department shall be considered reelected for the ensuing fiscal year unless at least two months before the beginning of such fiscal year he or she is notified in writing, by authority of the board of education, that it is expected that his or her services will not be required for the ensuing fiscal year. Such notice shall be deemed given when placed in a sealed envelope and sent by registered mail to the teacher affected at his or her last known place of residence, as it appears from the records of the department.

Tenure of teachers.

ARTICLE XVIII.

MISCELLANEOUS.

When this charter takes effect.

SEC. 128. For the purpose of nominating candidates and electing the mayor, auditor, commissioners and school directors in accordance with this charter, this charter shall take effect from the time of the approval of the same by the legislature; for all other purposes it shall take effect on the first day of July, 1911.

When this charter takes effect.

First election under this charter.

SEC. 129. The board of trustees of the city of Vallejo in office at the time this charter is approved by the legislature shall provide for the holding of the first election of officers under this charter, shall canvass the votes, declare the result and approve the bonds of all officers elected at such election.

First election under this charter.

Terms of incumbents in office.

SEC. 130. The members of the board of trustees, the auditor, and the members of the board of education in office at the time of the approval of this charter by the legislature shall continue to hold office and discharge their duties until the election and qualification of the mayor, auditor, commissioners and school directors, respectively, first elected under this charter.

Terms of incumbents in office.

The term of each of all the other officers in office at the time this charter takes effect shall cease and terminate when the council first elected hereunder shall by resolution so declare.

Existing ordinances continued in force.

Existing ordinances continued in force.

SEC. 131. All lawful city ordinances, resolutions and regulations in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

Claims against the city.

Claims against the city.

SEC. 132. All claims for damages against the city must be presented to the council and filed with the city clerk within six months after the occurrence from which the damages are claimed to have arisen; otherwise, there shall be no recovery on any such claim.

Illegal approval of demands.

Illegal approval of demands.

SEC. 133. Every officer who shall approve, allow, or pay any demand on the treasury not authorized by law, ordinance, or this charter, shall be liable to the city, individually, and on his official bonds, for the amount of the demand so illegally approved, allowed, or paid.

Annual vacations.

Annual vacations.

SEC. 134. Every officer and employee, after having served continuously for one year in the employ of the city, shall be entitled to fifteen (15) days' vacation with full pay.

Mare Island Straits; meaning thereof.

Mare Island Straits; meaning thereof.

SEC. 135. By the designation Mare Island Straits wherever occurring in this charter is meant that body of water lying between the mainland of the city of Vallejo and Mare Island, whether known as Napa creek, Napa river, Napa slough, Vallejo bay, or otherwise.

Women eligible to appointive offices.

Women eligible to appointive offices.

SEC. 136. Nothing in this charter shall be construed as prohibiting the appointment of women to any appointive office.

Violation of charter provisions. Misdemeanor.

Violation of charter provisions; misdemeanor.

SEC. 137. The violation of any provision of this charter shall be deemed a misdemeanor. Any act or omission declared by this charter to be a misdemeanor shall be punishable by imprisonment not exceeding six (6) months, or by a fine not exceeding five hundred (\$500) dollars, or by both.

CERTIFICATE.

WHEREAS, The city of Vallejo, a city containing a population of more than three thousand five hundred inhabitants, on the eleventh day of October, nineteen hundred and ten, at a special election, and under and in accordance with the provisions of section eight, article XI of the constitution of the State of California, did elect W. J. Carlin, John Davidson, Robert B. Dempsey, B. F. Griffin, G. S. Hale, E. B. Hussey, W. A. Jones, J. B. McCauley, Grant McLaughlin, Donald Munro, Conrad Rump, John Sullivan, W. H. Taylor, J. R. Ward and E. V. Williams a board of fifteen freeholders to prepare and propose a charter for said city;

BE IT KNOWN, That in pursuance of said provision of the constitution and within a period of ninety days after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Vallejo.

IN WITNESS WHEREOF, We have hereunto set our hands in duplicate this 3d day of January, one thousand nine hundred and eleven.

B. F. GRIFFIN, President.
 W. J. CARLIN.
 ROBT. B. DEMPSEY.
 G. S. HALE.
 WM. A. JONES.
 J. B. McCAULEY.
 GRANT McLAUGHLIN.
 DONALD MUNRO.
 CONRAD RUMP.
 JOHN SULLIVAN.
 WM. H. TAYLOR.
 J. R. WARD.
 E. V. WILLIAMS.
 JOHN DAVIDSON.

Attest:

E. B. HUSSEY, Secretary.

I, W. J. TORMEY, city clerk of the city of Vallejo, do hereby certify that the foregoing proposed charter of the city of Vallejo is a full, true and correct copy of the charter of the city of Vallejo as prepared and proposed by the board of fifteen freeholders elected on October eleventh, 1910, which said charter was delivered and submitted to the mayor of said city on January fourth, 1911, and filed in the office of the city clerk on said January fourth, 1911, and is now in my custody as city clerk of said city.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the city of Vallejo this ninth day of January, 1911.

[SEAL]

W. J. TORMEY, City Clerk.

STATE OF CALIFORNIA, }
 COUNTY OF SOLANO, } SS.
 CITY OF VALLEJO. }

I, J. F. CHAPPELL, mayor of the city of Vallejo, State of California, do hereby certify that the board of freeholders, whose names appear signed to the foregoing proposed charter, were on the 11th day of October, 1910, at a special municipal election held in said city of Vallejo on said day, duly elected by the qualified electors of said city to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector and freeholder in said city for more than five (5) years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me as mayor of said city of Vallejo within ninety (90) days after

said election, as required by section 8 of article XI of the constitution of this state; that said proposed charter was then published in the "Vallejo Daily Times" and in the "Vallejo Evening News," which were then daily newspapers of general circulation in said city, and that publication was made for twenty (20) days, and that the first publication of said proposed charter was made within twenty (20) days after the completion of said charter; that within thirty (30) days after the publication of said charter, as required in said section 8 of article XI of said constitution of the State of California, to wit, on the 21st day of February, 1911, said charter was submitted at a special election duly called and held therein for the purpose of ratifying or rejecting said proposed charter; that by a majority of the votes of the qualified electors voting at said election said proposed charter was ratified as a whole; that the returns of said election were duly canvassed by the board of trustees of said city of Vallejo on the 23d day of February, 1911, and the result thereof declared as above set forth: and that in all matters and things pertaining to said proposed charter, all provisions of said section of the constitution and the laws of the State of California pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of said city of Vallejo to be affixed this 23rd day of February, 1911.

[SEAL.]

J. F. CHAPPELL.

Mayor of the City of Vallejo.

Attest:

W. J. TORMEY,
City Clerk and Clerk of the Board of Trustees.

AND WHEREAS, Said proposed charter, so ratified, has been duly presented and submitted to the legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California; now, therefore, be it

Resolved by the assembly of the State of California, the senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), That said charter of the city of Vallejo, as presented to, adopted and ratified by the qualified electors of said city of Vallejo, be, and the same is hereby, approved as a whole as and for the charter of the said city of Vallejo.

Published by order of the board of trustees of the city of Vallejo.

W. J. TORMEY, City Clerk.

RESOLUTION No. 510.

WHEREAS, Pursuant to ordinance No. 449 passed and adopted by the board of city trustees of the city of Vallejo and in pursuance of law in such cases made and provided, and in accord-

ance with the constitution of the State of California, a special election was duly and regularly held in the city of Vallejo, county of Solano, State of California, on Tuesday the twenty-first day of February, 1911, at which time and place, a new charter of the city of Vallejo, prepared and proposed by the board of freeholders of said city elected October 11, 1910, was submitted to the qualified voters of said city of Vallejo; and

WHEREAS, All matters and things, as to form and substance and as required by law, have been done and performed in the manner and at the time as required by law, and the board of city trustees of the city of Vallejo, sitting as a board therefor, having duly canvassed the returns of said election:

It is hereby found, resolved, determined and declared that the number of votes hereinafter set forth, were as hereinafter set forth voted at said election and that there were cast in favor of the ratification of said proposed charter and against the ratification of said proposed charter the following number of votes, respectively, as follows:

In favor of the ratification of said proposed charter.. 1279
Against the ratification of said proposed charter..... 809

Total number of votes cast upon ratification of said proposed charter2088

It is further hereby found, resolved, determined and declared that the said proposed new charter was and is ratified by a majority of the qualified electors voting thereon at said election in said city of Vallejo;

Resolved, That the city clerk of the city of Vallejo be and he is hereby authorized and directed to submit the said charter, together with a certified copy of this resolution, to the legislature of the State of California, for its approval or rejection as a whole without power of alteration or amendment.

Passed and adopted by the board of trustees of the city of Vallejo in adjourned session assembled this 23d day of February, 1911, by the following vote:

AYES—Trustees Butler, Herbert, Pierce, Sullivan and Tripp.
NOES—None.

R. O. PIERCE,
President of the Board of City Trustees.

[SEAL.]

Attest:

W. J. TORMEY,
City Clerk and Clerk of the Board of Trustees.

Approved this 24th day of February, 1911.
J. F. CHAPPELL, Mayor.

I certify that the foregoing is a full, true and correct copy of a resolution adopted by the board of city trustees of the city of Vallejo on February 23d, 1911, and approved by the mayor of said city on the 24th day of February, 1911.

[SEAL.] W. J. TORMEY, City Clerk.

CHAPTER 47.

Senate Constitutional Amendment No. 23, a resolution to propose to the people of the State of California an amendment to the constitution of the state by adding a new article thereto to be numbered article XXIII, providing for the recall by the electors of public officials.

[Filed with Secretary of State March 16, 1911.]

Constitutional amendment.

The legislature of the State of California, at its regular session commencing on the second day of January, 1911, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes that a new article be added to the constitution of the State of California to be numbered article XXIII thereof, to read as follows:

ARTICLE XXIII.

Recall of elective officers.

SECTION 1. Every elective public officer of the State of California may be removed from office at any time by the electors entitled to vote for a successor of such incumbent, through the procedure and in the manner herein provided for, which procedure shall be known as the recall, and is in addition to any other method of removal provided by law.

Procedure.

The procedure hereunder to effect the removal of an incumbent of an elective public office shall be as follows: A petition signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to at least twelve per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies; *provided*, that if the officer sought to be removed is a state officer who is elected in any political subdivision of the state, said petition shall be signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies, demanding an election of a successor to the officer named in said petition, shall be addressed to the secretary of state and filed with the clerk, or registrar of voters, of the county or city and county in which the petition was circulated; *provided*, that if the officer sought to be removed was elected in the state at large such petition shall be circulated in not less than five counties of the state, and shall be signed in each of such counties by electors equal in number to not less than one per cent of the entire vote cast, in each of said counties, at said election, as above estimated. Such petition shall contain a general statement of the grounds on which the removal is sought, which statement is intended solely for the information of the electors, and the sufficiency of which shall not be open to review.

When such petition is certified as is herein provided to the secretary of state, he shall forthwith submit the said petition, together with a certificate of its sufficiency, to the governor,

who shall thereupon order and fix a date for holding the election, not less than sixty days nor more than eighty days from the date of such certificate of the secretary of state.

The governor shall make or cause to be made publication of notice for the holding of such election, and officers charged by law with duties concerning elections shall make all arrangements for such election and the same shall be conducted, returned, and the result thereof declared, in all respects as are other state elections. On the official ballot at such election shall be printed, in not more than two hundred words, the reasons set forth in the petition for demanding his recall. And in not more than three hundred words there shall also be printed, if desired by him, the officer's justification of his course in office. Proceedings for the recall of any officer shall be deemed to be pending from the date of the filing with any county, or city and county clerk, or registrar of voters, of any recall petition against such officer; and if such officer shall resign at any time subsequent to the filing thereof, the recall election shall be held notwithstanding such resignation, and the vacancy caused by such resignation, or from any other cause, shall be filled as provided by law, but the person appointed to fill such vacancy shall hold his office only until the person elected at the said recall election shall qualify.

Notice of election.

Any person may be nominated for the office which is to be filled at any recall election by a petition signed by electors, qualified to vote at such recall election, equal in number to at least one per cent of the total number of votes cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies. Each such nominating petition shall be filed with the secretary of state not less than twenty-five days before such recall election.

There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (X), his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote cast shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote "No," said incumbent shall continue in said office. If a majority shall vote "Yes," said incumbent shall thereupon be deemed removed from such office, upon the qualification of his suc-

Ballot.

cessor. The canvassers shall canvass all votes for candidates for said office and declare the result in like manner as in a regular election. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law.

Petition
may be in
sections.

Any recall petition may be presented in sections, but each section shall contain a full and accurate copy of the title and text of the petition. Each signer shall add to his signature his place of residence, giving the street and number, if such exist. His election precinct shall also appear on the paper after his name. The number of signatures appended to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified elector of the state shall be competent to solicit such signatures within the county, or city and county, of which he is an elector. Each section of the petition shall bear the name of the county, or city and county, in which it is circulated, and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same stating his qualifications and that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be; and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer an oath. Such petition so verified shall be prima facie evidence that the signatures thereto appended are genuine and that the persons signing the same are qualified electors. Unless and until it is otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of electors. Each section of the petition shall be filed with the clerk, or registrar of voters, of the county or city and county in which it was circulated; but all such sections circulated in any county or city and county shall be filed at the same time. Within twenty days after the date of filing such petition, the clerk, or registrar of voters, shall finally determine from the records of registration what number of qualified electors have signed the same; and, if necessary, the board of supervisors shall allow such clerk or registrar additional assistants for the purpose of examining such petition and provide for their compensation. The said clerk or registrar, upon the completion of such examination, shall forthwith attach to such petition his certificate, properly dated, showing the result of such examination, and submit said petition, except as to the signatures appended thereto, to the secretary of state and file a copy of said certificate in his office.

Within forty days from the transmission of the said petition and certificate by the clerk or registrar of voters to the secretary of state, a supplemental petition, identical with the original as to the body of the petition but containing supplemental names, may be filed with the clerk or registrar of voters, as aforesaid. The clerk or registrar of voters shall within ten days after the filing of such supplemental petition make like examination thereof as of the original petition, and upon the conclusion of such examination shall forthwith attach to such petition his certificate, properly dated, showing the result of such examination, and shall forthwith transmit such supplemental petition, except as to the signatures thereon, together with his said certificate, to the secretary of state.

When the secretary of state shall have received from one or more county clerks, or registrars of voters, a petition certified as herein provided to have been signed by the requisite number of qualified electors, he shall forthwith transmit to the county clerk or registrar of voters of every county or city and county in the state a certificate showing such fact; and such clerk or registrar of voters shall thereupon file said certificate for record in his office.

A petition shall be deemed to be filed with the secretary of state upon the date of the receipt by him of a certificate or certificates showing the said petition to be signed by the requisite number of electors of the state.

No recall petition shall be circulated or filed against any officer until he has actually held his office for at least six months; save and except it may be filed against any member of the state legislature at any time after five days from the convening and organizing of the legislature after his election.

Officer must be in office at least six months.

If at any recall election the incumbent whose removal is sought is not recalled, he shall be repaid from the state treasury any amount legally expended by him as expenses of such election, and the legislature shall provide appropriation for such purpose, and no proceedings for another recall election of said incumbent shall be initiated within six months after such election.

Officer not recalled to be repaid for expenses.

If the governor is sought to be removed under the provisions of this article, the duties herein imposed upon him shall be performed by the lieutenant governor; and if the secretary of state is sought to be removed, the duties herein imposed upon him shall be performed by the state controller; and the duties herein imposed upon the clerk or registrar of voters, shall be performed by such registrar of voters in all cases where the office of registrar of voters exists.

The recall shall also be exercised by the electors of each county, city and county, city and town of the state, with reference to the elective officers thereof, under such procedure as shall be provided by law.

Recall to be exercised by counties and cities.

Until otherwise provided by law, the legislative body of any such county, city and county, city or town may provide for the manner of exercising such recall powers in such counties,

cities and counties, cities and towns, but shall not require any such recall petition to be signed by electors more in number than twenty-five per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies. Nothing herein contained shall be construed as affecting or limiting the present or future powers of cities or counties or cities and counties having charters adopted under the authority given by the constitution.

In the submission to the electors of any petition proposed under this article all officers shall be guided by the general laws of the state, except as otherwise herein provided.

This article is self-executing, but legislation may be enacted to facilitate its operation, but in no way limiting or restricting the provisions of this article or the powers herein reserved.

CHAPTER 48.

Senate Concurrent Resolution No. 13, approving two certain amendments to the charter of the city of Eureka, in Humboldt county, State of California, voted for, and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 21st day of June, 1909.

[Filed with Secretary of State March 24, 1911.]

Amend-
ments to
Eureka
charter.

WHEREAS, The city of Eureka, of the county of Humboldt, State of California, has at all times mentioned herein been and now is a municipal corporation of said State of California, containing a population of more than thirty-five hundred (3,500) inhabitants, and is now, and has been ever since the second Monday in July, A. D. 1895, organized, existing and acting under a freeholders' charter, adopted under and by virtue of section 8, article XI, of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the 26th day of January, 1895, and approved by the legislature of the State of California on the 12th day of February, 1895, (Statutes of 1895, pages 355 to 405, inclusive), and which said charter has never been amended since the year 1907; and

WHEREAS, The legislative authority of said city of Eureka, to wit: The council of said city, did by an ordinance numbered 520, by it passed on the 21st day of April, 1909, and approved by H. L. Ricks, the then mayor and chief executive of said city on the 21st day of April, 1909, and pursuant to section 8 of article XI of the constitution of the State of California, duly proposed to the qualified electors of said city, a certain amendment to said charter of said city of Eureka; and

WHEREAS, The legislative authority of said city of Eureka, to wit: The council of said city, did by an ordinance numbered 521, by it passed on the 21st day of April, 1909, and

approved by H. L. Ricks, the then mayor and chief executive of said city on the 21st day of April, 1909, and pursuant to section 8 of article XI of the constitution of the State of California, duly proposed to the qualified electors of said city, a certain other amendment to said charter of said city of Eureka; and

WHEREAS, Said ordinances containing said proposed amendments, respectively, to said charter, were duly published for twenty days after their passage and approval, in The Humboldt Times, a daily newspaper printed, published and generally circulated in the city of Eureka aforesaid; and

WHEREAS, The general municipal election was held in said city of Eureka on the 21st day of June, A. D. 1909, which was more than forty days after said proposed amendments had been published for twenty days, as aforesaid; and

WHEREAS, In and by said ordinances, so passed, approved and published, as aforesaid, said proposed charter amendments, respectively, were submitted to the qualified electors of said city, at said general municipal election; and

WHEREAS, On the 22d day of June, 1909, at a meeting of said council of said city of Eureka, duly convened in accordance with law and with the provisions of said charter of said city, said mayor and council of said city of Eureka did duly and regularly canvass the returns of said general municipal election, so held on the 21st day of June, 1909, and did find therefrom that said proposed amendments to said charter, and each and both of them, were duly ratified by the majority of the electors voting thereon; and

WHEREAS, Said mayor and said council, after canvassing said returns, and at said meeting so held as aforesaid, after said canvass, did duly find and declare that said proposed amendments and each and both of them, had been ratified by the majority of the electors voting thereon; and

WHEREAS, Said amendments so ratified by the electors of said city of Eureka, at said general municipal election of June 21st, 1909, are now submitted to the legislature of the State of California, for approval or rejection, as a whole, without power of alteration or amendment, in accordance with the provisions of section 8 of article XI of the constitution of the State of California, are in words and figures, respectively, as follows:

That a new section be added to article II of said charter of the city of Eureka, the same to be known as section 21½ of article II thereof, and said section to be and read as follows:

Section 21½. The holder of any elective office may be removed at any time by the electors entitled to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows:

Recall of
elective
officers.

A petition signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number

Recall of
elective
officers.

to at least twenty-five per cent of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be addressed to the council and filed with the city clerk; and said petition shall contain a general statement of the grounds for which the removal is sought, which statement is intended solely for the information of the electors; and the sufficiency of which shall not be open to review. The signatures of the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief, each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Every signature appended to any of the papers forming such petition shall be deemed and treated by the city clerk for the purpose of his examination of such petition herein provided, as the genuine signature of the person whose name it purports to be, unless such person, during the period of such examination, files with the city clerk an affidavit to the contrary. Within ten days from the date of filing such petition the city clerk shall examine and ascertain from the great register or from the affidavits or duplicate affidavits of registration, or from either, whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary, the council shall allow him extra help for that purpose and he shall attach to said petition his certificate stating that he finds the petition to be sufficient or insufficient, as the case may be. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be sufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay, and the council shall thereupon order and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The sufficiency or insufficiency of said petition shall, except as to the grounds for removal therein stated, be subject to judicial review, but not to review by the council. In the event action by the council shall be delayed by judicial decree or act of God, then such election shall be called by the council to be held not less than thirty nor more than forty days from the date of which the cause of delay is removed.

That section 60 of article IV of said charter of the city of Eureka be amended to read as follows:

"Section 60. In addition to other duties imposed upon him by this charter or by ordinance of the council, the city engineer shall: Duties
of city
engineer.

1. Make all surveys, inspections and estimates required by the council.

2. He shall examine all public work done under contract, and report thereon in writing to the council.

4. He shall be the custodian of and responsible for all maps, plats, profiles, field notes, and other records and memoranda belonging to the city pertaining to his office, and the work thereof; all of which he shall keep in proper order and condition, with a full index thereof, and all of which he shall turn over to his successor.

5. All maps, plats, profiles, field notes, estimates, and other memoranda or surveys and other professional work, made or done by him, or under his direction or control, during his term of office for the city, shall be the property of the city."

STATE OF CALIFORNIA, }
COUNTY OF HUMBOLDT, } SS.
CITY OF EUREKA. }

And the said W. L. Lambert, as mayor and chief executive of said city, and J. P. Wunderlich, as clerk of said city and ex officio clerk of the council of said city, do hereby certify that they have this day carefully compared the foregoing proposed and ratified amendments to the charter of said city of Eureka with the original ordinances, numbered 520 and 521, respectively, proposing said amendments, respectively, and submitting them to the qualified electors of said city at a general municipal election held in said city on the 21st day of June, 1909, and with the proceedings of the council of said city on file in the office of said clerk, subject to the passage of said ordinances and relating to the adoption of said amendments, and from said comparison and examination they find, and hereby certify that the foregoing contains a full, exact, true and correct copy of said charter amendments to the charter of said city.

And we further hereby certify that the facts set forth in the preamble, in this certificate preceding said amendments to said charter, are, and each of them is, true.

And, for and on behalf of said city, we being hereinbefore duly authorized, we do hereby request the legislature of the State of California to adopt and approve each of said amendments to said charter, as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF, We have hereunto set our hands and caused our signatures, authenticated by the official seal of

said city, to be hereunto attached, this 15th day of December, A. D. 1910.

W. L. LAMBERT,

Mayor and Chief Executive of the City of Eureka.

[SEAL OF THE
CITY OF EUREKA.]

Attest: J. P. WUNDERLICH,

City Clerk of the City of Eureka; ex officio Clerk
of the Council of the City of Eureka.

Now, therefore, be it

Resolved by the senate of the State of California, the assembly thereof concurring, (a majority of all members elected to each house, voting for the adoption of this resolution, and concurring therein), That the said amendments to the said charter of said city of Eureka, hereinbefore set forth as presented and submitted to and adopted and ratified by the qualified electors of said city of Eureka, be and the same are hereby approved as a whole for and as amendments to and as part of the said charter of said city of Eureka.

CHAPTER 49.

Senate Concurrent Resolution No. 12, approving ten certain amendments to the charter of the city of Palo Alto, county of Santa Clara, State of California, voted for and ratified by the qualified electors of the said city of Palo Alto, at a special municipal election held therein for that purpose on the first day of February, 1911.

[Filed with Secretary of State March 24, 1911.]

Amend-
ments to
Palo Alto
charter.

WHEREAS, The city of Palo Alto, in the county of Santa Clara, State of California, contains a population of more than thirty-five hundred inhabitants, and has been, ever since the year 1909, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight of article XI of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city, at a special election held for that purpose on the 21st day of January, A. D. 1909, and approved by the legislature of the State of California on the 20th day of February, 1909 (Statutes of 1909, page 1175); and

WHEREAS, The city council of the said city of Palo Alto did by ordinance duly adopted by said city council and approved by the mayor of said city on the 22d day of November, 1910, and pursuant to section 8, of article XI of the constitution of the State of California, duly propose to the qualified electors of said city of Palo Alto, certain amendments to the charter of said city of Palo Alto, to be submitted to the said qualified electors at a special municipal election to be held in said city on the first day of February, 1911; said amendments being sixteen in number; and

WHEREAS, Said proposed amendments were, and each of them was, published for twenty days in a daily newspaper printed and published in said city of Palo Alto, and having a general circulation therein, to wit: The Daily Palo Alto Times; said publication beginning on the 23d day of November, 1910, and ending the 16th day of December, 1910; and

WHEREAS, The city council of said city did by said ordinance, duly adopted by said city council and approved by the mayor of said city, order the holding of a special municipal election in said city of Palo Alto on the first day of February, 1911, said day being at least forty days after the publication of said proposed amendments for twenty days in said daily newspaper of general circulation in said city of Palo Alto, to wit: The Daily Palo Alto Times, and did provide in said ordinance for the submission of the proposed charter amendments numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, and alternative amendments numbers 3, 4 and 5, to the qualified electors of said city for their ratification at said election; and

WHEREAS, Said election was duly called and held on said first day of February, 1911, and at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify ten of the proposed amendments to said charter; and

WHEREAS, The city council of the said city of Palo Alto, in accordance with the law in such cases made and provided, did meet on Wednesday, the 8th day of February, 1911, at their usual time and place of meeting, and duly canvass the returns of said election as certified by the election boards, and duly found, determined and declared that a majority of the qualified electors of said city voting thereon had voted for and ratified ten of said proposed amendments to the charter of said city of Palo Alto; and

WHEREAS, The council of the city of Palo Alto are in doubt as to the legality of the ratification and adoption of amendment number seven, owing to an error in the instructions to voters on said specific amendment number seven; therefore said amendment number seven is herein set forth as a distinct and separate amendment for the consideration of the legislature without prejudice to the nine other amendments herein set forth;

That said amendment number seven is in words and figures as follows, to wit:

CHARTER AMENDMENT NUMBER SEVEN.

Section 7 of article 9 of the charter of the city of Palo Alto shall be amended to read as follows:

No member of the council shall hold any office or employment the compensation for which is paid out of municipal moneys; or be elected or appointed to any office created, or the compensation of which is increased by the council while he was a member thereof, until one year after the expiration of the term for which he was elected.

Members
of council
not to hold
other city
offices.

WHEREAS, The said nine subsequent amendments to the charter so ratified by a majority of the qualified electors of said city voting at said election are in words and figures as follows, to wit:

CHARTER AMENDMENT NUMBER EIGHT.

Article 9 of the charter of the city of Palo Alto shall be amended by adding thereto a new section, to be known as section 10, and to read as follows:

Construction of public buildings let to lowest bidder.

Section 10. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, done under and by authority of the laws of the State of California creating a bonded indebtedness of the municipality, or done under and by authority of any of the street laws of the State of California, which laws are hereby made a part of this charter, the work shall be let to the lowest responsible bidder; *provided, however,* the council may reject any and all bids if deemed excessive, and readvertise for bids or provide for the work to be done by the department of public works. In case no bid is received, the council may likewise provide for the work to be done by the department of public works.

When the estimate of the cost of said work by the city engineer shows that said work can be done for an equal or less cost than that of the lowest bid, then any of the work herein mentioned may be done by the department of public works, and the said department shall be deemed the contractor, with the right to enforce all liens, and with the same powers, rights, duties and obligations as are made and provided by the laws of the state for contractors who have entered into contracts to do such work as the lowest responsible bidder.

The council shall have power to adopt ordinances for the purpose of carrying out these provisions and such ordinances shall be supplemental to the existing laws of the state, and shall have the same force and effect.

CHARTER AMENDMENT NUMBER NINE.

Article 9 of the charter of the city of Palo Alto shall be amended by adding thereto a new section to be known as section 11, and to read as follows:

Care of grass plots along streets.

Section 11. Upon a petition of the owners of the majority of the frontage abutting upon any street or part thereof, the council shall have the power by ordinance to require, or provide, or adopt general law or laws for the planting, maintenance, or care of grass plots between the sidewalk and roadway in such street or part thereof, and to make the cost thereof a lien and charge upon the abutting property, and to make provisions for the enforcement of such liens by the sale of property or otherwise.

CHARTER AMENDMENT NUMBER TEN.

Article 9 of the charter of the city of Palo Alto shall be amended by adding thereto a new section, to be known as section 12, and to read as follows:

Section 12. The council shall have power, by ordinance, to require or provide for the removal of grass, weeds or other obstructions from the sidewalks, parkings or streets and to make the cost of same a lien or charge against the abutting property, and to make provision for the enforcement of such liens by the sale of property or otherwise.

Removal of obstructions from sidewalks.

CHARTER AMENDMENT NUMBER ELEVEN.

Article 9 of the charter of the city of Palo Alto shall be amended by adding thereto a new section to be known as section 13, and to read as follows:

Section 13. The council shall have power, by ordinance, to require or provide for the removal from property, lands, or lots, all weeds, rubbish or other material which may endanger or injure neighboring property, or the health or welfare of the residents of the vicinity, and to make the cost thereof a lien or charge upon such property, lands, or lots, or otherwise.

Removal of weeds, etc., from lots.

CHARTER AMENDMENT NUMBER TWELVE.

Article 9 of the charter of the city of Palo Alto shall be amended by adding thereto a new section to be known as section 14, and to read as follows:

Section 14. The council shall have the power, by ordinance, to enforce the laying of sewer, water or gas pipes or other mains or conduits on streets to be improved before the same are improved; and to require the owners of real property fronting upon any street, lane, alley, or other public place, in which there are or in which it is proposed to be constructed sewer, water or gas pipes, or other mains or conduits, to connect their several premises therewith, or to cause such connection to be made, and to make the cost of same a lien upon the property so connected, and to make provision for the enforcement of such lien by the sale of property or otherwise.

Enforce laying of sewers, etc.

CHARTER AMENDMENT NUMBER THIRTEEN.

Article 9 of the charter of the city of Palo Alto shall be amended by adding thereto a new section to be known as section 13a, and to read as follows:

Section 13a. The city of Palo Alto shall have the power to repair or improve all streets or avenues in said city upon which street railway tracks are laid between the rails of said tracks and for two feet on either side thereof; said city shall also have the power to repair all excavations made in streets by any public service corporation, company or person.

Improvement of streets.

All said work done by the city on account of street railways or excavations to be a lien upon any property of the corporation, company or person on whose account the work is done.

The person, company or corporation owning or operating any street railway in said city shall pay to the city one third of the annual cost of watering, oiling, or otherwise treating such streets for laying dust thereon.

The council shall have power to adopt ordinances for the purpose of carrying out and enforcing this provision.

CHARTER AMENDMENT NUMBER FOURTEEN.

Article 8 of the charter of the city of Palo Alto shall be amended by adding a new section thereto, to be known as section 4, and to read as follows:

Vote on
initiative
ordinance.

Section 4. The majority vote of the electors required to pass an initiative ordinance, as provided by section 2 of this article, shall be not only a majority of the votes cast on the ordinance, but shall be an affirmative vote on such ordinance equal to a majority of the total number of those cast at the last preceding general municipal election.

CHARTER AMENDMENT NUMBER FIFTEEN.

Article 7 of the charter of the city of Palo Alto shall be amended by adding thereto a new section, to be known as section 8, and to read as follows:

Powers of
police
judge.

Section 8. The judge of said police court shall have power to administer oaths, take and certify affidavits in the same manner and like effect as justices of peace. He shall have and use a seal, on which shall be engraved the arms of the state and the words: "Judge of the Police Court of the City of Palo Alto."

He shall have power to issue warrants, writs and summons in all respects as if issued by the justice of peace.

Any warrant, writ or summons issued out of said court may be served in any county of the state; *provided*, that there is attached to it a certificate under seal by the county clerk of Santa Clara county to the effect that the person issuing same was the acting judge of said court at the time of the issuance of said process.

Justice of
peace may
act.

Any justice of peace of Palo Alto township shall possess the same powers herein conferred upon the police court of said city, and in case of the disability or absence, or upon the request of the judge of said court, shall act as judge of said court; but the authority herein conferred upon said justice of the peace shall not be construed as impairing, reducing or taking from the police judge any right, power or jurisdiction vested in him.

CHARTER AMENDMENT NUMBER SIXTEEN.

Article 7 of the charter of the city of Palo Alto shall be amended by adding thereto a new section, to be known as section 9, and to read as follows:

Chief of
police.

Section 9. The chief of police shall be appointed by the board of public safety. He shall have the same powers that are now, or may be hereafter conferred upon sheriffs by the laws of the state, and shall in all respects be entitled to the same protection. He shall serve, and is hereby authorized to execute and return all processes, both civil and criminal, issued and directed to him by any legal authority; and

WHEREAS, The said proposed amendments to the charter of the city of Palo Alto so ratified are now submitted to the legislature of the State of California, for approval or rejection

without power of alteration or amendment in accordance with section eight of article XI of the State of California.

STATE OF CALIFORNIA,
 COUNTY OF SANTA CLARA, } SS.
 CITY OF PALO ALTO. }

This is to certify that we, Charles B. Wing, mayor of the city of Palo Alto, and Frank Kasson, clerk of the city of Palo Alto, have compared the foregoing proposed and ratified amendments to the charter of the city of Palo Alto, with the original ordinance proposing such amendments and submitting the same to the qualified electors of said city at a special municipal election, called for that purpose on Wednesday the first day of February, 1911, and find that the foregoing is a full, true, correct and exact copy thereof and of each of them, and we further certify that the facts set forth in the preamble preceding such amendments to said charter are and each of them is true, save and excepting, that as to amendment number seven, hereinbefore separately set forth, Charles B. Wing, as mayor of said city, refuses to certify said amendment number seven as having been duly and legally adopted at said election by the voters of said city of Palo Alto, on the ground that said electors were misled in casting their vote on said amendment number seven by reason of the fact that in the "Instructions to Voters" an error was made as to said amendment number seven only at said election; that this reservation or refusal to certify as to amendment number seven is made without prejudice to amendments numbers eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen and sixteen hereinbefore set forth;

That as to all of said amendments, except amendment number seven, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the corporate seal of the city of Palo Alto to be attached this 9th day of February, 1911.

[SEAL]

CHAS. B. WING,
 Mayor.

FRANK KASSON,
 City Clerk of the City of Palo Alto.

AND WHEREAS, The said ten amendments so ratified as hereinbefore set forth have been duly presented and submitted to the legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with said section 8 of article XI, of the constitution of the State of California; now, therefore, be it

Resolved by the senate of the State of California, the assembly concurring, (a majority of all members elected at each house voting for the adoption of this resolution and concurring therein). That the said ten amendments to the said charter of the city of Palo Alto hereinbefore set forth as presented and

submitted to, and adopted and ratified by the qualified electors of said city, be and the same are hereby approved as a whole for, and as amendments to, the said charter of said city of Palo Alto.

CHAPTER 50.

Senate Joint Resolution No. 6, relating to the acquisition by the United States of the Calaveras big trees.

[Filed with Secretary of State March 24, 1911.]

WHEREAS, The lands upon which the Calaveras big trees are standing, though patented and subject to private ownership, are included within a United States forest reserve;

WHEREAS, The policy of maintaining such reserve demands that said lands and said trees should become a part thereof and thereafter dedicated to the public forever;

WHEREAS, The danger that those at present in control thereof may make commercial use of one of the priceless gifts of nature to mankind should be averted; therefore, be it

Calaveras
Big Trees.

Resolved, by the senate and the assembly, jointly, That the legislature of the State of California, memorializes the congress of the United States to acquire by purchase, or otherwise, the lands containing the two famous groves, known as the Calaveras Big Trees, and thus protect and conserve them in a public park: be it further

Resolved, That our senators and representatives in congress be requested to use all honorable means to secure the passage of a measure to acquire said groves of big trees and adjacent lands for the uses and purposes aforesaid; be it further

Resolved, That a copy of these resolutions be forwarded to the president of the United States, the secretary of the interior, the secretary of agriculture and to our senators and representatives in congress.

CHAPTER 51.

Assembly Constitutional Amendment No. 25, a resolution to propose to the people of the State of California an amendment to the constitution of the State of California by amending section 13 of article XX thereof, relating to the manner of electing officers of cities and the number of votes necessary to constitute a choice.

[Filed with Secretary of State March 24, 1911.]

Constitutional
amendment.

The legislature of the State of California at its regular session commencing the second day of January, in the year one thousand nine hundred and eleven, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof hereby propose that section 13 of article XX of the constitution of the State of California be amended so as to read as follows:

Section 13. A plurality of the votes given at any election shall constitute a choice where not otherwise directed in this constitution; *provided*, that it shall be competent in all charters of cities, counties or cities and counties framed under the authority of this constitution to provide the manner in which their respective elective officers may be elected and to prescribe a higher proportion of the vote therefor; *and provided, also*, that it shall be competent for the legislature by general law to provide the manner in which officers of municipalities organized or incorporated under general laws may be elected and to prescribe a higher proportion of the vote therefor.

Votes
necessary
to elect.

CHAPTER 52.

Assembly Constitutional Amendment No. 50, a resolution to propose to the people of the State of California an amendment to sections twenty and twenty-one of article twelve of the constitution of the State of California relating to railroads and other transportation companies.

[Filed with Secretary of State March 24, 1911.]

The legislature of the State of California at its regular session commencing on the second day of January, one thousand nine hundred and eleven, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof hereby proposes the following amendment to article XII of the constitution of the State of California.

Constitutional
amendment.

First. Section twenty of article XII is hereby amended to read as follows:

Section 20. No railroad or other transportation company shall raise any rate of charge for the transportation of freight or passengers or any charge connected therewith or incidental thereto, under any circumstances whatsoever, except upon a showing before the railroad commission provided for in this constitution, that such increase is justified, and the decision of the said commission upon the showing so made shall not be subject to review by any court except upon the question whether such decision of the commission will result in confiscation of property.

Increase of
railroad
rates.

Second. Section twenty-one of article XII is hereby amended to read as follows:

Section 21. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this state. It shall be unlawful for any railroad or other transportation company to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer

Discrimination in
transportation
charges.

distance, or to charge any greater compensation as a through rate than the aggregate of the intermediate rates; *provided, however,* that upon application to the railroad commission provided for in this constitution such company may, in special cases, after investigation, be authorized by such commission to charge less for longer than for shorter distances for the transportation of persons or property and the railroad commission may from time to time prescribe the extent to which such company may be relieved from the prohibition to charge less for the longer than for the shorter haul. The railroad commission shall have power to authorize the issuance of excursion and commutation tickets at special rates. Nothing herein contained shall be construed to prevent the railroad commission from ordering and compelling any railroad or other transportation company to make reparation to any shipper on account of the rates charged to said shipper being excessive or discriminatory; *provided,* no discrimination will result from such reparation.

CHAPTER 53.

Assembly Constitutional Amendment No. 6, a resolution proposing to the people of the State of California an amendment to section twenty-two of article twelve of the constitution of the State of California creating a railroad commission and defining its powers and duties.

[Filed with Secretary of State March 24, 1911.]

Constitutional amendment.

The legislature of the State of California, at its regular session, commencing on the second day of January, one thousand nine hundred and eleven, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the people of the State of California that section twenty-two of article XII of the constitution of the State of California be amended so as to read as follows:

Railroad commission.

Section 22. There is hereby created a railroad commission which shall consist of five members and which shall be known as the railroad commission of the State of California. The commission shall be appointed by the governor from the state at large; *provided,* that the legislature, in its discretion, may divide the state into districts for the purpose of such appointments, said districts to be as nearly equal in population as practicable; *and provided, further,* that the three commissioners in office at the time this section takes effect shall serve out the term for which they were elected, and that two additional commissioners shall be appointed by the governor immediately after the adoption of this section, to hold office during the same term. Upon the expiration of said term, the term of office of each commissioner thereafter shall be six years, except the commissioners first appointed hereunder after such expiration, one of whom shall be appointed to hold office until Janu-

ary 1, 1917, two until January 1, 1919, and two until January 1, 1921. Whenever a vacancy in the office of commissioner shall occur, the governor shall forthwith appoint a qualified person to fill the same for the unexpired term. Commissioners appointed for regular terms shall, at the beginning of the term for which they are appointed, and those appointed to fill vacancies, shall, immediately upon their appointment, enter upon the duties of their offices. The legislature shall fix the salaries of the commissioners, but pending such action the salaries of the commissioners, their officers and employees shall remain as now fixed by law. The legislature shall have the power, by a two-thirds vote of all members elected to each house, to remove any one or more of said commissioners from office for dereliction of duty or corruption or incompetency. All of said commissioners shall be qualified electors of this state, and no person in the employ of or holding any official relation to any person, firm or corporation, which said person, firm or corporation is subject to regulation by said railroad commission and no person owning stock or bonds of any such corporation or who is in any manner pecuniarily interested therein, shall be appointed to or hold the office of railroad commissioner. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. The act of a majority of the commissioners when in session as a board shall be deemed to be the act of the commission; but any investigation, inquiry or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner designated for the purpose by the commission, and every order made by a commissioner so designated, pursuant to such inquiry, investigation or hearing, when approved or confirmed by the commission ordered filed in its office, shall be deemed to be the order of the commission.

Said commission shall have the power to establish rates of charges for the transportation of passengers and freight by railroads and other transportation companies, and no railroad or other transportation company shall charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or freight, or for any service in connection therewith, between the points named in any tariff of rates, established by said commission, than the rates, fares and charges which are specified in such tariff. The commission shall have the further power to examine books, records and papers of all railroad and other transportation companies: to hear and determine complaints against railroad and other transportation companies; to issue subpoenas and all necessary process and send for persons and papers; and the commission and each of the commissioners shall have the power to administer oaths, take testimony and punish for contempt in the same manner and to the same extent as courts of record; the commission may prescribe a uniform system of accounts to be kept by all railroad and other transportation companies.

Additional
powers.

No provision of this constitution shall be construed as a limitation upon the authority of the legislature to confer upon the railroad commission additional powers of the same kind or different from those conferred herein which are not inconsistent with the powers conferred upon the railroad commission in this constitution, and the authority of the legislature to confer such additional powers is expressly declared to be plenary and unlimited by any provision of this constitution.

The provisions of this section shall not be construed to repeal in whole or in part any existing law not inconsistent herewith, and the "Railroad Commission Act" of this state approved February 10, 1911, shall be construed with reference to this constitutional provision and any other constitutional provision becoming operative concurrently herewith. And the said act shall have the same force and effect as if the same had been passed after the adoption of this provision of the constitution and of all other provisions adopted concurrently herewith, except that the three commissioners referred to in said act shall be held and construed to be the five commissioners provided for herein.

CHAPTER 54.

Senate Concurrent Resolution No. 18, inviting the national encampment of the Grand Army of the Republic to hold its forty-sixth annual encampment in the city of Los Angeles, California.

[Filed with Secretary of State March 25, 1911.]

WHEREAS, The Grand Army of the Republic, representing and composed of the survivors of the great army of the Union which fought the battles for the integrity of the republic from 1861 to 1865, has during its forty-five years of existence held its annual encampment but twice on the Pacific coast, viz., in San Francisco in 1886 and again in San Francisco in 1903; and

WHEREAS, The people of the State of California are desirous of again seeing this gallant body of men, once the flower of the youth and manly strength of the country, now well advanced in years, as the guests of the State of California, that its people may be enabled to extend to them the hospitality of highly honored guests, and that the children of the state may have the opportunity of seeing those who have been spared of that Grand Army, thereby inciting them to an increased reverence to the principles of patriotism which a passing through our streets under the tattered battle-flags of a half century ago can not fail to inspire; and

WHEREAS, An invitation was extended by the governor and the state legislature to the national encampment of the Grand Army of the Republic to hold its session in Los Angeles in 1911, but in the wisdom of the national encampment it was found impossible to accept this invitation for that year; and

WHEREAS, The three Grand Army posts of Los Angeles, Bartlett-Logan No. 6, Stanton No. 55 and Kencsaw No. 106, and the Department of California and Nevada G. A. R. through its council of administration have renewed their invitation to the Grand Army to hold its forty-sixth national encampment in Los Angeles in 1912; now, therefore, be it

Resolved by the senate of the State of California, the assembly thereof concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), That the forty-sixth national encampment of the Grand Army of the Republic be, and is hereby, invited to hold its annual encampment in the year 1912 in the city of Los Angeles, State of California.

Grand Army of the Republic invited to Los Angeles.

CHAPTER 55.

Senate Concurrent Resolution No. 19, approving fourteen certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city of Los Angeles at a special municipal election held therein on the 6th day of March, 1911.

[Filed with Secretary of State March 25, 1911.]

WHEREAS, The city of Los Angeles, in the county of Los Angeles, State of California, contains a population of over one hundred thousand (100,000) inhabitants and has been ever since the year 1889 and is now organized and acting under a freeholders' charter adopted under and by virtue of section 8 of article XI of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of October, 1888, and approved by the legislature of the State of California on the 31st day of January, 1889 (Statutes of 1889, p. 455), and,

Amendments to Los Angeles charter.

WHEREAS, The city council of said city of Los Angeles did, by ordinance designated as Ordinance No. 21557 (new series), adopted by said city council on the 30th day of December, 1910, and approved by the mayor of said city on the 30th day of December, 1910, and pursuant to section 8 of article XI of the constitution of the State of California, duly propose to the qualified electors of said city of Los Angeles fourteen certain amendments, hereinafter set forth, to the charter of said city, to be submitted to said qualified electors at a special municipal election to be held in said city on the 6th day of March, 1911; and,

WHEREAS, Said fourteen proposed amendments hereinafter set forth were and each of them was published for twenty days in a daily newspaper printed and published in said city and of general circulation therein, to wit, "The Los Angeles

Daily Journal," said publication ending on the 23rd day of January, 1911; and,

WHEREAS, Thereafter the city council of said city did, by an ordinance designated as Ordinance No. 21755 (new series), which was duly adopted on the 31st day of January, 1911, order the holding of a special municipal election in said city of Los Angeles on the 6th day of March, 1911, which last mentioned date was at least forty days after the publication of said fourteen proposed amendments hereinafter set forth, for twenty days in said daily newspaper of general circulation in said city of Los Angeles, to wit, "The Los Angeles Daily Journal," and did provide in said ordinance for the submission of said fourteen proposed amendments to the said charter to the qualified electors of said city for their ratification at said special municipal election, which said ordinance was approved by the mayor of said city on the 31st day of January, 1911, and was published for at least ten days prior to the time appointed for the holding of said election in "The Los Angeles Daily Journal," a daily newspaper printed and published in said city; and,

WHEREAS, At said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each and all of said fourteen proposed amendments hereinafter set forth to said charter; and,

WHEREAS, The city council of said city of Los Angeles, at a regular meeting thereof held within ten days after said election, duly canvassed the returns of said special election and duly found, determined and declared that a majority of such qualified electors voting thereon had voted for and ratified each and all of the said fourteen proposed amendments to said charter; and,

WHEREAS, The mayor and city clerk of said city of Los Angeles did, on the 7th day of March, 1911, duly certify to the submission to the electors of said city of Los Angeles of said fourteen proposed amendments to said charter and to the ratification of said fourteen amendments and did further certify to a copy of said proposed amendments, authenticated by the seal of the said city of Los Angeles, which said certificate is in words and figures following, to wit:

STATE OF CALIFORNIA, }
 COUNTY OF LOS ANGELES. } SS.
 CITY OF LOS ANGELES. }

CERTIFICATE OF RATIFICATION OF PROPOSED CHARTER AMENDMENTS TO THE CHARTER OF THE CITY OF LOS ANGELES.

Certificate
of ratification.

We, the undersigned, Geo. Alexander, mayor of the city of Los Angeles, State of California, and Lorin A. Handley, city clerk of said city, do hereby certify as follows, to wit:

That the city of Los Angeles, in the county of Los Angeles, State of California, contains a population of over one hundred thousand (100,000) inhabitants and has been ever since the year 1889 and is now organized and acting under a free-

holders' charter adopted under and by virtue of section 8 of article XI of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of October, 1888, and approved by the legislature of the State of California on the 31st day of January, 1889, (Statutes of 1889, p. 455);

That the city council of said city of Los Angeles did, by Ordinance No. 21557 (new series), adopted by said council on the 30th day of December, 1910, approved by the mayor of said city on the 30th day of December, 1910, and pursuant to section 8 of article XI of the constitution of the State of California, duly propose to the qualified electors of said city of Los Angeles certain amendments to the charter of said city, to be submitted to the qualified electors at a special municipal election to be held in said city on the 6th day of March, 1911, which said amendments were and are in words and figures as follows, to wit:

Charter Amendment Number One.

That article I of the charter be amended to read as follows:

ARTICLE I.

INCORPORATION AND POWERS.

SECTION 1. The municipal corporation now existing and known as "The City of Los Angeles," shall continue to be a municipal corporation under the same name and with the same boundaries that it now has, to wit:

Beginning at the northwest corner of section 2, township 1^{Bound-} south, range 14 west, S. B. M.; thence south along the west line of said section to the south line of lot 46 of Hollywood Heights, as shown on a map recorded in book 1, page 48, of maps, records of Los Angeles county, State of California; thence westerly, northerly, westerly, southerly and westerly along the southerly line of said lot 46, to the west line of said lot; thence west along the east and west center line of section 3 of the township and range hereinbefore mentioned, to the west line of said section 3; thence south along the said west line to the northwesterly line of the Rancho La Brea; thence southwesterly along the northwesterly line of said rancho to the north line of section 9 of the township and range hereinbefore mentioned; thence west along the north line of said section 9 to the northeast corner of section 8 of said township and range; thence west along the north line of said section 8 a distance of eight chains; thence southerly and parallel to and distant eight chains west of the east line of said section 8 to the south line of the northeast quarter of said section 8; thence easterly along said line to the west line of Crescent avenue, as said avenue is shown on a map recorded in book 54, page 52, of miscellaneous records of said county; thence south along the west line of said Crescent avenue to the north line of Fountain avenue, as shown on said map, produced westerly; thence easterly along said

Bound-
aries.

prolongation and the north line of said Fountain avenue to its intersection with the easterly line of La Brea avenue (formerly Plummer street), as shown on map of Tonner and Garbutt's subdivision of the S. W. Little Tract, as recorded in book 19, page 30, of miscellaneous records of said county; thence south along the easterly line of said La Brea avenue to the north line of Fountain avenue, as shown on map of Hollywood square recorded in book 9, page 77, of maps, records of said county; thence easterly along the present north line of Fountain avenue to a point distant 225 feet westerly of the center line of Seward street, as shown on the map of Colegrove recorded in book 53, page 10, of miscellaneous records of said county; thence south 6 minutes east parallel to that portion of said Seward street lying north of Santa Monica avenue and its southerly prolongation, to an intersection with the northerly prolongation of the westerly line of Victoria Park, as recorded in book 12, page 2, of maps, records of said county; thence southerly along said prolongation and the westerly line of said Victoria Park and its southerly prolongation, to its intersection with the westerly prolongation of the southerly line of that portion of the right of way of the Los Angeles Pacific Railway Company lying southerly of said Victoria Park and easterly of Sherman drive, as shown on the map of said Victoria Park; thence easterly along the said production and the southerly line of the right of way of said railway company, to the northwest corner of lot 24 of the Crenshaw Boulevard Tract, as recorded in book 8, page 68, of maps, records of said county; thence southerly along the westerly line of said Crenshaw Boulevard Tract and the westerly line of Jackins Arlington Heights Tract, as recorded in book 8, page 22, of maps, records of said county, and the southerly prolongation of the last mentioned line, to an iron pipe in the center line of Washington street, as shown on the county surveyor's map No. 5330, on file in the office of the county surveyor of said county; thence southerly in a direct line to the northwest corner of lot 1 of Harry Jackins Tract No. 2, as recorded in book 9, page 133, of maps, records of said county; thence southerly along the westerly line of said last mentioned tract to the southwest corner of lot 50 of said tract; thence southeasterly in a direct line to the southeast corner of lot 61 of said tract; thence southeasterly in a direct line to the southeast corner of lot 14 of the Home Villa Tract, as recorded in book 72, page 25, of miscellaneous records of said county; thence southerly in a direct line to a point in the southerly line of Adams street, said point being distant 47.30 feet easterly from the north common corner of lots 12 and 13 of said Home Villa Tract; thence easterly along the south line of Adams street, 65.15 feet to its intersection with the southerly line of Montclair street; thence south $37^{\circ} 3'$ east along the southerly line of Montclair street and its southerly prolongation, a distance of 1216.60 feet to an iron pipe; thence south $63^{\circ} 38'$ east parallel to and distant 201.3 feet from the center line of a portion of Montclair street, a

distance of 596.3 feet to an iron pipe in the line between lots 3 and 5 of the hereinbefore mentioned Home Villa Tract; thence south $89^{\circ} 58'$ east, parallel to and distant 180 feet from the center line of the third portion of Montclair street, a distance of 270 feet to an iron pipe; thence south $4'$ west, parallel to Eighth avenue, in the West Jefferson and Seventh Avenue Tract, as recorded in book 11, page 133, of maps, records of said county, to the intersection of the center line of West Jefferson street with the westerly line of said West Jefferson and Seventh Avenue Tract; thence southerly along the westerly line of said tract and its southerly prolongation to the southeast corner of lot 4 of the hereinbefore mentioned Home Villa Tract; thence south $15^{\circ} 37'$ west, parallel to the west line of the depot grounds of the Southern Pacific railroad as inclosed, a distance of 465 feet to an iron pipe set 40 inches in the ground; thence south $74^{\circ} 23'$ east a distance of 3064.75 feet to an intersection with the easterly boundary line of the Rancho Cienega ó Paso De La Tijera; thence northerly along the easterly line of said rancho a distance of 40 feet to the north line of section 11, township 2 south, range 14 west, S. B. M.; thence east along the north line of said section to the northwest corner of the northeast quarter of said section; thence south along the north and south center line of sections 11, 14, 23 and 26, township 2 south, range 14 west, S. B. M. to the south line of said section 26; thence east along the south line of sections 26 and 25 of said township and range, and of section 30, township 2 south, range 13 west, S. B. M., to a point 10 feet distant east of the range line dividing said ranges 13 and 14; thence south running parallel to and 10 feet distant east of said range line, to its intersection with the northerly line of the Gardena Tract of the Rancho San Pedro, as recorded in book 8, page 89, of maps, records of said county, and in book 43, page 5, of miscellaneous records of said county; thence southwestwardly along the northerly line of said tract to its intersection with a line parallel to and 10 feet distant east of the center line of Orange avenue, as shown on the map of the said Gardena Tract; thence southerly along a line parallel to and 10 feet distant east of the center line of said Orange avenue, to its intersection with the northerly line of lot 4 of the partition of the estate of J. B. Ducazu, recorded in book 59, pages 15 and 16, of miscellaneous records of said county; thence southerly in a direct line to the northeast corner of block 107 of the McDonald Tract of Rancho San Pedro, recorded in book 15, pages 21 and 22, of miscellaneous records of said county; thence southwestwardly and westerly along the northerly line of said block 107 and of block 105 of said tract, to the northwest corner of said block 105; thence northwardly in a direct line to the southeast corner of lot 1 of the townsite of Avery, as recorded in book 2, page 61, of maps, records of said county; thence westerly in a direct line to the southeast corner of block 72 of the hereinbefore mentioned McDonald Tract; thence southerly in a direct line to the southeast corner of block 70 of said McDonald Tract; thence south-

Bound-
aries.

Bound-
aries.

erly in a direct line to the northeast corner of lot 14 of Peck's subdivision of lot J and a portion of lot II of the partition of Rancho Los Palos Verdes, as per recorder's filed map No. 141, and as shown on map found in book 4, page 48, of licensed surveys, records of said county; thence southerly along the easterly line of said lot 14 to the southeast corner of said lot; thence southeasterly in a direct line to the point of intersection of the northerly prolongation of the westerly line of Meyler street of the city of San Pedro, as said city existed prior to its consolidation with the city of Los Angeles. with the southerly line of lot 1 of the subdivision of lot M of the original partition of Rancho Los Palos Verdes, as shown on map found in book 1, page 47, of licensed surveys, records of said county: thence westerly along the southerly line of said lot 1 to its intersection with the northerly prolongation of the westerly line of that portion of Meyler street lying between First street and Seventh street in the said city of San Pedro; thence southerly along said prolongation and the westerly line of said Meyler street to its intersection with the northerly line of said Seventh street; thence southerly in a direct line to the northeast corner of block 22 of Peck's Grand View Tract, as recorded in book 8, page 79, of maps, records of said county; thence westerly along the northerly line of said Peck's Grand View Tract, to the northwest corner of said tract, being in the westerly line of Leland street of said tract; thence southerly along the westerly line of said Leland street to its intersection with the northerly line of Hamilton avenue; thence northeasterly along the northerly line of Hamilton avenue to its intersection with the westerly line of Gaffey street from the north (formerly Helena street of said city of San Pedro); thence due south to the southerly boundary line of the county of Los Angeles; thence easterly along the southerly boundary line of the said county, to a point due south of the northwest corner of block 10 of the townsite of East San Pedro, as recorded in book 52, pages 13 to 18, inclusive, of miscellaneous records of said county; thence due north to the northwest corner of said block 10; thence northeasterly across intervening streets by straight lines, and along the northerly line of blocks 10, 11, 12 and 13 of said townsite, to the northwest corner of block 14 of said townsite; thence northwesterly in a direct line to the southeast corner of lot 2 of Terminal island, as shown on recorder's filed map No. 133, records of said county; thence northwesterly along the northeasterly line of said lot 2, to the northeast corner of said lot; thence northeasterly in a direct line to a point, said point being the most easterly point of the city of Wilmington as incorporated on December 26, 1905; thence northwesterly in a direct line to a point in the east line of the right of way of the San Pedro branch of the Southern Pacific Railroad Company, said point being the intersection of the easterly line of said right of way with the easterly prolongation of the northerly line of New San Pedro or Wilmington, as recorded in book 6, pages 66 and 67 of deeds, records of said county: thence

westerly along the said prolongation and the northerly line of the said New San Pedro and the westerly prolongation of said northerly line, to the easterly line of the Rancho Los Palos Verdes, as recorded in book 2, pages 544 and 545 of patents, records of said county; thence southerly along the easterly line of said rancho to the southerly line of the Wilmington and Salt Works road, as shown on map of Peck's subdivision of lot J and a portion of lot H of the partition of Rancho Los Palos Verdes, hereinbefore mentioned; thence westerly along the southerly line of the said Wilmington and Salt Works road, to the northwest corner of lot 3 of the last mentioned Peck's subdivision; thence northerly in a direct line to the intersection of the easterly line of Tomlinson road with the northerly line of Ocean street, as both are shown on a map filed in case No. 3284, in the superior court of Los Angeles county, State of California, entitled "In the matter of the petition of Ana Josefa de Dominguez et al., for partition real property"; said point of intersection being the southwest corner of the real property allotted to Victoria Dominguez de Carson by decree of said court made and filed on June 26, 1885, in the above entitled matter; thence northerly along the easterly line of said Tomlinson road to the northwest corner of the real property allotted to Maria de Los Reyes Dominguez by the aforesaid decree; thence easterly and northeasterly along the northerly line of the last mentioned property to its intersection with the prolongation of the easterly line of Olive street, as shown on the map of the South Gardena tract recorded in book 43, page 39, miscellaneous records of said county; thence northerly in a direct line to the northwest corner of lot 14 of said tract; thence westerly in a direct line to the southwest corner of lot 7 of the Ducazau Tract, recorded in book 53, page 12, also in book 59, pages 15 and 16, both of miscellaneous records of said county; thence northerly in a direct line to the northwest corner of lot 2 of the Gardena Tract, as recorded in book 99, pages 85 and 86, miscellaneous records of said county; thence northeasterly along the northwesterly line of said lot 2 to a point distant 150 feet east of the north and south center line of section 19, township 3 south, range 13 west, S. B. M.; thence north and parallel to and 150 feet distant easterly of the center line of sections 19, 18, 7 and 6 of township 3 south, range 13 west, S. B. M., and of section 31, township 2 south, range 13 west, S. B. M., to south line of section 30 of said township and range; thence east along the south lines of sections 30, 29 and 28 of last mentioned township and range, to a point 40 feet distant easterly of the west line of said section 28; thence north, parallel with and 40 feet distant easterly of the west line of sections 28, 21 and 16, said last mentioned township and range, to a point 50 feet distant northerly of the south line of said section 16; thence east through sections 16 and 15 of said last mentioned township and range, parallel with and 50 feet northerly of the south line of said sections to the westerly line of the street along which the Southern

Bound-
aries.

Pacific railroad tracks are laid (commonly known as Alameda street); thence northerly along the westerly line of said street to the southerly boundary line of the city of Los Angeles, as same is described in charter granted by the legislature of the State of California to said city in the year 1889; thence east along the said south charter boundary line to the southeast corner of said city; thence north to the southeast corner of the patent boundary of the city lands of the city of Los Angeles, as recorded in book 2, pages 38 and 39 of patents, records of said county; thence north along the east patent boundary of said city to the northeast corner of said boundary; thence due north to the southerly line of Highland Park Tract as recorded in book 5, page 145, and in book 6, pages 392 and 393, both of miscellaneous records of said county; thence easterly along said southerly line to its intersection with the center line of Avenue 57 (formerly Garvanza street); thence northerly along the center line of said Avenue 57 to an intersection with the southeasterly line of the right of way of the San Pedro, Los Angeles and Salt Lake Railway Company (formerly the Los Angeles Terminal Railway Company); thence northeasterly along the southeasterly line of said right of way to its intersection with the southerly line of block 55 of Ralph Rogers subdivision of part of Garvanza tract, as recorded in book 12, page 61, of miscellaneous records of said county, thence easterly and northerly along the southerly and easterly line of blocks 55 and 50 of the last mentioned subdivision, to its intersection with the northerly line of the right of way of the Atchison, Topeka and Santa Fe Railway Company (formerly the Southern California Railway Company); thence easterly along the northerly line of said right of way to an intersection with the easterly line of the Rancho San Rafael, as recorded in book 3, pages 220 to 223, inclusive, of patents, records of said county; thence easterly, northeasterly, northerly along the said rancho line to its intersection with the center line of San Pasqual avenue; thence northeasterly along the center line of San Pasqual avenue to its intersection with the easterly prolongation of the southerly line of lot 63, block 17, of the Garvanza addition No. 1, as recorded in book 9, page 45, of miscellaneous records of said county; thence westerly along said prolongation and the south line of lot 63 and its westerly prolongation, to its intersection with the center line of the alley through said block 17; thence northerly along the center line of said alley to its intersection with the easterly prolongation of the northerly line of lot 43 of said block 17; thence westerly along the said prolongation and the northerly line of said lot 43 and its westerly prolongation, to its intersection with the center line of Avenue 66 (formerly Cooper avenue); thence northerly along the center line of said Avenue 66 to its intersection with the San Bernardino base line; thence westerly along the said base line to its intersection with the center line of Avenue 57 (formerly Chicago street), as shown on the map of the New York Tract as recorded in book 19, pages 85 and 86, of miscellaneous rec-

ords of said county; thence southerly along the center line of said Avenue 57 to its intersection with the center line of Aldama street (formerly Aliso avenue), as shown on the last mentioned map; thence westerly along the center line of said Aldama street to the center line of Avenue 54 (formerly Central avenue); thence northerly along the center line of said Avenue 54 to the center line of Aldama street from the west; thence westerly along and following the various courses of the center line of said Aldama street to its intersection with the center line of Avenue 50 (formerly Highland avenue), as shown upon the diagram of the subdivision of the Highland Park Tract as recorded in book 5, page 145, of miscellaneous records of said county; thence southerly along the center line of said Avenue 50 to its intersection with the easterly prolongation of the northerly line of lot 24 of the said subdivision of the Highland Park Tract; thence westerly along the said prolongation and the northerly line of the said lot 24, to the west corner of said lot; thence southerly in a direct line to the north corner of lot 16 of the subdivision of the Hunter Highland View Tract, as recorded in book 4, page 570, of miscellaneous records of said county; thence southerly to the west corner of said lot 16; thence southwesterly to the west corner of lot 15 of the last mentioned subdivision; thence due south to the north patent boundary line of the city of Los Angeles, hereinbefore mentioned; thence west along said patent boundary line to the southwesterly line of the right of way of the Southern Pacific Railroad Company; thence northwesterly along the southwesterly line of said right of way, following the various courses and curves thereof, to its intersection with the easterly prolongation of the northerly line of a strip of land conveyed by A. J. Haney to G. J. Griffith by deed recorded in book 155, page 357, of deeds, records of said county; thence westerly along said prolongation and the northerly line of said strip of land or its westerly prolongation, to its intersection with the easterly boundary line of the land conveyed to the city of Los Angeles by Griffith Jenkins Griffith and Mary Agnes Christina Griffith, his wife, by deed dated March 5, 1898, and recorded March 5, 1898, in book 1226, page 40, of deeds, records of said county; thence northerly, westerly, northwesterly, westerly, southwesterly and southerly following the various courses of the easterly, northerly, northeasterly, northerly, northwesterly and westerly boundary lines of the land conveyed by said deed, to a point in the San Bernardino base line, said point being an angle point in the boundary line of the city of Hollywood, as said city existed prior to its consolidation with the city of Los Angeles; thence westerly along the said base line to the point of beginning.

Boundaries.

SEC. 2. The city of Los Angeles, in addition to any other powers now held by, or that may hereafter be granted to it under the constitution or laws of the state, shall have the right and power:

Powers.

(1) To provide and use a corporate seal, and to alter the same at pleasure.

Powers.

- (2) To sue and be sued in all actions and proceedings.
- (3) To have perpetual succession.
- (4) To provide, by purchase, lease, condemnation, construction or otherwise, and to establish, own, equip, maintain, conduct and operate libraries, reading rooms, art galleries, museums, assembly or convention halls, schools, kindergartens, parks, playgrounds, gymnasiums, baths, public toilets and comfort stations, markets, market houses, abattoirs, municipal lodging houses and tenement houses, dispensaries, infirmaries, hospitals, charitable institutions, free employment bureaus, alms houses, jails, houses of correction, workhouses, farm schools, municipal farms, work farms, detention homes, cemeteries, crematories, morgues, garbage collection and garbage disposal and reduction works, street cleaning and sprinkling plants, quarries, works or plants for the preparation, manufacture, handling or transportation of materials required in the construction, completion, maintenance or repair of any public building, work, improvement or utility; also any and all buildings, establishments, institutions and places, whether situated inside or outside of the city limits, which are necessary or convenient for the transaction of public business or for promoting the health, morals, education or welfare of the inhabitants of the city, or for their amusement, recreation, entertainment or benefit.
- (5) To provide for the care of the sick, the indigent and the helpless.
- (6) To make and enforce all regulations which may be necessary and expedient for the preservation of health, and the prevention of the spread, or of the introduction into the city, of contagious, malignant, infectious, or other diseases.
- (7) To provide for supplying the city and its inhabitants with water, gas and electricity, or any thereof, or with other means of heat, illumination, power or refrigeration; and to acquire, by purchase, lease, condemnation or otherwise, or construct, and to own, maintain, equip and operate, within or without the city, waterworks, and works or plants for the production, transmission or distribution of gas, electricity, heat, refrigeration or power in any of their forms.
- (8) To provide for supplying surplus water, gas or electricity belonging to the city, or the surplus product of any public utility conducted or operated by the city, to other municipal corporations, and to consumers and users outside of the city limits.
- (9) To acquire by purchase, lease, condemnation or otherwise, or construct, and to own, maintain, equip and operate, telephone systems and telegraph systems, or other means of communication; also street railways, railroads and inter-urban railroads, steamships, steamboats, sailing vessels, ferries, or other means of conveyance, by land or water, between points within the city limits, or from points within to points without the city limits, either within or without the State of California for the purpose of transporting passengers and freight, or either.

(10) To improve, maintain and control the water front and ^{Powers.} harbors of the city; to acquire by purchase, lease, condemnation or otherwise, or construct and to maintain, deepen, widen, cover, wall, or alter waterways, channels, slips and canals; and to provide, by purchase, lease, condemnation or otherwise, or construct, and to own, maintain, equip and operate elevators, warehouses, bunkers, wharves, docks, dry docks, piers, marine ways, levees, seawalls, moles, drawbridges, and other structures and appliances for facilitating or accommodating commerce or navigation in waters within the limits of the city.

To license, regulate and control or restrain the landing, anchorage, moorage, and loading and unloading of steamships, steamboats, sailing vessels, tug boats, rafts, and all other water craft, within the jurisdiction of the city; to provide for the appointment of pilots, and to fix the rates of wharfage, dockage, towage, pilotage and tolls, and provide for the collection thereof, and to make and enforce regulations governing the use of harbors and other navigable waters, and the opening and passing of bridges within the city.

(11) To acquire by purchase, lease, condemnation or otherwise, or to construct, and to own, maintain, equip and operate tunnels, conduits, viaducts and subways; to regulate and control the use thereof, and to fix and collect charges for such use.

(12) To fix and collect rates or charges for the use of and for all products of, or service by, any public utility conducted or operated by the city.

(13) To establish, lay out, open, extend, widen, narrow, or vacate, pave or repave, or otherwise improve streets, lanes, alleys, boulevards, crossings, courts, and other highways and public places.

(14) To contribute, whenever the public interest or convenience of the city may require, toward the cost and expense of the construction by any other municipality, or by any county, of any bridge, viaduct, tunnel, or other public work or improvement, situated without, or partly within and partly without, the city, upon such terms and conditions as may be prescribed by ordinance.

(15) To provide, by purchase, lease, condemnation, construction, or otherwise, and to establish, own, equip, maintain and operate sewers, drains, sewage farms, and any other works or plants, within or without the city, for the collection, disposition or purification of the sewage or the storm waters of the city.

(16) To acquire by purchase, condemnation or otherwise or to lease and to hold, manage and control property, both real and personal, within or without the city, necessary or convenient for municipal purposes, or for the exercise of the powers of the corporation.

To acquire, hold and own stock in any corporation owning, controlling or operating any street or interurban railway situated in whole or in part within the limits of the city.

To receive bequests, gifts and donations of all kinds of prop-

Powers.

erty, in fee simple, or in trust for public, charitable or other purposes; and to do all things and acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease, or otherwise handle or dispose of the same, in accordance with the terms of the bequest, gift or donation.

(17) To sell, lease, convey or otherwise dispose of any or all the property of the city, subject to the limitations and exceptions elsewhere in this charter prescribed; *and provided*, that the city shall have no power to mortgage or pledge its property for any purpose.

To sell water, gas, electric current and all products of any public utility operated by the city.

(18) To levy and collect taxes upon real and personal property for municipal purposes; *provided*, that the tax levied for any one year for all municipal purposes, other than the payment of interest on the municipal debt and the redemption of bonds, shall not exceed one dollar on each one hundred dollars worth of taxable property.

(19) To levy and collect, or cause to be levied and collected, assessments upon property according to frontage, or upon property in districts according to benefits, to pay for the improvement of streets, or for the construction in any public street, alley or other public place, or in any right of way owned by the city, of sewers, drains, water or gas mains, and lines and conduits for transmitting electric current, and other pipes, mains, lines and conduits, or for other public improvements.

(20) To levy and collect annually a water assessment upon any lot or parcel of land which abuts on any street, alley or other public place, or portion thereof, in which distributing mains of the municipal water system are laid in front of such lot or parcel of land, and which property is not supplied with water therefrom, for the purpose of defraying the necessary expenses of conducting the department of the city government having charge of the distribution of water, of operating the municipal water works, and of making extensions, betterments and repairs of said works. Said assessments, as collected, shall be deposited in the treasury of the city to the credit of the fund known as the water revenue fund and shall be subject to control and expenditure as in the case of other moneys in said fund.

(21) To license and regulate the carrying on of any and all professions, trades, callings and occupations not prohibited by law; to fix the amount of license tax thereon, and prescribe the manner of enforcing the payment of the same; *provided*, that no discrimination shall be made between persons engaged in the same business, otherwise than by proportioning the tax to the amount of business done.

To license, regulate, restrain, suppress, or prohibit any or all laundries, livery and sale stables, cattle and horse corrals, slaughterhouses, butcher shops, brick yards, dance halls or academies, public billiard or pool halls or tables, bowling and

teapin alleys, boxing contests, sparring or other exhibitions, Powers, shows, circuses, games and amusements.

To license, regulate or prohibit the construction and use of billboards, signs and fences.

(22) To suppress and prohibit prize fights, any and all forms of gambling, or fraudulent devices or practices, and all games of chance and gambling houses or places; and to authorize the confiscation and destruction of all instruments used for gambling, and all articles or goods held, or kept or offered for sale, contrary to law; also to suppress and prohibit any and all obnoxious, offensive, immoral, indecent, disreputable or disorderly houses, practices or places of business.

(23) To provide for the election or appointment of officers other than those designated in this charter, whenever the public necessity or convenience may require, and prescribe their duties and fix their compensation; *provided*, that such duties shall not include any of the duties of any officer designated in this charter, or of his deputies or assistants.

(24) To fix the salaries of all municipal officers, except those whose salaries are fixed by this charter.

(25) To provide and maintain a proper and efficient fire department, and to prescribe and enforce such measures, rules and regulations as may be necessary and expedient for the prevention and extinguishment of fires, and for the protection and preservation of property endangered thereby.

(26) To protect the property of the inhabitants of the city against inundations.

(27) To provide for the collection and disposal of garbage, animal and vegetable refuse, dead animals, ashes, rubbish and waste matter, and all other injurious and inconvenient matter.

(28) To provide for the use, government and control of all property, buildings, institutions and public places of the city.

(29) To incur indebtedness, by the issuance of bonds, for any of the purposes for which the city is authorized to provide, or for carrying out any of the powers possessed by the city; *provided*, that in the procedure for the creation of such bonded indebtedness, and for the issuance of such bonds, the general laws of the State of California, in force at the time such proceedings are taken, shall, so far as applicable, be observed and followed.

(30) To fix and determine the rates or compensation to be collected by any person, firm or corporation, for water, gas, electric current, refrigeration, heat, light, power, telephones, telephone service or connections, or the conveyance of passengers or freight, by means of street railway cars, hacks, cabs, or other cars or vehicles for hire, or for the products of, or service by, any other public utility operated or conducted within the city limits; and to prescribe the character and quality of any public utility service.

To regulate, subject to the provisions of the constitution of the State of California, the construction and operation of railroads, interurban railroads, street railways, or other means

Powers.

of transportation, conduits, waterworks, and works or plants for the production, transmission or distribution of gas, electricity, heat, refrigeration or power, and the works or plants of any other public service utility.

(31) To make the violation of its ordinances a misdemeanor and to prescribe the punishment therefor by fine not to exceed five hundred dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment; *provided, however*, that any person sentenced to imprisonment for any such violation may, upon the order of the court or magistrate before whom the conviction is had, be committed to the city jail, branch city jail, workhouse, work farm, house of correction, detention home or other place provided by the city for the confinement, detention or reformation of offenders, and that any person, upon whom a fine or penalty for any such violation shall be imposed, may, upon the order of the court or magistrate before whom the conviction is had, be so committed until such fine or penalty shall be fully paid, such payment to be made in such manner as shall be provided by ordinance; *and provided, further*, that, in the case of any minor, judgment of fine or imprisonment for any such violation may be suspended upon any conviction had before such court or magistrate upon such terms and conditions as may be prescribed by ordinance.

(32) To provide for the confinement and reformation of vagrants, disorderly persons and persons convicted of violating any city ordinance, or of committing any misdemeanor; to make provision for housing or confining female offenders separately from male offenders, and provision shall be made for confining or housing minor offenders separately from adults; also to provide for the care, training and reformation of minor offenders, delinquents or dependents.

(33) To provide the places at which elections shall be held, and to appoint the officers of election.

(34) To make and enforce within its limits such local, police, sanitary and other regulations as are deemed expedient to maintain the public peace, protect property, promote the public morals and to preserve the health of its inhabitants.

(35) To have and exercise jurisdiction outside of the city, as follows, to wit: Whenever it shall be authorized by the laws of the State of California, the city of Los Angeles shall have jurisdiction outside of its territorial limits, to be exercised by ordinance, for the following purposes:

First—To enforce the health and quarantine regulations of the city in and over all places within one mile beyond its limits, and to make such regulations applicable to such outside territory.

Second—To control or prohibit the erection or maintenance of crematories, or of any offensive or unwholesome business or establishment within one mile outside of the city limits, and to provide for the prevention, suppression or abatement of nuisances in such outside territory.

Third—To suppress or prohibit houses of ill fame or assign- Powers.
nation.

Fourth—To control commerce and navigation in or upon navigable waters to the extent of three miles outside of the limits of the city, and to regulate the use of such waters; *provided, however*, that none of the foregoing powers shall ever be exercised over any territory or waters within the limits of any other municipal corporation.

(36) To exercise all municipal powers necessary to the complete and efficient management and control of the municipal property, and for the efficient administration of the municipal government, whether such powers be expressly enumerated herein or not.

(37) To do all such acts and exercise all such powers as conduce to the public welfare.

(38) To permit the construction of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories or other business industries and enterprises with any line of railroad or railway within the city, upon such terms and subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof; and also for the purpose of excavating or filling in a street or portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer. Such tracks must be laid and operated in such manner and under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the council.

(39) The powers conferred by this article shall be exercised by ordinance, except as otherwise provided in this charter.

(40) Except as otherwise provided in this article, no franchise, right or privilege in, on, through, across, under or over any street, avenue, alley, bridge, viaduct, subway or other public place, and no other franchise whatever granted by the city to any corporation, association or individual, shall be granted except by an ordinance passed by a vote of two thirds of the whole council, nor for a longer period than twenty-one years, and such grant and any contract in pursuance thereof shall provide that at the option of the city, declared not more than three years, nor less than six months, before the termination of such grant, the plant and property, if any, belonging to or used by the grantee, or his or its successors in interest, in the streets, avenues and other public places shall, at the termination of said grant, upon the payment of a fair valuation thereof, be and become the property of the city; but the grantee shall be entitled to no payment because of any value derived from the franchise; *provided, however*, that such option shall not be exercised unless at the time of exercising the same the city shall be authorized and empowered to acquire and operate such plant and property. Every grant shall specify

Powers.

the mode of determining any valuation therein provided for and the time and mode of payment, and shall make adequate provision by way of forfeiture of the grant or otherwise, to secure efficiency of public service at reasonable rates, and the maintenance of the property in good order throughout the term of the grant.

In all cases in which a franchise for a railroad, street railway or interurban railway, either surface, elevated or underground, shall be granted for a line which would be an extension of or would connect directly with an existing line of railroad, street railway or interurban railway, such franchise shall in no case be granted for a longer period than the unexpired term of the franchise of the said existing line of which it will be an extension, or with which it will directly connect.

(41) No wharf, dock, scawall, pier, mole, warehouse, dry dock, marine way, railroad, interurban railroad, street railway, electric road, traction road, steamship or vessel, or other means of transportation, or telephone system, telegraph system, canal, conduit, subway, water system, gas or electric plant or system, light or power works or plant, or any property used in connection therewith, or any public utility now or hereafter owned or controlled by the city of Los Angeles, or the right to generate or develop electric or other power by means of any water or water right now or hereafter owned or controlled by said city, shall ever be sold, conveyed, transferred, leased, or otherwise disposed of, in whole or in part, without the assent of two thirds of the qualified voters of said city voting on the proposition at a general or special election at which such proposition shall be lawfully submitted. And no electric power now or hereafter owned or controlled by the city shall ever be sold, transferred, leased or disposed of to any person or corporation for resale, rental, disposal or distribution to consumers, or other persons, without the assent of two thirds of the qualified voters of said city given as aforesaid; *provided*, that nothing in this subdivision contained shall be construed to prevent the ordinary sale and distribution by the city of electric power, belonging to the city, to the inhabitants thereof, or persons doing business therein, for their own use, or to prevent the distribution or supplying, by the city, of surplus electric power not required by the city for distribution to consumers within its limits, to consumers outside of the limits of the city, for their own use, or to other municipal corporations for municipal use, or for resale and disposal by such municipal corporations to consumers within such municipalities, respectively.

(42) The bed of the Los Angeles river, as now defined and located, shall not, nor shall any part thereof, ever be sold, granted, leased, transferred or alienated in any way; but the whole thereof shall be kept at all times for municipal purposes, and no franchise or right to use the same, or any part thereof, shall ever be granted, sold, leased or given away: *provided*, this shall not prevent the granting by ordinance of franchises

or rights to cross said river bed, or to take sand or gravel therefrom.

That section 12 of the charter be amended to read as follows:

Sec. 12. All legislative power of the city, except as hereinafter otherwise provided, is vested in the council, subject to the power of veto and approval by the mayor, as hereinafter given, and shall be exercised by ordinance; other action of the council may be by order upon motion.

Power
vested in
council.

That section 17 of the charter be amended to read as follows:

Sec. 17. All bonds of officers must be approved by the council, as also the bonds of any contractors with the city, except as otherwise provided in this charter. The city clerk shall indorse upon bonds approved by the council the date of their approval, which indorsement shall be signed by the presiding officer of the council and the city clerk.

Approval
of bonds.

No officer of the city shall be a surety on any bond given to, or for the benefit of, the city.

That section 18 of the charter be amended to read as follows:

Sec. 18. No member of the council, or other city officer, shall be interested, directly or indirectly, in any contract to which the city is a party, or made by any board or officer of the city in behalf of the city; or in the sale or lease of any property, real or personal, the price, cost or consideration of which is payable from the city treasury; or in the purchase or lease of any property, real or personal, belonging to the city; or in any franchise, right or privilege granted by the city. If any officer of the city shall, during the term for which he was elected or appointed, intentionally become so interested, he shall, upon conviction thereof, forfeit his office and be punished for misdemeanor. Any contract hereinabove mentioned, in which any officer of the city shall be or become so interested shall be void at the election of the city, to be declared by a resolution of the council. The council shall enforce the provisions of this section by appropriate legislation.

Officers not
to be in-
terested in
contracts.

That section 21 of the charter be amended to read as follows:

Sec. 21. The council shall be the judge of the election and qualifications of its members. It shall elect one of its members as its presiding officer, who shall be styled the president of the council, and who shall, in case of sickness of the mayor or his absence from the city, act as the mayor of the city. The council shall have power to prescribe the rules of its proceedings, and to preserve order at its meetings, and may punish contemptuous or disorderly conduct committed in its presence by fine not exceeding fifty dollars, or by imprisonment not exceeding ten days, or by both such fine and imprisonment.

Qualifica-
tions of
council-
man.

That section 23 of the charter be amended to read as follows:

Sec. 23. It shall, except as otherwise provided herein, provide suitable rooms and offices for the courts, boards and officers of the city, and such furniture, fuel, lights, stationery and other supplies as are necessary for the transaction of the public business.

Rooms for
council,
etc.

That section 26 of the charter be amended to read as follows:

Sec. 26. It shall make such arrangements as it may deem

Care of im-
prisoned
persons. best for the care and custody and feeding of all persons imprisoned by municipal authority, or sentenced to imprisonment by the police courts, and may, by ordinance, require all persons so imprisoned or sentenced to imprisonment to work for the city within or without any city jail, branch city jail, workhouse, work farm, house of correction, detention home, or any other place provided by the city for the confinement or reformation of offenders, not exceeding eight hours each working day; *provided, however*, that for such work the person so employed shall be allowed two dollars for each day's work, on account of such fine or penalty.

Hack
stands. That section 29 of the charter be amended to read as follows:
Sec. 29. It shall, by ordinance, establish stands for hacks, public carriages, automobiles, express wagons and other vehicles for hire, and require a schedule of the charges of any such hack, carriage, automobile, express wagon or other vehicle to be posted therein.

Fire
districts. That section 30 of the charter be amended to read as follows:
Sec. 30. It shall, by ordinance, establish fire districts, and determine the character and height of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration or repair of such buildings, or in the repair or alteration of existing buildings within such districts.

Regulate
construction
of
buildings. It shall, by ordinance, regulate the construction of and the materials used in all buildings, chimneys, stacks, scaffolding, staging and false work and other structures; prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and provide for their summary abatement or destruction; regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and the materials used in, and the method of piping buildings, or other structures, for the purpose of supplying the same with water, steam, oil or gas; and prohibit the construction of buildings and structures which do not conform to such regulations.

That section 31 of the charter be amended to read as follows:

Regulate
size of
water
pipes, etc. Sec. 31. It shall have power, by ordinance, to regulate the size, quality and location of all water pipes, gas pipes and all other pipes and conduits laid or constructed in the streets, highways and public places of the city, and to require the filing of charts and maps of such pipes and conduits; also to regulate or prohibit the placing or maintaining of poles and the suspending of wires along or across any of the streets, highways and public places of the city, and to cause the removal and placing under ground of all telephone, telegraph, electric light, or other wires, within the city, or within any designated portion thereof.

That section 32 of the charter be amended to read as follows:

Sec. 32. It shall, by ordinance, provide for the naming of streets and numbering of houses, and for regulating or preventing the exhibition of banners, flags or placards across the streets or sidewalks, and for regulating or suppressing public criers, advertising, ringing of bells and other noises.

Naming streets, etc.

It shall, by ordinance, forbid the erection or display on any building or property of the city, of any banner, device or flag of any state or nation except that of the United States, the State of California, or the city of Los Angeles.

It may, by ordinance, authorize the expenditure of money, not to exceed the sum of five thousand dollars in any one fiscal year, for the proper celebration of the anniversary of the declaration of national independence, and such other public celebrations, events or demonstrations as the council may deem proper.

It may, by ordinance, authorize the offering of rewards for the apprehension and conviction of any person who may have committed a felony in the city, and for the recovery of lost property of the city, and provide for the payment of such rewards.

That section 35 of the charter be amended to read as follows:

Sec. 35. It shall, by ordinance, regulate the length of railway trains which may pass along the public streets or highways, and prohibit the making up of railway trains on the public streets and the stopping of trains on street crossings.

Running trains through streets.

That two new sections be added to the charter immediately after section 36*g* thereof, to be known as section 36*h* and section 36*i*, respectively, and to read as follows: .

Sec. 36*h*. It may, by ordinance, provide for the creation and organization of a commission on the city plan, to serve without compensation, and prescribe the powers and duties of such commission.

Commission on city plan.

Sec. 36*i*. It shall, by ordinance, regulate the amounts to be paid, loaned, contributed or expended, or otherwise provided, directly or indirectly, to, for or by candidates for nomination for elective offices voted for at primary nominating elections, or services of any kind to be rendered to or for such candidates, in order to secure or aid in securing their nomination, and regulate the amounts to be paid, contributed or expended, directly or indirectly, to, for or by candidates voted for at any general election, or services of any kind to be rendered to or for such candidates in aid of their election, and provide suitable penalties for the violation of such regulations.

Expenses of candidates.

That a new section be added to the charter immediately after section 37 thereof, to be known as section 37*a*, and to read as follows:

Sec. 37*a*. If any ordinance be presented to the mayor containing several items appropriating money or fixing a tax levy, he may object to one or more items separately, while approving other portions of the ordinance. In such case he shall append

Mayor's approval of appropriation ordinances.

to the ordinance, at the time of signing it a statement of the item or items to which he objects and the reasons therefor, and the item or items so objected to shall not take effect unless passed by the council, notwithstanding the mayor's objection. Each item so objected to shall be separately reconsidered by the council in the same manner as ordinances which have been disapproved by the mayor.

That a new section be added to the charter immediately after section 38 thereof, to be known as section 38*a*, and to read as follows:

Ordinances
continued.

Sec. 38*a*. All lawful city ordinances, resolutions and regulations in force at the time this section takes effect, and not inconsistent with the provisions of this charter, are hereby continued in force until the same shall be duly amended or repealed.

That a new section be added to the charter immediately after section 39 thereof, to be known as section 39*a*, and to read as follows:

Final pas-
sage of or-
dinances.

Sec. 39*a*. No ordinance shall be passed finally on the day it is introduced, but the same shall be laid over for one week, unless approved by unanimous vote of all the members of the council present; *provided*, there shall be not less than seven members present.

That section 223 of the charter be amended to read as follows:

Indebted-
ness.

Sec. 223. The indebtedness of the city of Los Angeles must not exceed three per centum of the assessed value of all taxable real and personal property within the city, exclusive of any indebtedness that has been or may hereafter be incurred for the purpose of acquiring, constructing or completing water-works, gas, electric light and power works or plants, wharves, docks, piers, warehouses and other utilities upon the water front, harbor improvements, and for any revenue-producing public utility. For any or all of these purposes a further indebtedness may be incurred, not exceeding twelve per centum of such assessed value.

Charter Amendment Number Two.

That article II of the charter be amended to read as follows:

ARTICLE II.

OFFICERS OF THE MUNICIPALITY.

Sec. 3. The officers of the city shall be:

- A mayor,
- Nine councilmen,
- A city clerk.
- A city treasurer,
- A city auditor,
- A city tax and license collector.
- A city school superintendent.
- Seven members of the board of education.
- Five directors of the Los Angeles public library,

A city assessor.
 A city engineer,
 A city attorney,
 A city prosecutor,
 Three police commissioners,
 A chief of police,
 Three fire commissioners,
 A chief engineer of the fire department,
 A health commissioner,
 Five public service commissioners,
 A chief engineer of waterworks.
 An electrical engineer,
 Three park commissioners,
 Three commissioners of public works,
 A secretary of the board of public works,
 A purchasing agent,
 Three commissioners of public utilities,
 Three harbor commissioners,
 Five playground commissioners.
 Nine municipal art commissioners.

Sec. 4. The following officers shall be elected by the electors of the city of Los Angeles at large:

The mayor,
 The city attorney,
 The city auditor.
 The city assessor.
 Seven members of the board of education. and
 Nine members of the council.

Sec. 5. All elective officers shall hold their offices for a ^{Term.} term of four years, commencing on the first Monday in January next succeeding their election, at twelve o'clock *a.*; *provided, however,* that the term of office of the present elective officers of the city shall expire on the first Monday in January, 1912; *and provided, further,* that the term of office of the city auditor and the city assessor elected at the general municipal election held in 1911, and of the four members of the council and the four members of the board of education, respectively, receiving the highest number of votes at said general municipal election, shall expire on the first Monday in January, 1916; and the terms of office of the mayor, the city attorney, and of the other five members of the council and the other three members of the board of education, respectively, shall expire on the first Monday in January, 1914. If it should be impossible to determine, in any case, the highest number of votes by reason of two or more officers having received an equal number of votes, then those so tied shall choose by lot the four-year term of office. The result of such determination shall be spread upon the minutes of the council and become a public record. At the general municipal election to be held every fourth year after December, 1911, the city auditor, the city assessor, four members of the council, and four members of the board of education shall be elected. At the general municipal election to be held every fourth year after

December, 1913, the mayor, the city attorney, five members of the council, and three members of the board of education shall be elected.

Mayor's
appointees.

Sec. 6. The mayor shall appoint a clerk of the mayor, the chief of police, the chief engineer of the fire department, and the health commissioner. He shall also appoint, subject to confirmation by a majority of the council, the officers of the municipality mentioned in this charter whose appointments are not otherwise specifically provided for herein.

Superin-
tendent of
schools.

Sec. 7. The city school superintendent shall be appointed by the board of education.

Office
becomes
vacant.

Sec. 8. An office becomes vacant when the incumbent thereof dies, resigns, is adjudged insane, convicted of a felony, or of an offense involving a violation of his official duties, or is removed from office, or fails to qualify within ten days from the time he receives his certificate of election or appointment, or shall have been absent from the city without the consent of the council for more than sixty consecutive days, or ceases to be a resident of the city, where residence therein is, by this charter, made a qualification for the office.

Term of
appointed
officers.

Sec. 9. All appointed officers of the city shall, unless otherwise provided in this charter, hold their offices for a term of four years, and until their successors are appointed and qualified; *provided*, that the appointing power shall have the power of removal in all cases. Where confirmation is required, the assent of the confirming body shall be requisite for removal.

The council may suspend any elective officer, and the appointing power may suspend any appointive officer, pending trial, against whom criminal proceedings, based on malfeasance or misdemeanor in office, or civil action for the recovery of money due the city has been commenced, and appoint a substitute for such officer during such suspension.

In all voting upon the appointment, confirmation, suspension and removal of officers, the members of the council, or other body appointing, confirming, suspending or removing, shall vote by open ballot or call of roll, and the ballot or vote of each member shall be spread upon the minutes.

Oath.

Sec. 10. Every officer provided for in this charter shall, before entering upon the discharge of the duties of his office, take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm as the case may be) that I will support the constitution of the United States and the constitution of the State of California, and that I will faithfully discharge the duties of the office of (here inserting the name of the office) according to the best of my ability."

Council-
men not
eligible.

Sec. 11. No member of the council shall, during the term for which he shall have been elected, be eligible to any office to be filled, or appointment to which is subject to confirmation, by the council; nor shall any member of the council be selected to fill any vacancy that may occur in any other office where such a vacancy is to be filled, or appointment to which is subject to confirmation, by the council.

That article XIX of the charter be amended to read as follows:

ARTICLE XIX.

ELECTIONS.

Sec. 194. Elections to be held in said city for the purpose of electing the officers of said city and for all other purposes, are of three kinds: Elections.

- (1) Primary nominating elections.
- (2) General municipal elections.
- (3) Special elections.

Sec. 195. General municipal elections shall be held in said city on the first Tuesday in December of every odd-numbered year, commencing with the year 1911. At the general municipal election in 1911 all the elective officers of said city provided for by this charter shall be elected.

Sec. 196. The officers elected at a general municipal election shall, after they have qualified as provided in this charter, enter upon the discharge of the duties of the offices to which they have been elected, on the first Monday in January of the year succeeding their election, at twelve o'clock M., and shall, except as otherwise provided in this charter, serve for four years, and until their successors have been elected and qualified; *provided*, that any person elected to fill a vacancy shall, after qualifying as herein provided, enter at once upon the discharge of the duties of the office to which he has been elected and shall serve for the remainder of the term and until his successor shall have been elected and qualified. Taking office.

Sec. 197. In the event of a vacancy in the office of member of the board of education said board shall fill the same by appointment, and in the event of a vacancy in any other elective office the council shall fill the same by appointment. In each case, the person so appointed shall hold office until the election and qualification of a person to fill the vacancy for the unexpired term, which election shall take place at the next succeeding general municipal election, if any, occurring prior to the expiration of such term; and if no such election shall so occur, then such appointed person shall hold office for the unexpired term. Vacancy in board of education.

Sec. 198. The council shall have power to submit to the electors of said city at any election any proposition or question or ordinance required or authorized to be so submitted by the constitution of the State of California, the law, this charter, or by ordinance; *provided*, that in case such proposition or question is required by the said constitution, law, charter or ordinance to be submitted at a special or other particular kind of election, it shall be so submitted, and not otherwise. Submitting ordinances to electors.

THE INITIATIVE.

Sec. 198a. Any proposed ordinance which the council itself might adopt, may be submitted to the council by a petition filed with the city clerk, as provided in section 198b, praying for the adoption of such ordinance, or, if the same be not Initiative.

adopted, that such ordinance be submitted to a vote of the electors of the city. Any such petition shall be known as an initiative petition. Such petition shall set forth the proposed ordinance in full, and shall be signed by qualified electors of the city equal in number to the percentages hereinafter prescribed. The basis upon which such percentages of qualified electors of the city shall be estimated shall be the total number of votes cast for all candidates for the office of mayor at the last general municipal election prior to the filing of such petition at which a mayor was elected.

Petition.

Sec. 1986. Any petition submitting a proposed ordinance to the council, as provided in this article shall be in form, and shall be signed, filed and certified as follows:

In making such petition sheets of white paper of a uniform size shall be used which shall be substantially twelve by thirty inches. Such petition shall consist of separate papers, as follows: Each paper shall consist of a sheet or sheets, containing the proposed ordinances with additional sheet or sheets for the signatures thereto; *provided, however*, that if any paper consist of more than one sheet it shall be and remain securely fastened together at the top. The signatures need not all be appended to one sheet or paper. The proposed ordinance, as set forth in any paper, shall be followed by the signatures. Such petition shall be signed by qualified electors of the city in their own proper persons only, and opposite the signature written by each signer his residence shall be written by him, giving the street and number, when such designation by street and number can be given, or if the signer be unable to write, then such signature and residence shall be written by some person at his request, and the same identified on the margin by the signature of the person making the affidavit hereinafter provided. Each such paper shall have attached thereto at the bottom of the last sheet thereof the affidavit of a qualified elector of the city stating that all of the signatures on each sheet thereof were made in his presence, and that all of the sheets constituting such paper were fastened together at the time such signatures were appended thereto; and that to the best of his knowledge and belief each signature is the genuine signature of the person whose name purports to be thereunto subscribed. Each of the other sheets of such paper, containing signatures, shall be identified by the signature of the person making such affidavit.

Examination of petition.

Within ten days from the date of the filing of such petition, the city clerk shall examine the same and ascertain whether or not said petition is signed by the requisite number of qualified electors of the city; and, if requested by the city clerk, the council shall authorize him to employ persons specially for that purpose, in addition to the persons regularly employed in his office, and the provisions of the charter respecting the classified civil service of the city shall not apply to the persons so specially employed. When the city clerk has completed his examination of the petition, he shall attach to the same his cer-

tificate, properly dated, showing the result of such examination, and if from such examination he shall find that said petition is signed by the requisite number of qualified electors of the city, or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be. If by the certificate of the city clerk the petition is found to be insufficient, it may be amended by filing a supplemental petition or petitions within ten days from the date of such certificate. The city clerk shall, within ten days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided. If his certificate shall show any such petition, or any such petition as amended, to be insufficient, it shall be retained by him and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the city clerk, such petition, or such petition as amended, is shown to be sufficient, the city clerk shall present the same to the council without delay. The sufficiency or insufficiency of such petition shall not be subject to review by the council.

If any supplemental petition be filed, all the signatures appended to the petition and to the supplemental petition or petitions shall be considered in determining the number of qualified electors signing the initiative petition. Supplemental petition.

Any signer to a petition or supplemental petition may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition, or supplemental petition, with said city clerk. No signature can be revoked after the petition to which it is attached or supplemental petition has been filed. The city clerk shall endorse on said petition and on any supplemental petition the name of the person or persons who filed the same, respectively. Withdrawing names. If any signature to such petition or supplemental petition be called in question, the city clerk shall forthwith mail notice to such purported signer, stating that his name is attached to such petition or supplemental petition, and cite him to appear before him forthwith to answer whether such signature is genuine. If the city clerk finds that any signature is not genuine, he shall strike the same from such petition. After an election based on any initiative petition, the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

Sec. 198c. If the petition praying for the adoption by the council of any proposed ordinance, or if the same be not adopted, for the submission of such ordinance to a vote of the electors of the city, be signed by fifteen per centum of the qualified electors of said city estimated upon the basis aforesaid, then the council shall either:

(a) Pass said ordinance, without alteration, within twenty days after the presentation of such petition to the council by the clerk; and if the council shall fail to pass said ordinance within said time, or if the same shall be passed by the Council may pass ordinance.

council, but shall be vetoed by the mayor, and on reconsideration by the council, said ordinance shall fail of passage over the mayor's veto, the council shall thereupon, within ten days after it shall have so failed of passage, call a special election at which said proposed ordinance, without alteration, shall be submitted to a vote of the qualified electors of said city; such election shall be held not more than fifty days from the date of the meeting of the council at which said ordinance so failed of passage; *provided, however*, that if a general or special municipal election for any other purpose shall be called and held in said city within said fifty days, then such ordinance shall be submitted at said election; or,

Or call special election.

(b) Forthwith after the presentation of such petition to the council, it shall call a special election for the purpose of submitting said ordinance to a vote of the electors of the city, and such election shall be held not more than fifty days from the date of the presentation of such petition to the council by the city clerk; *provided, however*, that if a general or special municipal election for any other purpose shall be called and held in said city within said fifty days, then such ordinance shall be submitted at such election.

Subject to referendum.

Any ordinance proposed by initiative petition and passed by the council and approved by the mayor, or passed by the council and passed over the mayor's veto, shall be subject to the referendum by petition as herein provided in the case of other ordinances.

When to be submitted at general election.

If the said petition be signed by at least five per centum but less than fifteen per centum of the qualified electors of said city, estimated upon the basis aforesaid, then such ordinance, without alteration, shall be submitted by the council to a vote of the electors of the city at the next general municipal election, or at any special election prior thereto, that shall be held at any time after twenty days from the date of the presentation of said petition to the council.

In the event that said petition prays for the adoption of a proposed ordinance amending or repealing an ordinance theretofore proposed by petition and adopted by a vote of the electors, and is signed by qualified electors of said city equal in number to fifteen per centum of the qualified voters of said city estimated on the basis aforesaid, then, but not otherwise, the council must submit such proposed ordinance to a vote of the electors of the city at the next general municipal election, or at any special election prior thereto, that shall be held at any time after twenty days from the date of the presentation of such petition to the council.

Argument favoring ordinance.

Sec. 198d. Any person or persons filing an initiative petition, or the person or organization on whose behalf such petition is filed, shall have the right to file with the city clerk, at least twenty days prior to the election at which the ordinance proposed by such petition is to be submitted to a vote of the electors of the city, printed copies of an argument favoring said proposed ordinance, and the council shall have the right

to present, or permit to be presented and filed with the city clerk within the same limit of time, printed copies of an argument opposing said ordinance. No such argument shall exceed two thousand words in length, and such argument shall be printed in such form and upon such character of paper, suitable for mailing, as the city clerk shall prescribe. The city clerk shall enclose one copy of each such argument with the sample ballot and a copy of the proposed ordinance mailed to each voter; *provided*, he has been furnished with printed copies of such argument equal in number to five per centum in excess of the total number of qualified electors of the city. Nothing in this section contained shall authorize the council to expend money of the city for the formulating or printing of any such argument.

Sec. 198e. If a majority of the qualified electors voting on any ordinance proposed by petition shall vote in favor thereof, such ordinance shall become an ordinance of the city upon the declaration by the council of the result of the election at which such proposed ordinance was submitted; and any such ordinance adopted by a vote of the qualified electors of the city voting thereon, cannot be repealed or amended except by an ordinance proposed by petition and adopted by vote of the electors, as hereinbefore provided, or by an ordinance submitted by the council to a vote of the electors of the city and so adopted as hereinbefore provided or by any amendment to this charter repealing the same.

When proposed ordinance becomes ordinance of the city.

THE REFERENDUM.

Sec. 198f. The council shall have power, and is hereby authorized, to submit to a vote of the qualified electors of the city, at any general or special election, any proposed ordinance, order or resolution that the council itself might adopt. If a majority of the qualified electors voting on such proposed ordinance, order or resolution, vote in favor of the same, it shall be deemed to be adopted and shall take effect upon the declaration of the result of such election by the council, and it shall have the same force and effect as an ordinance adopted under the provisions of this article relating to the referendum.

Referendum.

Sec. 198g. No ordinance passed by the council shall go into effect until the expiration of thirty days from its publication, except an ordinance ordering or otherwise relating to an election, and an ordinance establishing or changing the name or curb lines of, or respecting the establishment or change of grade of, or the improvement, in any manner of, or the opening, widening, straightening or extension of, streets, boulevards, alleys, courts or other public places, and an ordinance respecting the construction of sewers or storm drains, or respecting the bringing or conduct of suits or actions or the levying or collection of local assessments upon private property, for any of said purposes, or respecting the condemnation of lands for parks, boulevards or playgrounds under laws or ordinances providing for the payment of the expense thereof

When ordinance goes into effect.

by local assessments upon private property, and any ordinance authorized or required by the laws of this state, or by or under the provisions of this charter, respecting the improvement of streets or other public places, and an ordinance required for the immediate preservation of the public peace, health or safety, which shall contain a specific statement showing its urgency, and is passed by a three-fourths vote of the council; but all ordinances of any of the classes heretofore excepted by this section shall take effect upon their publication. No grant of any franchise, right or privilege shall ever be construed to be an urgency measure, but all grants of franchises, rights or privileges shall be subject to a referendary vote as hereinafter provided. No ordinance, order or resolution passed by the council making or authorizing any contract shall go into effect until the expiration of thirty days from the publication of such ordinance, or the adoption of such order or resolution, except contracts for street or other public improvements, the cost and expenses whereof are to be paid by local assessments, and contracts that require the payment by the city of less than twenty-five thousand dollars, and except any ordinance, order or resolution of the council authorizing the sale or issuance of bonds of the city.

Submitting ordinance to electors.

Sec. 1987. At any time within the thirty days mentioned in the preceding section, a petition addressed to the council, and signed by qualified electors of said city equal in number to at least ten per cent of such qualified electors computed upon the basis for estimating percentages specified in section 198a hereof, may be filed with the city clerk, demanding the submission of any ordinance, order or resolution passed by the council, to a vote of the qualified electors of said city, except any ordinance, order or resolution which shall take effect as provided in the preceding section. Any such petition shall be known as a referendary petition, and shall contain the ordinance, order or resolution in full, the submission of which to a vote is thereby demanded. Such vote shall be known as a referendary vote.

The provisions of this charter, relating to the form and to the mode of signing initiative petitions, and to the filing, examination, certification and amendment of the same, and to the presentation thereof to the council by the city clerk, shall apply to referendary petitions filed under this charter.

Ordinance suspended.

If any referendary petition or petitions be filed, as hereinbefore provided, and the city clerk shall be unable to make his certificate to the sufficiency or insufficiency thereof within thirty days after the publication of the ordinance, or the adoption of the order or resolution, the submission of which to a referendary vote is thereby demanded, such ordinance, order or resolution shall be suspended from taking effect after the expiration of said thirty days and until the date of the certificate of the city clerk to the sufficiency or insufficiency of such petition or petitions. If by the certificate of the city clerk such petition or petitions are certified to be sufficient, such ordinance, order or resolution shall not go into effect

until it shall be adopted by vote of the electors of the city, as hereinafter provided; but, if by such certificate, such petition or petitions are certified to be insufficient, such ordinance, order or resolution shall go into effect upon the date of such certificate; *provided, however*, that no such ordinance, order or resolution shall take effect until the expiration of said thirty days. No referendary petition shall be amended by a supplemental petition filed after the expiration of said thirty days. In case more than one referendary petition be filed, all such petitions shall be considered in determining the number of qualified electors, and with the same force and effect as though all the names had been appended to one petition.

Sec. 198i. Upon the presentation to the council by the city clerk of a referendary petition or petitions, the ordinance, order or resolution, the submission of which to a referendary vote is thereby demanded, must be either repealed by the council without delay, or submitted to a vote of the qualified electors of the city for approval or rejection at the next general municipal election occurring subsequent to forty days from the date of the presentation of such referendary petition to the council by the city clerk; *provided*, that if before such general election, and subsequent to said forty days, a special election shall be held for any other purpose, then such ordinance, order or resolution shall be so submitted at such special election, or, in the discretion of the council, at any special election called for that purpose; *provided, however*, that if any referendary petition or petitions shall be signed by fifteen per centum of the qualified electors of said city computed upon the basis for estimating the percentage of such electors set forth in section 198a of this charter, the council must, upon the presentation thereof to it, immediately call a special election at which the ordinance, order or resolution contained in such petition shall be submitted to a referendary vote; and such election shall be held within forty days from the presentation to the council of such petition.

Council
may repeal
ordinance
or submit
it to vote.

If any referendary petition or petitions, presented to the council as aforesaid, be certified by the clerk to be signed by at least ten per centum but less than fifteen per centum of the qualified electors of the said city, computed upon the basis aforesaid, then and in that event, additional referendary petitions for the submission of such ordinance, order or resolution to a referendary vote may be filed; all such additional referendary petitions shall be in the same form, and be signed, examined, amended, and certified and presented to the council in like manner as provided in section 198b of this charter; and if it shall appear from the certificate of the city clerk thereto, that such additional referendary petition or petitions are signed by such number of qualified electors of the city, as, when added to the number of qualified electors whose signatures are appended to such referendary petition or petitions examined and certified by the city clerk, shall equal fifteen per centum of the qualified electors of said city, computed upon the basis aforesaid, the council must, upon the presenta-

tion of such additional referendary petition or petitions to it by the city clerk, immediately call a special election at which such ordinance, order or resolution shall be submitted to a referendary vote, and such election shall be held within forty days from the presentation of such additional referendary petition or petitions to the council.

If, upon the presentation by the city clerk to the council of a referendary petition signed by at least ten per centum, but less than fifteen per centum, of the qualified electors of the city, computed as aforesaid, the council shall have ordered the ordinance set forth in such petition submitted to a vote of the electors of the city at the next general municipal election, such action shall be annulled by the presentation to it of additional petitions, which, together with such referendary petition, shall be signed by at least fifteen per centum of the qualified electors of the city, and in such event the council shall submit such ordinance to such vote at a special election, as hereinbefore provided.

When
majority
favors.

Sec. 198j. No ordinance, order or resolution that has been submitted to a referendary vote shall go into effect unless a majority of the qualified electors voting thereon shall vote in favor thereof; and if such ordinance, order or resolution so submitted shall receive the votes of a majority of such qualified electors voting thereon, it shall be deemed to be adopted, and shall take effect upon the declaration by the council of the result of the election at which it shall have been so submitted; *provided, however,* that any ordinance, order or resolution so adopted shall be subject to amendment or repeal by the council at any time, but such amendment or repeal shall not be made within six months after such adoption, except by unanimous vote of the council, and such amendment or repeal shall be subject to a referendary vote as provided in this article.

Ballots.

Sec. 198k. Whenever any ordinance proposed by initiative petition, or any ordinance, order or resolution for the submission of which to a referendary vote a petition or petitions shall have been filed, is submitted at any election, there shall be printed on the ballots to be used at such election, the words, "Shall the ordinance (or order, or resolution, or proposed ordinance, as the case may be, stating the nature of the ordinance, order or resolution, or of the proposed ordinance) be adopted?" And opposite such proposition to be voted on, and to the right thereof, the words "Yes" and "No" shall be printed, on separate lines, with voting squares. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the ordinance, order or resolution, or the proposed ordinance; and if he shall stamp a cross (X) in the voting square after the printed word "No," his vote shall be counted against the adoption of the same.

Any num-
ber may be
voted on
at one
election.

Sec. 198l. Any number of ordinances proposed by initiative petitions, or ordinances, orders or resolutions submitted by the council to a referendary vote, or so submitted in pursu-

ance of referendary petitions, may be voted upon at the same election, either general or special; *provided*, that there shall not be held in any period of six months more than one election called for the purpose of submitting an ordinance or ordinances proposed by initiative petitions, but if any election be called for any other purpose within such period, such ordinance or ordinances may also be submitted thereat. If the provisions of two or more ordinances, orders or resolutions adopted at the same election by vote of the qualified electors of said city, under the provisions of this article, conflict, then the ordinance, order or resolution receiving the highest affirmative vote shall prevail.

Sec. 198*m*. The council, at its own instance, or upon the presentation to it of an initiative petition, may submit any proposed ordinance for the repeal of any ordinance adopted or approved by vote of the qualified electors of the city, in pursuance of an initiative or referendary petition, as in this article provided, or for the amendment of such ordinance, to be voted upon at any succeeding general municipal election; and in the event that such proposed ordinance, so submitted by the council, receive a majority of the votes cast thereon at such election, the ordinance to which such ordinance so adopted is amendatory, or that is to be repealed thereby, shall be amended or repealed accordingly.

Repeal of ordinance.

Sec. 198*n*. Whenever any ordinance, order, resolution or proposition is required by this article to be submitted to the electors of the city at any election, the city clerk shall cause the same to be printed, and he shall enclose a printed copy thereof in an envelope with a sample ballot, and mail the same to each voter.

Ordinances mailed to electors.

Sec. 198*o*. If any ordinance, order or resolution be submitted to the vote of the electors in pursuance of a referendary petition, the person filing such petition, or the person or organization on whose behalf said petition was filed, shall have the right to present to the city clerk at least twenty days prior to such election, printed copies of an argument opposing such ordinance, order or resolution, and the council shall have the right to present or permit to be presented to the city clerk, within the same limit of time, printed copies of an argument favoring such ordinance, order or resolution. No such argument shall exceed two thousand words in length; and such argument shall be printed in such form and upon such character of paper suitable for mailing as the city clerk shall prescribe. The city clerk shall enclose one copy of each of such arguments with the sample ballot, and a copy of the ordinance, order or resolution, mailed to each voter; *provided*, he has been furnished with printed copies of such arguments equal to five per centum in excess of the total number of qualified electors of the city. Nothing in this section contained shall authorize the council to expend any money of the city for the formulating or printing of any such argument.

Arguments for and against.

THE RECALL.

Recall. Sec. 198*p*. Any incumbent of an elective office, whether elected by vote of the people or appointed to fill a vacancy, may be removed from office by the qualified electors of the city of Los Angeles, as hereinafter provided. Such removal of the incumbent of an office shall be known as the recall, and the procedure to effect the removal of an incumbent of an elective office shall be as hereinafter provided.

Petitions. (1) A petition signed by qualified electors equal in number to at least twenty per centum of the entire vote cast for all candidates for the office, the incumbent of which is sought to be removed, at the last preceding general municipal election at which an incumbent of such office was elected, demanding the submission to the electors of the city of the question whether the incumbent of such office shall be removed by vote of such electors, and if so removed, the election of a successor of such incumbent, shall be addressed to the council and filed with the city clerk. Such petition shall contain a general statement of the grounds for which such removal is sought, of not more than three hundred words in length, and the sufficiency of such statement shall not be subject to review; *provided, however,* that no petition for the removal of any elective officer shall be so filed until he has actually held his office for three months.

Form. (2) The provisions of this article relating to the form and to the mode of signing of initiative petitions, and to the filing, examination, certification and amendment thereof, and to the presentation of the same to the council, shall apply to any petition filed with the city clerk under this section, which petition shall be designated as a recall petition. The sufficiency or insufficiency of any recall petition shall not be subject to review by the council.

Special election. (3) Upon the presentation of such recall petition to the council by the clerk, the council shall thereupon, by ordinance, order the holding of a special election for the purpose of submitting to the electors of the city the question whether such officer shall be recalled, and if recalled, for the election of his successor. Such special election shall be held not less than fifty days nor more than sixty days after the date of the certificate of the city clerk to the sufficiency of such recall petition; *provided, however,* that if a general municipal election, or any special municipal election is to occur within sixty days after the date of such certificate, the council may, in its discretion, order the holding of such recall election, and the consolidation thereof with such general or special election.

Ballots. Sec. 198*q*. The ballots used at every recall election shall have printed thereon, as to every officer whose recall is to be voted on thereat, the following question:

“Shall (inserting name of officer sought to be removed) be removed from the office of (inserting name of his office), by the recall?”

And opposite such question to be voted on, and to the right

thereof, the words "Yes" and "No" shall be printed on separate lines, with voting squares. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes," his vote shall be counted in favor of the recall of such officer, and if he shall stamp a cross (X) in the voting square after the word "No," his vote shall be counted against such recall.

On such ballots, under each such question, there shall also be printed the names of all persons who have been nominated as candidates to succeed the person whose removal is sought, in case he shall be removed from office by vote of the electors. The nomination of such candidates shall be made as hereinafter provided, except that the person whose removal is sought, shall be deemed a candidate, and unless, within five days after the date of the clerk's certificate to the petition, he resigns his office, or declines in writing duly signed and verified by him, and filed with the city clerk, to be a candidate, his name shall be printed on the ballot the same as if he had been regularly nominated in accordance with the provisions of this article.

Names of
candidates.

Sec. 198r. Any incumbent of an office, whose removal is sought under the provisions of this article, may file with the city clerk, at least twenty days prior to such recall election, printed copies of a statement of not more than two thousand words in length justifying his course in office; and the person filing such recall petition, or the person or organization on whose behalf a recall petition was filed, shall have the right to present to the city clerk, within the same limit of time, printed copies of a statement in support of such recall of not exceeding two thousand words in length. Any statement filed under this section shall be printed in such form and upon such character of paper suitable for mailing as the city clerk shall prescribe. The city clerk shall enclose one copy of any such statement so filed with him with the sample ballot mailed to each voter; *provided*, he has been furnished with printed copies of such statement equal to five per centum in excess of the total number of qualified electors of the city.

Statements
of incumb-
ent and of
opposition.

Sec. 198s. Any elective officer, for whose recall and removal from office an election is held, shall continue to perform the duties of his office until such time as the council, having canvassed the vote at such recall election, shall declare that a majority of the electors, voting on the question as to whether such person shall be recalled and removed from office, have voted in favor of his recall and removal from office. But if such person shall resign at any time after the date of the certificate of the clerk certifying that the petition for his recall is sufficient and prior to the declaration of the result of such election, thereby creating a vacancy in such office, or a vacancy occurs therein during such time from any cause, such vacancy may be filled by the council in the same manner as other vacancies occurring in such office, but in that event, the person appointed to fill such vacancy shall hold his office only until the person declared by the council to have been elected at the recall election shall qualify. Proceedings for the recall

Officers to
continue to
perform
duties.

of any elective officer shall be deemed to be pending from the date of the certificate of the city clerk certifying that the recall petition is sufficient, and if he shall resign at any time subsequent thereto the recall election shall be held notwithstanding such resignation.

In the event that a majority of the electors voting on the question as to whether a person shall be recalled and removed from office shall vote in favor of the removal of such person from office by the recall, the person for whose removal from office such majority has voted shall be deemed to be and shall be recalled and removed from office upon the declaration of the result of such election by the council, and the candidate receiving at said election the highest number of votes for that office shall be thereby elected. If the incumbent receive the highest number of votes, he shall continue in office, but if some person other than the incumbent receive the highest number of votes at such election he shall become the successor of the incumbent so removed and shall hold office only during the unexpired term of such officer.

Officer recalled not eligible to other office.

Sec. 198*t*. No person, who has been removed from an elective office by the recall, or who has resigned from such office while recall proceedings for his removal were pending against him, shall be appointed to any office under this charter within two years after such removal or resignation.

Nomination of candidates.

Sec. 198*u*. Any candidate to be voted for at a recall election, other than the incumbent sought to be removed, may be nominated by petition, which shall be substantially in the form proscribed in sections 206*c* and 206*d* of this charter. Any such petition or petitions shall be signed by qualified electors of said city equal in number to at least one per cent of the total number of votes cast for the office of mayor at the last general municipal election in said city at which a mayor was elected. Each petition must be presented to the city clerk not less than twenty-five days before such recall election. Immediately upon the presentation of any such petition, the city clerk shall ascertain and determine, in the manner hereinbefore provided as to initiative petitions, whether or not such petition is signed by the requisite number of qualified electors of the city. If requested by the city clerk, the council shall allow him additional assistants for that purpose, as in other cases, and he shall, within five days after the presentation thereof, attach his certificate to such petition, showing the result of his examination. If it shall appear therefrom, that any such petition is not signed by the requisite number of qualified electors, the same may be amended within three days from the date of such certificate, by presenting a supplemental petition. The clerk shall, within three days after such supplemental petition is filed, make like examination thereof, and shall certify the result of his examination thereof; but no further supplemental petition shall be allowed. If any such petition, as amended by a supplemental petition, be signed by the requisite number of qualified electors, both the petition and supplemental petition being considered together

for that purpose, the person therein named shall be deemed to be nominated as a candidate to be voted for at such recall election.

Sec. 198v. The provisions of sections 206h, 206i and 206j of this charter shall be applicable to recall elections held under this article.

Sec. 198w. The incumbent of any appointive office provided for in this charter, or created by ordinance under the authority thereof, may be removed at any time after the expiration of three months from his appointment, by the qualified electors of the city. The procedure to effect the removal of the incumbent of an appointive office shall be the same as that heretofore provided for the removal of the incumbent of an elective office by the recall, with the following exceptions:

Removal of appointive officers.

(a) The petition for the removal of the incumbent of an appointive office shall contain a demand for the submission to the electors of the city of the question whether the incumbent of such office shall be removed by vote of such electors.

(b) The ballots used at the election at which such question shall be submitted, shall have printed thereon, as to every appointive officer whose removal is to be voted on thereat, the following question:

Ballot.

"Shall (inserting name of officer sought to be removed) be removed from the office of (inserting name of his office)?"

And opposite such question to be voted on, and to the right thereof, the words "Yes" and "No" shall be printed on separate lines, with voting squares. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes," his vote shall be counted in favor of the removal of such officer, and if he shall stamp a cross (X) in the voting square after the word "No," his vote shall be counted against such removal.

(c) If a majority of the electors voting on such question shall vote in favor of the removal of such appointive officer, he shall be deemed to be and shall be removed from office upon the declaration of the result of such election by the council and such office shall thereupon be and become vacant. Such vacancy shall be filled by the appointing power in the same manner as other vacancies, but any appointive officer so removed shall not be eligible to any appointive or elective office under this charter until the expiration of two years after such removal.

Officer deemed removed.

Sec. 198x. In the event that any appointive officer whose removal is sought, as herein provided, shall resign at any time after the filing of a petition for his removal with the city clerk, or any vacancy from any cause occur in such office, at any time prior to two days before such election, such election shall not be held; but the incumbent, if he shall have so resigned after the presentation to the council by the clerk of such petition, or have been removed by any other process of law, he shall not be eligible to any appointive or elective office under this charter until the expiration of two years from the date of such resignation or removal last mentioned.

Election not held if incumbent resigns.

Sec. 198y. The procedure herein provided for the removal

of any appointive officer shall be in addition to any other process for removal provided by law.

GENERAL PROVISIONS RELATING TO ELECTIONS.

Special
elections.

Sec. 199. If any special election be ordered, held and conducted, it shall be ordered, held and conducted (except as to the date thereof), and the result thereof made known and declared, in the same manner as herein provided for other elections.

Consolidation
of
elections.

Sec. 199a. The council may, in calling elections of any kind, other than primary nominating elections, order the consolidation thereof, and may order the consolidation of primary nominating elections with special elections; *provided, however,* that when an election has been ordered by the council in the manner provided in section 200 of this charter, and thereafter the council orders any other election or elections, and that the same be consolidated with said election theretofore ordered, the ordinance ordering such other election or elections and the consolidation thereof with the said election theretofore ordered, may provide that the election precincts, polling places and election officers established and designated for such election shall be the election precincts, polling places and election officers for such other election or elections so called and ordered consolidated therewith, and it shall not be necessary that the ordinance ordering such other election or elections and such consolidation shall set forth such election precincts, polling places or election officers. When any elections shall have been consolidated as herein provided they shall be held, conducted, the returns thereof canvassed and the result thereof declared in all particulars, the same as one election held under this charter.

Election or-
dinances.

Sec. 200. The council of said city shall, by ordinance, order the holding of all elections. Every such ordinance shall specify the object and time of holding any such election, and shall establish the election precincts and designate polling places therefor, and the names of the election officers for each such precinct, who must be residents thereof, to conduct the holding of and make returns of such election. Unless otherwise designated in such ordinance, such voting precincts shall be the same as those that existed for the holding of the last preceding general state election in said city. The council may, in ordering the holding of any election, consolidate the voting precincts which existed for the holding of the last preceding general state election into consolidated election precincts to a number not exceeding three, for each such consolidated election precinct, and shall number such precincts consecutively, and each precinct so established shall, for the purposes of such election, be known by the number so designated. In ordering the holding of any election, the council may reduce the number of election officers for each election precinct, or consolidated election precinct, to one judge, one inspector, one clerk and two ballot clerks; and in such case, the election board shall consist of the judge, inspector and clerk. All ordinances ordering the holding or consolidation of elec-

tions shall be published in some daily newspaper printed and published in said city, for at least five days prior to the time appointed for the holding of such election.

Sec. 200a. The city clerk shall provide for every election, Ballots. ballots for each election precinct or consolidated election precinct established therefor, equal to ten per cent in excess of the total number of electors registered in each such election precinct or consolidated election precinct. And upon the day of any election, immediately upon the arrival of the hour when the polls are required by law to be closed, the city clerk shall openly, in his main office, and in the presence of as many persons as may then and there assemble to witness his act, proceed to destroy every unused ballot which shall have remained in his possession, custody or control, and forthwith make and file in his office his affidavit, in writing, as to the number of ballots so destroyed.

Sec. 201. The returns of every election shall be delivered Returns of elections. to the city clerk, who shall deliver the same to the council when it is in session for the purpose of canvassing the returns thereof. The council shall, within ten days after any election, either at a regular or special meeting, canvass the returns and declare the result thereof, and order certificates of nomination, in the case of primary nominating elections, issued to the persons nominated thereat, and certificates of election to the persons elected at general municipal elections or at primary nominating elections. The council shall be the judge of the qualifications of all of the elective officers.

Sec. 202. All elections shall, except as in this charter otherwise provided, be conducted and held in accordance with the provisions of the laws of the state for the holding of general elections in effect at the time.

Sec. 203. No person shall be eligible to any elective office Eligibility. under this charter who at the time of his election is not a qualified elector of this city, and to be eligible to the office of member of the council, the person elected must also have been a resident of the city for at least two years next preceding his election.

Sec. 204. All persons shall be entitled to vote at any election held in pursuance of this charter who come within or comply with the requirements of this section. Every person who was a qualified elector at the general state election immediately preceding the holding of any election under this charter, and who was registered, as required by the general law of this state respecting the registration of voters, in any of the election precincts for any election held under this charter, or in any of such precincts which together compose any consolidated precinct for any such election, and who continues to reside within the exterior boundaries of such election or consolidated election precinct until the time of the holding of any election under this charter, shall be entitled to vote at such election, without other or additional registration. Any other person, in order to be entitled to vote at any of the elections held under this charter, must be registered in the manner Right to vote.

required by the general laws of this state respecting the registration of voters, as an elector of and within the precinct or one of the precincts which compose the consolidated election precinct wherein he claims to be entitled to vote; *provided, however,* that as to all elections held under this charter, such registration shall be in progress at all times except during the twenty-five days immediately preceding any such election; *and provided, further,* that transfers of registration may be made from one election precinct to another, in the city of Los Angeles, at any time except within twenty-five days immediately preceding any election held under this charter, but no such transfer shall be required in the case of the removal of an elector from one to any other precinct included in a consolidated election precinct.

Clerk's office to be open for registration.

It shall be the duty of the county clerk of the county of Los Angeles to keep his office open for registration and transfers of registration for at least sixty days prior to the closing of registration for any municipal election, and to register and transfer the registration of all qualified electors of said city who may apply for such registration or transfer of registration during that time.

Registers.

Sec. 205. The registers used at any election held in pursuance of this charter shall be the registers used at the last preceding general state election in the precincts in which such municipal election is held, together with supplemental registers showing all additional registrations, transfers and changes, since the closing of registration for such general state election. It shall be the duty of the county clerk of the county of Los Angeles to furnish such registers with proper indices thereto, to the city clerk of said city at least five days before the holding of such municipal election.

Candidates to fill unexpired terms.

Sec. 205a. Any candidate to serve for the remainder of an unexpired term of any office, unless candidates therefor shall have been nominated at a primary nominating election, may be nominated by petition, which shall be substantially in the form prescribed in sections 206c and 206d of this charter. Each such petition must be presented to the city clerk not less than twenty-five days before the general municipal election at which the person to serve for such unexpired term shall be elected, and shall be examined, certified, amended and filed and treated in all respects the same as petitions for the nomination of candidates to be voted for at a recall election.

Officers to serve until successors qualify.

Sec. 206. The present officers of the city shall hold, continue to hold and exercise their respective offices until the election or appointment and qualification of their successors to be elected or appointed under this charter as hereby amended, with the powers and duties vested in and imposed upon them by the charter and the ordinances of the city under which they were elected.

PRIMARY NOMINATING ELECTIONS.

Primaries.

Sec. 206a. Candidates to be voted for at any general municipal election shall be nominated at a primary nominating

election. No person shall be eligible to nomination for an elective office who is not a qualified elector of the city of Los Angeles at the time of such nomination; and no names shall be printed upon the ballot for such general election other than those selected in the manner in this article prescribed.

Sec. 206b. A primary nominating election shall be held on the last Tuesday in October, 1911, and on the last Tuesday in October of every second year thereafter, at which shall be nominated the candidates for the elective offices to be voted for at the general municipal election to be held on the first Tuesday in December next ensuing. The officers of election who shall be appointed for the primary nominating election shall be the officers of such general election, and such general election shall be held at the same places, as far as possible, and the polls shall be opened and closed at the same hours, as may be provided for the primary nominating election. All ballots, blanks and other supplies to be used at any primary nominating election, and all expenses necessarily incurred in the preparation for or the conducting of such primary nominating election shall be paid out of the treasury of the city in the same manner, with like effect, and by the same officers, as in the case of other elections.

When held.

Expenses.

Sec. 206c. The name of no candidate for nomination shall be printed upon the primary nomination ballot unless a petition for nomination shall have been filed in his behalf, as provided herein, in substantially the following form:

Petitions of candidates.

We, the undersigned, qualified electors of the city of Los Angeles, county of Los Angeles, State of California, do hereby petition that the following named person or persons shall be a candidate or candidates for the office or offices hereinafter specified, to be voted for at the primary nominating election to be held for the nomination of candidates for offices of said city at the next general municipal election, for (name the office or offices to be filled).

<i>Name of candidate.</i>	<i>Office.</i>	<i>Address.</i>
.....
.....
.....
.....
.....
<i>Name of petitioner.</i>		<i>Address.</i>
.....	
.....	
.....	
.....	

STATE OF CALIFORNIA, }
COUNTY OF LOS ANGELES. } ss.

I do hereby certify that I am a qualified elector of the city of Los Angeles, that I reside at No. street, in the city of Los Angeles, county of Los Angeles, State of California, and that the signatures on this sheet were signed in my presence and are genuine, and that to the best of my knowledge and belief the persons so signing were at the time of so signing, qualified

electors of said city and that their respective residences are correctly stated as above set forth.

.....
.....
Subscribed and sworn to before me this day
of, A. D.

Petitions
separate
sheets,
form, etc.

Sec. 206d. Such petition shall consist of sheets of uniform size to be furnished by the city clerk and said petition and each separate sheet thereof shall be preceded by a heading in large clear letters or type giving name of petition, or for what office, and name of candidate nominated, in substantially the following form:

Petition for nomination of A. B. for city assessor and C. D. for city auditor, etc., etc.

Such petition shall be signed by qualified electors of the city of Los Angeles in their own proper persons only, and opposite the signature of each signer, his residence address shall be written by him, or if he is unable to write, by some one under his direction, giving the street and number when such designation by street and number can be given. At the bottom of each sheet of such petition shall be added a statement, signed by a qualified elector of the city stating his residence address, with street and number when such designation by street and number can be given, certifying that the signatures on that sheet of said petition were signed in his presence and are genuine, and that to the best of his knowledge and belief the persons so signing were at the time of signing said petition qualified electors of said city. Such statement shall be sworn to before some officer authorized to administer oaths. Such sheets, before being filed, shall be fastened together, in book form, by placing the sheets in a pile, and fastening them together at one edge in a secure and suitable manner, and then the sheets shall be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll.

Sec. 206e. No petition for nominations shall be presented to the city clerk which shall contain blanks for more than one thousand signatures, nor to which are appended the signatures of more than one thousand petitioners and no such petition shall be held sufficient unless signed by at least five hundred qualified electors of the city. No petition for nomination shall contain the names of more than one candidate for each office. No elector may sign more than one petition for a candidate for the same office.

Petitions
presented.

Sec. 206f. Said petition shall be presented to the city clerk not more than fifty days and not less than thirty days prior to the primary nominating election, and the said clerk shall endorse thereon the date of such presentation. A fee of ten dollars shall be paid to the city clerk upon the presentation to him of said petition. The city clerk shall immediately pay into the city treasury all such fees, and the same shall be placed therein to the credit of the election fund. The said

city clerk shall immediately, upon the presentation to him of a petition, ascertain and determine whether or not the petition is signed by the requisite number of qualified electors. If requested by him the council shall allow the clerk extra assistants in this work, and the provisions of this charter respecting the classified civil service of the city shall not apply to the persons so employed. The clerk shall, within five days after the presentation of such petition to him, attach his certificate thereto showing the result of his examination.

Sec. 206*g*. If, by the city clerk's certificate, it shall appear that the petition has not been signed by the requisite number of qualified electors, it may be amended within five days from the date of said certificate by the further addition of names. The said clerk shall, within five days after such amendment, make like examination of the amended petition and shall certify as to the result of his examination, but no further amendment shall be allowed.

Petition
may be
amended.

Sec. 206*h*. If either the original or amended petition shall be found to be sufficiently signed as herein provided, the same shall be filed by the clerk. Said petition, when filed, shall not be withdrawn or added to, and no signature shall be withdrawn therefrom after presentation to the clerk.

Petition
filed may
not be
added to.

Sec. 206*i*. Within five days after the expiration of the time for the filing of petitions for nominations, any person for the nomination of whom a petition has been filed as hereinbefore provided, may cause his name to be withdrawn from nomination, by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot to be used at the primary nominating election. If upon such withdrawal, or by the death of any person for the nomination of whom a petition has been filed, the number of candidates remaining does not exceed the number of persons to be elected to any office, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election, but no amendment to any such petition shall be allowed.

When
names
may be
withdrawn.

Sec. 206*j*. The city clerk shall enter the names of all persons for the nomination of whom as candidates, petitions have been filed as hereinbefore provided, except candidates who have withdrawn or died, and shall, not later than ten days prior to the primary nominating election, certify such list as the list of names of candidates to be voted for at such primary nominating election. The city clerk shall cause said list of names and the offices for which the several candidates were respectively nominated, together with his certificate thereof, to be published for at least five consecutive days prior to the primary nominating election in five daily newspapers printed and published in the city.

Certified
list of can-
didates.

Sec. 206*k*. The city clerk shall cause the ballots to be printed and, except when voting machines are used, numbered and bound, which ballots shall contain the list of names of candidates and respective offices as published, with the following caption:

Ballots.

“PRIMARY NOMINATING ELECTION,

City of Los Angeles.

(Inserting date thereof).

“To vote, stamp a cross opposite the name of the candidate voted for, except that when name of candidate is written in by voter the cross shall not be made.”

The names of the offices to be filled shall be arranged on the ballots in the order the officers of the city to be elected are named in section 4 of this charter.

Order of candidates.

Sec. 206l. The names of the candidates for each office shall be arranged on the ballot for the primary nominating election in alphabetical order. There shall be nothing on any ballot indicative of the party affiliation, source of candidacy or support of any candidate. Any candidate to serve for the remainder of an unexpired term, shall be designated in the petition and on the ballot as a candidate to fill an unexpired term.

Blank spaces.

Sec. 206m. Each ballot shall contain blank spaces underneath the printed names for each office, wherein the voter may write the name of any candidate whose name is not printed on the ballot and for whom he may wish to vote and in such case a cross shall not be stamped opposite such written name.

Candidate receiving majority of votes elected.

Sec. 206n. In the event that any candidate for nomination to any office for which only one person is to be elected shall receive a majority of the votes cast for all the candidates for nomination to such office at such primary nominating election, the candidate so receiving such majority of votes shall be deemed to be and declared by the council to be elected to such office; *provided*, that in the case of candidates for the offices of member of the council and member of the board of education, the candidates therefor equal to or less than the number of such offices, for which nominations are to be made who receive the votes of more than one half of the qualified electors voting at such election, shall be deemed to be and declared by the council to be elected to such office or offices. Except as in this section provided, the result of such primary nominating election shall be as provided in section 206o of this charter.

Two candidates receiving highest number of votes.

Sec. 206o. The two candidates receiving the highest number of votes for any given office at the primary nominating election shall be the candidates, and the only candidates, for such office whose names shall be printed upon the ballots to be used at the general municipal election; *provided*, that where more than one office of the same kind is to be filled, the candidates therefor, equaling in number twice the number of such offices, who receive the highest number of votes at the primary nominating election, shall be the candidates, and the only candidates, for such offices whose names shall be printed upon the ballot to be used at such general election.

After the expiration of the time within which nominations may be contested, as hereinafter provided, the council shall cause certificates of nominations to be issued by the city clerk to such candidates as shall have received the required number

of votes and shall have been nominated at the primary nominating election; *provided, however*, that such certificate shall not be issued when there is a contest as to any candidate, as hereinafter provided, until after such contest shall be determined.

Sec. 206p. The ballot at any general election shall be in the same general form as for such primary nominating election, so far as applicable, and without any indication as to the party affiliation, source of candidacy or support of any candidate.

Ballot of general election.

Sec. 206q. Any person entitled to vote at any election held in the city of Los Angeles, shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for the period of two consecutive hours between the time of opening and the time of closing the polls; and such voter shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made on account of such absence from his usual salary or wages.

Right of elector to absent himself from service.

Sec. 206r. Nothing contained in any of the foregoing sections, 206a to 206q, both inclusive, shall be deemed to apply to any election held under the sections of this article relating to the recall and removal of elective officers, except as therein expressly provided.

Sec. 206s. In the event of the death of any candidate nominated at a primary nominating election for any office, the name of the person who received the highest vote of those who were candidates for such office, other than the candidates who were nominated therefor at the primary nominating election, shall be deemed a candidate and his name shall be printed upon the ballot to be used at the general municipal election, with the same force and effect as if such person had been nominated therefor as hereinbefore provided.

In event of death of candidate.

Sec. 206t. Whenever it shall appear upon the canvass of the returns of any primary nominating election that two or more persons have received an equal number of votes as candidates for any office at such election, so that the result of such election does not determine which of such persons are entitled to be nominated as candidates for such office, the city clerk shall forthwith, upon the declaration by the council of the result of such election, notify in writing all persons so receiving an equal number of votes, to appear before the council, in the council chamber, at its next regular meeting that shall occur after the expiration of five days after the result of such election shall have been declared, and at an hour to be specified in such notice, and then and there to draw lots to determine which of said persons shall be the candidate or candidates for such office. At the time and place specified in such notice, such persons shall appear before the council and shall then and there in open session thereof, draw lots to determine which of said persons shall be such candidate or candidates. Such lots shall be drawn in such manner as the council shall prescribe, and the person or persons upon whom the choice made by such drawing of lots

When candidates receive same number of votes.

shall fall, shall be declared to be and shall be the candidate or candidates. If any such person do not appear, as above prescribed, the city clerk shall act for such person in such drawing of lots; *provided, however*, that if any demand for a recount of the ballots cast at such primary nominating election be made as hereinafter provided, by or on behalf of any such person, such drawing of lots shall not be had, until and unless such recount shall also result in a tie vote having the effect hereinbefore stated.

Nothing in this section contained shall be construed to prevent any elector of the city from demanding and obtaining a recount of the ballots cast at such primary nominating election as hereinafter provided.

Contest.

Sec. 206*u*. Any elector of the city may contest the right of any person declared nominated as a candidate for any office to be such candidate, upon the ground that such person did not receive the requisite number of votes at the primary nominating election. When an elector contests the right of any person declared nominated as a candidate for any office to be a candidate therefor, he must, within five days after the result of the primary nominating election shall have been declared by the council, file with the city clerk a written petition setting forth specifically the following:

- (1) The name of the person contesting such nomination, and that he is an elector of the city;
- (2) The name of the person whose right to be a candidate for an office, stating the office, is contested;
- (3) A statement of particulars wherein the person, whose right to be a candidate is contested, did not receive the requisite number of votes at the primary nominating election; or, of such errors in the counting of ballots, which, if corrected, would give a different result;
- (4) A demand for a recount of the ballots cast at such election.

Such petition must be signed by and be verified by the affidavit of the person filing such petition, and such affidavit must state that the statements made in the petition are true of his own knowledge, except as to the matters which are therein stated on his information or belief, and as to those matters he believes it to be true. Any such petition shall be accompanied by a bond in the penal sum of five hundred dollars, in favor of the city of Los Angeles, executed by the petitioner and by two sureties satisfactory to the council, conditioned for the payment by the petitioner to the city of Los Angeles of the costs and expenses of such recount of ballots in case such contest does not change the result of such election.

The city clerk shall present said petition to the council at its next regular meeting after the filing thereof, and the council shall thereupon order a recount of the ballots cast at such election. Such recount shall be conducted by the mayor, city attorney and city clerk, who shall for that purpose constitute a board of contested primary nominating elections;

provided, however, that if any of said officers are interested parties to said contest, the council shall designate a disinterested elector to act upon such board in the place of such officer. Such board shall be authorized by the council to employ such persons as may be necessary to assist them in conducting such recount, which shall be public and conducted with due diligence to completion. Upon the completion thereof, such board shall make a report in writing of the result thereof to the council, which shall thereupon declare the same; and if any person or persons other than the person or persons theretofore declared nominated, are found upon such recount to be entitled to such nomination, the council shall so declare and direct that the proper certificate of nomination be issued to such person or persons. Nothing in this section contained shall be construed to prevent any person from contesting any nomination by such judicial proceedings as may be otherwise authorized by law.

In case the result of such primary nominating election is changed by such contest, the expense of such recount shall be paid by the city.

Sec. 206v. The provisions of section 206u shall be applicable to any case where it appears from the canvass of the returns of any primary nominating election that two or more persons have received an equal number of votes as candidates for any office at such election, so that the result of such election does not determine which of such persons are entitled to be nominated as candidates for such office. Any elector of the city may, in the event of any such tie vote, obtain a recount of the ballots cast at such primary nominating election by filing a petition demanding such recount, setting forth specifically the following:

- (1) The name of the person demanding such recount, and that he is an elector of the city;
- (2) The names of the persons who received an equal number of votes, stating the office;
- (3) A statement of particulars of such errors in the counting of ballots, which, if corrected, will give a different result;
- (4) A demand for a recount of the ballots cast at such election.

Such petition shall be signed, verified and filed as in said section 206u provided. The proceedings for such recount shall be conducted and the result thereof determined in the same manner and with the same force and effect as in said section provided, and the provisions thereof shall control in all matters pertaining to such proceedings so far as they may be applicable thereto.

Sec. 206w. A substantial compliance with the provisions of this article shall be sufficient for the holding of any election hereunder, and for the approval or rejection of any ordinance, order or resolution submitted to a vote of the electors of the city.

Charter Amendment Number Three.

That section 43 of the charter be amended to read as follows:

CITY AUDITOR.

Duties.

Sec. 43. The city auditor shall be the general accountant of the city, and shall exercise a general supervision over all of the officers, boards and commissions of the city charged in any manner with the receipt, collection or disbursement of the moneys of the city. He shall have power to prescribe the method of installing, keeping and rendering all accounts of the several officers, boards or commissioners of the city; *provided, however*, that any change of the system of accounting shall first be authorized by the council.

The city auditor shall keep in his office a complete set of accounts, which shall show, at all times, the financial condition of the city and the state of each fund, from what source the money was derived, and for what purpose any money was expended.

He shall, on application of any person indebted to the city, holding money payable into the city treasury, or desiring to pay money therein, certify to the city treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall upon the deposit of the receipt of the city treasurer for money paid into the city treasury, charge the city treasurer with the amount received by him, and give the person paying the same a receipt therefor.

It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and appropriated and forthwith notify the city treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officer all licenses.

He shall report to the council at its second regular meeting of each month the condition of each fund in the city treasury and the amount drawn from each fund during the preceding month, and shall render to the council such other or special reports as it may from time to time require.

He shall make and present a report to the council on or before the fifteenth day of August of each year, showing all financial transactions of the city for the fiscal year ending the 30th day of June last preceding.

He shall audit and approve all demands against the city before payment, and keep a record of the same, as hereinafter provided in article XXI.

The city auditor shall perform such other duties and exercise such further powers as may be elsewhere prescribed for him by the charter or by ordinance. He shall devote his entire time to the performance of the duties of his office.

That section 46 of the charter be amended to read as follows:

CITY ASSESSOR.

Sec. 46. It shall be the duty of the city assessor, in addition to any duty that may be elsewhere prescribed for him by this

charter or by ordinance, to make out, within such a time as may be prescribed by ordinance of said city, either now in force or that may hereafter be passed in pursuance hereof, a full, true and correct list of all the property, both real and personal, taxable by law, within the limits of said city, with the valuation thereof, and assess the same to the persons by whom it was owned or claimed, or in whose possession or control it was, at twelve o'clock meridian on the first Monday of March next preceding.

Each taxpayer in said city shall make and deliver to the city assessor annually, and at such time as shall be provided for by ordinance, a statement under oath setting forth specifically all the real and personal property owned by such taxpayer, or in his possession or under his control at twelve o'clock meridian on the first Monday of March next preceding.

Statement
of tax-
payer.

It shall be the duty of the city assessor to collect the taxes on all personal property, when the owner of said property is not seized of real estate in said city sufficient to afford ample security for collection of said taxes. In all such cases he shall be governed in fixing the amount of the tax by the rate of the tax levy for the preceding year.

Immediately after fixing the assessment on such property he shall serve on its owner or owners a notice in writing, which shall specify the assessed valuation of the property, the rate per cent and the amount of tax payable, and contain a demand for the payment of said tax within three days after service of said notice. Said notice shall be served personally, or by leaving a copy of the same at the last known place of residence of the person whose property is so assessed.

Upon the expiration of said three days after such service, if the tax demanded still remains unpaid or payment thereof be not secured to the satisfaction of the city attorney and city assessor, the city assessor shall forthwith proceed to collect the same by seizure and sale of any personal property owned by the delinquent.

The said sale shall be made by him in the manner provided in sections 3791, 3792, 3793, 3794, 3795 and 3796 of the Political Code of the State of California; *provided*, that the newspaper referred to in said section 3792 shall be published in the city, and shall be designated by the council.

As soon as the rate is fixed for the year in which such collection is made, if it be found that a sum in excess of said rate has been collected, the excess must be repaid in the same manner as other demands against the city are paid, to the person from whom the collection was made, or to his assigns. And if a sum less than the rate fixed has been collected, the deficiency must be collected as other taxes on personal property are collected.

Should the board of equalization reduce the valuation for the same year of the property so assessed, the sum collected in excess of said reduced valuation must be repaid in like manner, to the person from whom the collection was made, or to his

assigns. And if the valuation of said property should be increased by said board, then the deficiency must be collected as other taxes on personal property are collected.

The city assessor shall carefully note upon his assessment list and also upon a book to be kept by him for the purpose all collections made by him under this section, and shall turn over to the city treasurer all money received immediately upon its receipt.

In case the city assessor shall fail to demand, and through his fault to collect, any and all taxes which by this section he is directed to collect, he shall be and become personally liable to the city for the amount of said delinquent taxes, with interest from the date of their assessment; and the council is authorized and directed to cause proper action or actions at law to be brought against him and the sureties on his official bond to recover the same.

The mode of making out assessment lists, of ascertaining the value of property and of equalizing the same shall be such as is now or may hereafter be prescribed by the ordinances of the city.

That section 47 of the charter be amended to read as follows:

BOARDS AND COMMISSIONS.

Sec. 47. The powers and duties of all boards and commissions provided for under this charter shall be such as are in this charter elsewhere set forth, and such as may be prescribed by ordinance.

That section 49 of the charter be amended to read as follows:

THE CITY ATTORNEY.

Qualifica-
tions.

Sec. 49. The city attorney must be qualified to practice in all the courts of this state, and he must have been so qualified for at least five years next preceding his election. He shall devote his entire time to the duties of his office.

The powers and duties of the city attorney shall be as follows:

Powers
and duties.

(1) The city attorney must prosecute and defend for the city all actions at law or in equity, and special proceedings, for or against the city, or in which it may be legally interested, or for any officer of the city in any action or proceeding, when directed so to do by the council.

[2] Whenever any cause of action at law or in equity or by special proceeding exists in favor of the city, the city attorney shall commence the same when within his knowledge or when directed so to do by the council. He shall give his advice or opinion in writing to any officer, board or commission of the city, when requested so to do by such officer, board or commission; *provided*, that the council shall have control of all litigation of the city, and may employ other attorneys to assist the city attorney therein.

(3) He shall approve, by indorsement in writing, the form of all official or other bonds required by this charter, or by ordinance, before the same are submitted to the proper body, board

or officer for final approval, and no such bond shall be approved without such approval as to form by the city attorney. He shall approve in writing the draft of all contracts before the same are entered into by or on behalf of the city. The city attorney shall do and perform all such other things affecting or relating to his office as may be required of him by ordinance.

(4) The city attorney shall keep on file in his office copies of all written communications and opinions given by him to any officer, board or department; copies of all papers, briefs and transcripts used in causes wherein he appears, and books of record and registry of all actions or proceedings in his charge, in which the city, or any officer, board or commission is a party or is interested.

(5) The city attorney may appoint such assistants, deputies, Assistants. clerks, stenographers and other persons as the council, by ordinance, shall prescribe; *provided, however*, that each assistant must at the time of his appointment be qualified to practice in all of the courts of the state, and must have been so qualified at least two years next preceding his appointment.

That section 50 of the charter, relating to the office of superintendent of buildings, be repealed, and in place thereof a new section be added to the charter, to be known as section 50, and to read as follows:

THE CITY PROSECUTOR.

Sec. 50. The city prosecutor shall be appointed by the mayor, subject to confirmation by the council. He must be at the time of his appointment qualified to practice in all of the courts of this state, and he must have been so qualified for at least five years next preceding his appointment. He shall devote his entire time to the duties of his office. Appointment.

The city prosecutor may appoint such assistants, deputies, Assistants. clerks, stenographers and other persons as the council, by ordinance, shall prescribe; *provided, however*, that each assistant must at the time of his appointment, be qualified to practice in all of the courts of the state, and must have been so qualified at least two years next preceding his appointment.

The powers and duties of the city prosecutor shall be as follows:

(1) The city prosecutor shall be present, either in person, or by his assistants or deputies at all sessions of the police court; and he shall institute, attend and conduct, on behalf of the people, all criminal cases arising upon violations of the provisions of this charter or the ordinances of the city, in the police court, and on appeal. Powers and duties.

(2) The city prosecutor shall draw complaints in such cases in said police court, and prosecute all recognizances and bail bonds forfeited in said police court. He shall prosecute all actions for the recovery of fines, penalties and forfeitures and other moneys accruing to the city of Los Angeles in said court.

(3) Whenever it shall be authorized by the laws of this

Powers.

state, the city prosecutor shall prosecute in the police court, and on appeal, all misdemeanor offenses cognizable in or by the police court, arising upon violation of the laws of this state; draw complaints in said court for misdemeanors committed against the laws of this state, prosecute all recognizances and bail bonds forfeited in said police court, and prosecute all actions for the recovery of fines, penalties and forfeitures accruing to the city or county of Los Angeles in said police court.

(4) Whenever the laws of the state shall so provide, any person held in custody or restraint by any peace officer of the city, and charged with having committed any criminal offense against the provisions of the charter of this city, or the ordinances thereof, or with having committed any misdemeanor or other offense in the city of Los Angeles against the laws of the state, who shall apply for a writ of habeas corpus, a copy of the application for such writ must in any such case be served upon the city prosecutor at such time and in such manner as may be provided by such laws; and it shall be the duty of the city prosecutor to conduct all proceedings connected with or relating to the application for or hearing upon such writ on behalf of the people.

(5) Whenever it shall be authorized by the laws of the state, the city prosecutor shall have the power to make and present to the said police court, or any judge thereof, in any case where an offense has been committed in the city, that is triable in said court, and any person whose attendance as a witness at the trial is necessary in the judgment of the city prosecutor, resides out of the county of Los Angeles, or is served with the subpoena outside of said county, an affidavit stating that he believes the evidence of such witness is material and his attendance at the trial is necessary.

(6) It shall be his duty to keep a register of his official business, in which must be entered a note of all actions, whether criminal or civil, prosecuted or defended officially by him, and of the proceedings therein; and shall have such further powers and shall perform such other duties as may be prescribed by ordinance.

That section 53 of article IV of the charter be amended to read as follows:

CHIEF OF POLICE.

Sec. 53. The chief of police shall have the supervision and control of the police force of the city, and in that connection he shall be subject only to the orders of the mayor.

That section 57 of article IV of the charter be amended to read as follows:

HEALTH COMMISSIONER.

Sec. 57. The health commissioner shall have such powers and perform such duties as are in this charter or may be by ordinance granted to or imposed upon him.

That article IV of the charter be amended by adding a new

section thereto to be designated as section 57a, and to read as follows:

PURCHASING AGENT.

Sec. 57a. The purchasing agent shall, except as elsewhere in this charter prescribed, be the agent of the city in purchasing materials and supplies used by the city.

He shall receive such salary, give such bond to the city, and perform such duties as may be prescribed by ordinance.

That section 59 of article IV of the charter be amended so as to read as follows:

Sec. 59. Every officer, board and commission of the city, in addition to those named in section 58 of this article, shall, except as otherwise provided in this charter, make and present to the council, at its meeting in the second week of July of each year, such report pertaining to the affairs of the office or department of which such officer, board or commission has charge, for the year ending on the thirtieth day of June last, as the council, by ordinance, shall prescribe. Reports.

That article VII of the charter be amended to read as follows:

ARTICLE VII.

DEPARTMENT OF EDUCATION.

Sec. 69. The government of the school department of the city of Los Angeles shall be vested in a board of education, to consist of seven members, to be elected as in this charter provided, and to be called members of the board of education. Board of education.

Sec. 70. Each member of the board of education shall receive, in full compensation for all services of every kind rendered by him, ten dollars for each regular meeting of said board attended by him, but not exceeding a total of fifty dollars in any one calendar month, the same to be paid out of the school fund. Compensation.

Sec. 71. The members of the board of education in office, at the time this article takes effect, shall hold and exercise their offices until the election and qualification of their successors under this charter. Term.

Sec. 72. The board of education shall elect one of its members president. It shall have power, by resolution adopted by a majority of all its members, and recorded in the minutes with the ayes and noes at length, to make rules and regulations for its proceedings, for the government and administration of the department of education, and for the regulation and conduct of the officers, teachers and other employes of said department. President.

Sec. 73. The board of education shall hold regular meetings at least once every two weeks, and special meetings at such times as shall be prescribed by the rules of said board. A majority of all the members of said board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time until a quorum be present. Meetings.

Sec. 74. The meetings of the board of education shall be public, and its records shall be open to public inspection.

Vacancies. Sec. 75. The board of education shall fill all vacancies occurring in its membership.

Powers. Sec. 76. The board of education shall have power:
 1. To establish and maintain public schools, including high schools, to change, consolidate and discontinue the same, and to establish districts for such schools and to fix and alter the boundaries thereof.

2. To appoint, employ and discharge a city school superintendent, a deputy school superintendent, assistant school superintendents, a secretary, an auditor, and such teachers, janitors, school census marshals, mechanics, laborers and other employees as may be necessary to carry into effect the powers and duties of the board; to fix, alter and allow their salaries or wages, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid.

3. To make, establish and enforce all necessary and proper rules and regulations for the government of public schools, the teachers thereof, pupils therein, and for carrying into effect the laws relating to education; also to establish and regulate the grade of schools, and determine what text-books, course of study and mode of instruction shall be used in said schools.

4. To grade, pave, sewer or otherwise improve streets and other public places in front of real property owned or controlled by it, and to appropriate money to pay the cost and expense of such improvements, whether made by said board, or under contracts executed by the board, or under contracts made in pursuance of the general laws of the state respecting street improvements.

5. To have and exercise entire control and management of the public schools of the city in accordance with the constitution and general laws of the state and the provisions of this charter, and said board is hereby vested with all the powers and charged with all the duties provided by this charter, and also by the general laws of the state for city boards of education.

Payments out of school fund. Sec. 77. No demand payable out of the school fund shall be approved or paid unless the same be first approved by the affirmative vote of five members of the board, taken by ayes and noes, and spread on the minutes and the action of said board, on such demand, shall be endorsed thereon and signed by the president and the secretary thereof.

Superintendent. Sec. 78. The city school superintendent, with the approval of the board of education, may, for good and sufficient cause, provisionally suspend any teacher employed in the public schools of the city until the next meeting of the board of education. It shall be the duty of the city school superintendent to report to the board of education annually, and at such other times as it may require, all matters pertaining to the expenditures, income and condition and progress of the public schools of said city during the preceding year, with such recommendations as he may deem proper; to visit each school as often as

practicable; to observe, and cause to be observed, such general rules for the regulation, government and instruction of the schools as may be established by the board; to recommend to the board the dismissal of teachers, stating the reasons therefor; to attend all sessions of the board, and inform it at each session of the condition of the public schools, schoolhouses, school fund, and other matters connected therewith, and recommend such measures as he may deem necessary for the advancement of education in the city, and to acquaint himself with all the laws, rules and regulations governing the public schools in said city, and the judicial decisions thereon, and give advice connected with public schools, gratuitously, to officers, teachers, pupils and their parents and guardians.

That article VIII of the charter be amended to read as follows:

ARTICLE VIII.

LIBRARY DEPARTMENT.

Sec. 81. There is hereby established a department of the government of the city of Los Angeles, to be known as the library department, which shall be under the management and control of a board of five directors, to be known as the board of library directors. Board of directors.

Sec. 82. Said directors shall be appointed by the mayor, subject to confirmation by a majority of the council. They shall serve without compensation, and shall be chosen from the citizens at large, without regard to sex. Appointment.

Sec. 83. The term of office of the library directors shall be four years; *provided, however*, that upon the taking effect of this article, the directors of the Los Angeles public library, then in office, shall be and become the library directors of the city, and shall continue in office as such directors until the expiration of the terms for which they were appointed respectively, and until their successors are appointed and qualified; *and provided, further*, that the term of office of each of said directors of the Los Angeles public library shall expire on the first Monday in January of the fourth calendar year immediately following his appointment. The mayor shall, subject to confirmation by the council, fill all vacancies for the unexpired term. Term.

Sec. 84. The said board of library directors shall organize by electing one of its members president, who shall hold office for one year, and until his successor is elected. President.

Sec. 85. The said board of library directors may appoint any employee of the library department to act as clerk of said board. Such clerk shall keep a record and full minutes in writing of all the proceedings of said board, and may certify to such proceedings or any portion thereof under his or her hand, to be verified by seal, if a seal be adopted and provided by the board for that purpose, and such clerk shall serve without extra compensation therefor. Clerk.

Sec. 86. The said board of library directors by the vote of

Powers. a majority of all its members, to be recorded in the minutes of its proceedings with the ayes and noes at length, shall have power:

(a) To establish all necessary rules and regulations for the exercise of the powers, conferred in this article, for the government of the library department, and for the regulation of the conduct of its officers and employes.

(b) To establish and maintain branch public libraries and reading rooms, and all branch libraries and reading rooms heretofore established by said city, and all property, real and personal, thereto pertaining, shall be and remain in the charge, custody and administration of the said board of library directors, with like powers and liabilities as said library.

(c) To appoint a librarian, a first and second assistant librarian, and such other officers and employes of the library department as the board may deem necessary; to determine and define their duties and to fix and regulate their compensation. All appointments in the library department shall be made by the said board subject to such civil service rules and regulations as are now or may hereafter be in force.

(d) To establish departments in said public library, and to appoint, employ and remove heads of such departments.

(e) To control and order the expenditure of all moneys at any time in the library fund, and order the drawing and payment of all moneys out of said fund for such expenditures or liabilities as are herein authorized, subject to the provisions of this charter for the payment of demands on the city treasury of said city. All moneys received for such library shall be deposited in the treasury of the city, to the credit of the library fund, and shall be kept separate and apart from other moneys of the city, and shall be drawn from said fund upon demands authenticated by the signatures of the president, or two members of the board, and by the clerk thereof.

(f) To purchase or lease all necessary real property and thereon to construct a library or branch library building or buildings, or to lease rooms or a building or buildings for such library or branch libraries, and to have general supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose, and generally to do all that may be necessary to carry out the spirit and intent of this charter in establishing a public library and branch public libraries or reading rooms.

(g) To sell, or otherwise dispose of, any damaged, worn out or useless books, furniture or other personal property under its control, in such manner and at such times as the board may determine.

(h) To prescribe and collect fines and penalties for the violation of the rules and regulations of said board respecting the use and loan of books from the said library or branch libraries.

(i) To provide for extending the privileges and use of

such library and branch libraries to persons residing outside of the city of Los Angeles, upon such terms and conditions as said board may, from time to time, by its rules and regulations prescribe, and to require the payment by such persons of dues, and to collect the same for such privileges and use.

(j) To require deposits of money for the return of books loaned from the library, in cases where the person borrowing the same can not furnish such sureties or guarantors as may be required by the rules and regulations of the said board, and in case of the loss of such books, or the return thereof in a damaged condition, to deduct from such deposits, or to collect from such sureties, the cost of replacing such books or restoring the same to good condition, and to declare forfeited all such deposits that shall remain unclaimed for five years.

Sec. 87. All moneys derived from such sales of books and other property, from fines, penalties, dues, deposits, forfeited deposits and collections from sureties shall be paid into the city treasury at the end of each calendar month, to the credit of the library fund, and shall be applied to the purposes for which such fund is established. Library fund.

Sec. 88. The library department shall consist of the librarian, the assistant librarians, and such officers and employees as the board of library directors may prescribe. All appointments in the library department, except as otherwise provided in this charter, shall be made subject to such civil service regulations as are now or may hereafter be in force. The librarian shall have the power to suspend or remove any officer or employee in the library department; but no such suspension or removal shall be made except for cause, which shall be stated in writing and filed with said board of library directors, with certification that a copy of such statement has been served upon the person so suspended or removed, personally, or by leaving a copy thereof at his last known place of residence if he can not be found. Upon such filing such suspension or removal shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion may, or upon written application of the person so suspended or removed, filed with said board within five days after service upon him of such statement as above provided, shall, proceed to investigate the grounds for such suspension or removal. If, in the case of a removal, the board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, and also finds in writing that the person removed is a fit and suitable person to fill the position from which he was removed, the board shall reinstate him in such position; and if, in the case of a suspension, the board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, the board shall restore the person so suspended to duty. The order of said board with respect to such suspension or removal shall be final and conclusive. Any person restored to duty Librarian and other employees.

or reinstated in his position after suspension or removal, as provided in this section, shall be entitled to receive compensation from the city the same as if such suspension or removal had not been made.

Tax levy
for library.

Sec. 89. There shall be levied and collected annually on all the taxable property in the city, as in other cases, a tax sufficient to maintain the library department, not less than four cents on each one hundred dollars of the value of all real and personal property of the said city, as assessed for city purposes, for the purpose of establishing and maintaining said library and branch libraries, and purchasing or leasing such real and personal property, books, papers, publications, furniture and fixtures, and erecting such buildings as may be necessary therefor. No indebtedness exceeding the amount of the annual levy for this purpose shall be incurred in any one year; *provided*, this limitation shall not be construed to prevent the incurring of indebtedness for permanent improvements, to be liquidated by the proceeds of municipal bonds issued by the city of Los Angeles, in accordance with the provisions of this charter and of the general laws of the state, for the purpose of defraying the cost of such improvements.

Public
library con-
tinued in
existence.

Sec. 89a. The public library and reading rooms, known as the Los Angeles public library, are hereby continued in existence; and said library, and all branch public libraries heretofore or hereafter established by the said city, shall be under the management and control of said board of library directors, and shall be free of access to and use by the inhabitants of said city, subject at all times to such reasonable rules and regulations as the said board of library directors may adopt, and said board may exclude from the use of said library and branch libraries any and all persons who shall wilfully violate such rules.

Donations.

Sec. 89b. Any person desiring to make donations of money, securities or other personal property or real estate, shall have the right to vest the title to such money, personal property or real estate so donated in "The board of library directors" hereby created, to be owned, held and controlled by such board when accepted, according to the terms of the deed, gift, devise or bequest of such property; and, as to such property, the board shall be held and considered to be a special trustee thereof for the city. The title of all real property that may be purchased shall likewise be taken by said board in its name as such special trustee; and the city of Los Angeles may, in its discretion, by ordinance, set apart and order to be conveyed to said board, as special trustee, any part of the real property of the city not otherwise appropriated; or to authorize and direct that any park or other real property owned or controlled by the city may be used jointly for library and other purposes.

Investment
of savings.

Sec. 89c. The board of library directors shall have power and are hereby authorized to invest any savings or surplus in the library fund at the close of each fiscal year for the purpose of creating a fund or funds for the acquiring of real estate,

erection of buildings, or purchase of books, all for library purposes; *provided*, that such savings or surplus funds may be invested only in United States, state, county, municipal or school bonds (including any bonds issued by the city of Los Angeles for any purpose); and the income derived therefrom shall be deposited in the city treasury to the credit of the library fund. A full and complete report of the investment of all such funds, together with the nature and form of such investment, shall be made by said board in its annual report in each year.

Sec. 90. The city council shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library, branch libraries, or the grounds or property thereof, and for injury to or failure to return any book belonging to such library. Injury to library.

That article IX of the charter be amended to read as follows:

ARTICLE IX.

POLICE DEPARTMENT.

Sec. 91. There is hereby established a department of the government of the city of Los Angeles to be known as the police department, which shall be under the management and control of three commissioners to be known as the board of police commissioners. Police commissioners.

Sec. 92. The mayor, who shall be ex officio a member and president of the board, and two electors of the city, who shall be appointed by the mayor, subject to confirmation by a majority of the council, shall constitute the board of police commissioners of the city. The appointive members of the board shall serve without compensation, and shall hold office for four years, and until their successors are appointed and qualified; *provided, however*, that the first members of the said board appointed hereunder shall hold office until the first Monday of January, 1912, and until their successors are appointed and qualified.

Sec. 93. The police department shall consist of the chief of police, who shall be appointed and be subject to removal by the mayor, and as many subordinate officers, and such policemen, detectives and employees as the council shall by ordinance determine. All appointments in the department shall be made by the chief of police, subject to approval by the board of police commissioners, and subject to such civil service regulations as are now or may hereafter be in force. The chief of police shall have the power to suspend or remove any officer or employee in the police department; but no such suspension or removal shall be made except for cause, which shall be stated in writing and filed with said board, with certification that a copy of such statement has been served upon the person so suspended or removed, personally, or by leaving a copy thereof at his last known place of residence if he can not be found. Upon such filing the suspension or removal Chief of police.

shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion may, or upon written application of the person so suspended or removed, filed with said board within five days after service upon him of such statement, as above provided, shall, proceed to investigate the grounds for such suspension or removal. If, in the case of a removal the said board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, and also finds in writing that the person removed is a fit and suitable person to fill the position from which he was removed the said board shall reinstate him in such position: and if, in the case of a suspension the board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, the said board shall restore the person so suspended to duty. The order of said board with respect to such suspension or removal shall be final and conclusive. Any person restored to duty or reinstated in his position after suspension or removal, as provided in this section, shall be entitled to receive compensation from the city the same as if such suspension or removal had not been made.

Salaries.

Sec. 94. The salaries of the chief of police, and of all other members and employes of the police department shall be fixed by the council by ordinance.

Regulation.

Sec. 95. The board of police commissioners shall, subject to the provisions of this article, have power to establish rules and regulations for the government of the police department, and prescribe and enforce the penalties for their violation.

Liquor Licenses.

Sec. 95a. The board of police commissioners shall have power to grant permits, under and in conformity with the ordinances of said city, authorizing the city clerk to issue licenses to persons desiring to engage in the sale of liquors, and to revoke any such permit when it shall appear to the board that the business of the person to whom such permit was given is conducted in an illegal, disorderly, or improper manner. Without such permit no person shall engage in the business of selling liquor.

Meetings.

Sec. 96. The board of police commissioners shall meet at least once a week. The board shall appoint a secretary, who shall not be a member of the board, and who shall receive such salary as the council, by ordinance, shall prescribe. The secretary shall keep a record of the proceedings of the board, and may certify such proceedings under his hand, to be authenticated by seal, if a seal be adopted and provided by the board for that purpose, and shall perform such other duties as the board may prescribe. The board shall maintain an office, to be provided by the council, for the transaction of the business of the department. A majority of the board of police commissioners shall constitute a quorum for the transaction of business.

Sec. 96a. The board of police commissioners, the chief of police, and other members and employes of the police depart-

ment, shall have such further powers and be subject to such further duties as may be granted or imposed by ordinance.

That article XI of the charter be amended to read as follows :

ARTICLE XI.

FIRE DEPARTMENT.

Sec. 107. There is hereby established a department of the government of the city of Los Angeles to be known as the fire department, which shall be under the management and control of a board of three commissioners, to be known as the board of fire commissioners. Fire commissioners.

Sec. 108. The mayor, who shall be ex officio a member and president of the board, and two electors of the city who shall be appointed by the mayor, subject to confirmation by a majority of the council, shall constitute the board of fire commissioners. The appointive members of the board of fire commissioners shall serve without compensation, and shall hold office for four years, and until their successors are appointed and qualified; *provided, however*, that the first members of the said board appointed hereunder, shall hold office until the first Monday in January, 1912, and until their successors are appointed and qualified.

Sec. 109. The fire department shall consist of a chief engineer of the fire department, who shall be appointed and be subject to removal by the mayor, and as many subordinate officers, and such firemen and employees, as the council shall by ordinance determine. Chief engineer.

Sec. 110. All appointments in the fire department shall be made by the chief engineer of the fire department, subject to approval by the board of fire commissioners, and subject to such civil service regulations as are now or may hereafter be in force. The chief engineer of the fire department shall have the power to suspend or remove any officer or employee in the fire department; but no such suspension or removal shall be made except for cause, which shall be stated in writing and filed with said board of fire commissioners, with certification that a copy of such statement has been served upon the person so suspended or removed, personally, or by leaving a copy thereof at his last known place of residence if he can not be found. Upon such filing the suspension or removal shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion may, or upon written application of the person so suspended or removed, filed with said board within five days after service upon him of such statement as above provided, shall, proceed to investigate the grounds for such suspension or removal. If, in the case of a removal the said board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, and also finds in writing that the person removed is a fit and suitable person to fill the position from which he was removed the said board shall reinstate him in such position; and if, in the case of a suspension, the board, after such investigation, Appoint-
ments.

shall find in writing that the grounds stated were insufficient, or were not sustained, the said board shall restore the person so suspended to duty. The order of said board with respect to such suspension or removal shall be final and conclusive. Any person restored to duty or reinstated in his position after suspension or removal, as provided in this section, shall be entitled to receive compensation from the city the same as if such suspension or removal had not been made.

Salaries.

Sec. 111. The salaries of the chief engineer of the fire department and of all other officers and employees of the fire department shall be fixed by the council, by ordinance.

Secretary.

Sec. 111a. The board of fire commissioners shall appoint a secretary, who shall not be a member of the board, and who shall receive such salary as the council, by ordinance, shall prescribe. He shall keep a record of the proceedings of the board, and perform such other duties as the board may prescribe.

Regulations.

Sec. 112. The board of fire commissioners shall, subject to the provisions of this article, have power to establish rules and regulations for the government of the fire department, and prescribe and enforce the penalties for their violation.

Fire in harbor.

Sec. 112a. In case of fire occurring on any vessel in Los Angeles harbor, or in the other navigable waters of said city, or in or upon any dock, wharf, pier, warehouse, building or other structure bordering upon or adjacent to said harbor or waters, full power and authority to direct and command the operation of extinguishing said fire and to take the necessary precautions to prevent communication thereof to the shipping in said harbor and other waters, or to the docks, wharves, piers, warehouses or other buildings or structures bordering upon or adjacent thereto, shall be vested in the fire department of the city of Los Angeles.

The officers of said fire department in charge at the scene of any such fire shall have full power and authority to direct the operation of extinguishing the same and to take the necessary precautions to prevent the communication thereof to the shipping in said harbor and other waters, or to any docks, wharves, piers, warehouses or other buildings or structures bordering upon or adjacent thereto, and in the course of such operation may prohibit the approach of such fire or to a vessel, dock, wharf, pier, warehouse or other building or structure in danger therefrom, of any tugboat or other vessel, or of any person; or may remove or cause to be removed and kept away from the vicinity of such fire all tugboats and other vessels, all idle and suspicious persons and all persons not fit to be employed or not actually and usefully employed, in their judgment, in aiding the extinguishing of such fire, or in the preservation of property in the vicinity thereof.

Any person who shall in any way obstruct the operations of said fire department in connection with any such fire, or who shall disobey any lawful command of the officers of said fire department in charge at the scene of such fire, or of the

police in cooperating with them, shall be deemed guilty of a misdemeanor and shall be punishable in such manner as may be prescribed by ordinance.

Nothing in this section contained shall be construed to limit the authority of the master or officers of any such vessel on fire or in danger from fire, subject to the general authority granted herein of the fire department to control the operations in protection of the public interest.

Sec. 112*b*. The board of fire commissioners and the chief engineer of the fire department, and all other officers and employees of the fire department, shall have such other powers and perform such other duties as may be granted or imposed by ordinance.

That article XII of the charter be amended to read as follows:

ARTICLE XII.

PARK DEPARTMENT.

Sec. 113. There is hereby created a department of the government of the city of Los Angeles to be known as the park department, which shall be under the management and control of a board of three commissioners, to be known as the board of park commissioners. Park commissioners.

Sec. 114. The members of the board of park commissioners shall be appointed by the mayor, subject to confirmation by a majority of the council. No person shall be appointed a park commissioner who is not a qualified elector of the city of Los Angeles. The members of said board shall serve without compensation.

Sec. 115. The term of office of the members of the board of park commissioners shall be four years; *provided, however*, that the three members first appointed hereunder shall so classify themselves by lot that one shall go out of office on the first Monday in January, 1913, one on the first Monday in January, 1914, and one on the first Monday in January, 1915. If any vacancy occurs the mayor shall fill the same for the unexpired term, subject to confirmation by a majority of the council. Term.

Sec. 116. Immediately after their appointment, the members of the board of park commissioners first appointed hereunder shall organize by electing one of their members president, who shall hold his office for one year, and until his successor is elected, unless his membership on the board sooner expires. The board of park commissioners shall appoint a secretary, not a member of the board, who shall receive such compensation as may be fixed by ordinance. The secretary shall keep a record of all the proceedings of the board, specifying the names of the commissioners present at all meetings, and giving the ayes and noes upon all votes. The secretary of the board may certify such proceedings under his seal, if a seal be adopted and provided by the board for that purpose, and shall perform such other duties as the board may prescribe. Organization of board.

Office. Sec. 117. The board of park commissioners shall maintain an office, to be provided by the council, and prescribe office hours for the accommodation of the public. It shall hold regular meetings at least once in each week.

Sec. 118. The board of park commissioners shall have power:

Powers. (a) To make and enforce all such rules and regulations as may be necessary or expedient for its own guidance, for the government of the park department, for the conduct of the officers and employes of said department, and for the administration, government and protection of the parks and park system of the city of Los Angeles, and may prescribe and enforce penalties for the violation of such rules and regulations, subject to ordinances of the council.

(b) To appoint and define the duties of a superintendent of parks and such assistants and other employes as may be prescribed by ordinance, subject to such civil service rules and regulations as are now or may hereafter be in force, and to discharge, remove or suspend them, subject to the provisions of this charter.

(c) To purchase and lease property for park purposes, or for the use and benefit of the park department, and to have general supervision, control, care and custody of all real and personal property owned by the city of Los Angeles and used in and about the parks or park system of said city, and generally to do any and all things that may be necessary to carry out the spirit and intent of this charter in establishing, maintaining, operating, improving and enlarging the public parks and park system of the city of Los Angeles; and

(d) Subject to such ordinances as may from time to time be adopted by the council, to have and exercise charge, superintendence and control of the design, location, construction, maintenance and use of all buildings, pavilions and other structures, and all fountains, statues, sculptures, monuments, arches or other structures in such parks, pertaining to park purposes, and intended for the convenience of the public, or for the ornamentation of such parks.

Donations. Sec. 119. The board of park commissioners may, for and on behalf of the city of Los Angeles, receive donations, legacies or bequests for the improvement or maintenance of said parks or park system, or for the acquisition of new parks, and all moneys that may be derived from such donations, legacies or bequests shall, unless otherwise provided by the terms of such donation, legacy or bequest, be deposited in the treasury of the city of Los Angeles, to the credit of the park fund. The same may be withdrawn therefrom and paid out only in the same manner as is provided for the payment of moneys legally appropriated for the support and improvement of such parks and park system. If the moneys derived from such gifts, bequests or legacies shall at any time exceed in amount the sum necessary for immediate expenditure on said parks, and park system, the board may invest all or a part of the same in

interest bearing bonds of the United States or of the State of California, or of any county, municipality or school district thereof. As to all such property, the board of park commissioners shall be deemed and considered to be a special trustee thereof for the city of Los Angeles.

Sec. 119a. The board of park commissioners shall have such additional powers and perform such other duties as may be granted or imposed by ordinance.

Sec. 119b. All lands and real property located in the city of Los Angeles which have been heretofore, or which may be hereafter, set apart or dedicated for the use of the public as a public park or parks, shall forever remain to the use of the public as such park or parks, inviolate, and no part of said lands or real property shall ever be used or occupied for any other purpose. Use of parks.

That article XIII of the charter be amended to read as follows:

ARTICLE XIII.

HEALTH DEPARTMENT.

Sec. 120. There is hereby established a department of the government of the city of Los Angeles to be known as the health department.

Sec. 121. The health department shall be under the management and control of a commissioner, to be known as the health commissioner. He shall devote all his time to the performance of the duties of his office, and shall have such powers and perform such duties, in addition to those prescribed in this charter, as may be prescribed from time to time by ordinance. The person holding the office of health officer at the time of the adoption of this article shall be entitled to take and hold the office of health commissioner until removed by the mayor, or his successor is appointed. Health commissioner.

Sec. 122. The health commissioner shall be appointed by the mayor, subject to confirmation by the council. He shall receive such compensation as may be prescribed by ordinance. He shall be provided by the council with a suitable office and rooms in which to transact the business of the health department. Appointment.

Sec. 123. The health department shall consist of as many physicians, officers, chemists, inspectors, clerks, assistants and other employes as the council may, by ordinance, from time to time determine to be necessary. All appointments in the health department shall be made by the health commissioner, subject to such civil service rules and regulations as are now or may hereafter be in force. He shall have power to suspend or remove any of such appointees, subject to the provisions of this charter. Employees.

Sec. 124. The health commissioner shall be a graduate of a reputable medical college, and shall have practiced medicine for at least five years prior to his appointment. He shall be licensed to practice medicine in the State of California. The Qualifications of commissioner.

qualifications, salaries and duties of all officers, chemists, inspectors, clerks, assistants and other employees in the health department shall be such as the council may by ordinance prescribe.

Powers.

Sec. 125. The health commissioner shall have supervision, jurisdiction and control, under such ordinances as may from time to time be adopted by the council, of the sanitary condition and the general health of the city, and of all matters pertaining thereto, including also the sanitary condition of all schools, jails, hospitals, and other public buildings, and all health establishments or institutions of whatever kind, whether public or private. He shall have power, and it shall be his duty, to see that all such ordinances and all rules and regulations of his department are enforced, and may call upon any police officer or officers at any time to assist in the enforcement thereof. The health commissioner shall have power, subject to approval by a majority of the council, to make rules and regulations for the conduct of the health department, and the carrying out of his powers, not in conflict with this charter or any ordinances of the city.

Sec. 126. The health commissioner and all regularly appointed officers and employees of the health department shall have the right and power to arrest any person or persons who may violate any of the ordinances of the city pertaining to sanitation and health, and any of the rules and regulations of the department. It shall also be the duty of any police officer or policeman to arrest any person guilty of such violation.

That section 239 of the charter be amended to read as follows:

Departments.

Sec. 239. The provisions of this article shall apply to the following departments of the city, to wit:

The department of the city clerk,
 The fire department,
 The treasurer's department,
 The tax and license collector's department,
 The police department,
 The auditor's department,
 The assessor's department,
 The health department,
 The department of public works,
 The department of public service,
 The library department,
 The park department,
 The department of public utilities,
 The harbor department,
 The playground department,
 All other employees of the city;

Provided, that the following shall be exempt therefrom,
 to wit:

All officers elected by the people,
 All members of the several boards and commissions,

The mayor's clerk,
 The city clerk,
 The chief of police and his secretary,
 The treasurer and his chief deputy,
 The city engineer and his chief deputy,
 The assistant harbor engineer,
 The tax and license collector and his chief deputy and cashier,

Officers
 exempt.

The chief deputy of the auditor,
 The city superintendent of schools and his assistants and deputies, and all teachers and employees in the school department.

The assistants, deputies, clerks and stenographers of the city attorney,

The city prosecutor, and his assistants, deputies, clerks and stenographers,

The librarian, and the heads of the several departments in the public library,

The superintendent of parks,

The secretary of the park commission,

The secretary of the police commission,

The health commissioner,

The chief engineer of the fire department,

The chief engineer of waterworks, the water overseer, auditor, and cashier of the department of public service,

The electrical engineer,

The engineer and secretary of the board of public utilities,

The secretary of the board of harbor commissioners,

The port warden and pilots,

The secretary of the playground commission,

The purchasing agent,

The inspector of public works,

All physicians appointed by the health commissioner,

All officers of election,

The police surgeon and assistant police surgeons.

Any of the following persons may be exempted from the provisions of this article, upon the request of the head of the department in which they are employed, by order of the board of civil service commissioners, approved by the council by resolution passed by the vote of two thirds ($\frac{2}{3}$) of all its members, to wit: (a) The first and second deputies in any department or either of such deputies where not exempt, as above provided, (b) unskilled laborers, including drivers, (c) persons employed on the construction of public works, improvements or buildings, (d) persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character. Any exemption thus made may be terminated at any time by resolution of the board of civil service commissioners.

That section 240 of the charter be amended to read as follows:

Sec. 240. The officers, members and employees of the police

Removal
of certain
officers.

department shall be subject to removal, discharge or suspension as provided elsewhere in this charter.

The officers, members and employees of the fire department shall be subject to removal, discharge or suspension as provided elsewhere in this charter.

The officers, members and employees of the library department shall be subject to removal, discharge or suspension as provided elsewhere in this charter.

That section 241 of the charter be amended to read as follows:

Appointing
power may
discharge.

Sec. 241. Any board, commission or officer having the power of appointment of officers, members and employees in any department of the government of the city, shall have the power to remove or discharge any officer, member or employee of such department; but no person in the classified civil service of the city, other than an unskilled laborer employed by the day, shall be removed or discharged except for cause, which shall be stated in writing by the board, commission or officer having the power to make such removal or discharge, and filed with the board of civil service commissioners, with certification that a copy of such statement has been served upon the person so removed or discharged, personally, or by leaving a copy thereof at his last known place of residence if he can not be found. Upon such filing such removal or discharge shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion may, or upon written application of the person so removed or discharged, filed with said board within five days after service upon him of such statement, shall proceed to investigate the grounds for such removal or discharge. If after such investigation said board finds, in writing, that the grounds stated for such removal or discharge were insufficient or were not sustained, and also finds in writing that the person removed or discharged is a fit and suitable person to fill the position from which he was removed or discharged, said board shall order said person so removed or discharged to be reinstated. The order of said board with respect to such removal or discharge shall be forthwith certified to the appointing board, commission or officer, and shall be final and conclusive. If the board of civil service commissioners shall order that any person removed or discharged under the provisions of this section be reinstated, as above provided, the person so removed or discharged shall be entitled to receive compensation from the city the same as if he had not been removed or discharged by the appointing board, commission or officer.

The provisions of this section shall not apply to the removal or discharge of officers, members and employees in the police department, in the fire department, and in the library department; but the officers, members and employees in said departments, respectively, shall be subject to removal and discharge as provided elsewhere in this charter.

That section 242 of the charter be amended to read as follows:

Sec. 242. Any board, commission or officer having the power of appointment of officers, members and employees in any department of the government of the city shall have the power to suspend any officer, member or employee of such department; but no person in the classified civil service of the city, other than an unskilled laborer employed by the day, shall be suspended except for cause, which shall be stated in writing by the board, commission or officer having the power to make such suspension, and filed with the board of civil service commissioners, with certification that a copy of such statement has been served upon the person so suspended, personally, or by leaving a copy thereof at his last known place of residence if he can not be found. Upon such filing such suspension shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion may, or upon written application of the person so suspended, filed with said board within five days after service upon him of such statement, shall proceed to investigate the grounds for such suspension. If, on such investigation said board finds in writing that the grounds for such suspension were insufficient or were not sustained, said board shall restore the person so suspended to duty. The order of said board with respect to such suspension shall be certified to the appointing board, commission or officer, and shall be final and conclusive; *provided*, that the order of any appointing board, commission or officer suspending any person because of lack of funds in such department shall be final, and shall not be subject to review by said board of civil service commissioners.

Appointing
power may
suspend

If the board of civil service commissioners shall order that any person suspended under the provisions of this section be restored to duty, as above provided, the person so restored to duty shall be entitled to receive compensation from the city the same as if he had not been suspended by the appointing board, commission or officer.

The provisions of this section shall not apply to the suspension of officers, members and employees in the police department, in the fire department and in the library department; but the officers, members and employees in said departments, respectively, shall be subject to suspension as provided elsewhere in this charter.

Charter Amendment Number Five.

That subdivision *c* of section 143 of the charter be amended to read as follows:

(*e*) The board shall appoint a secretary, not a member of the board, who shall receive such salary as the council shall by ordinance prescribe. He shall keep a record of all its transactions, specifying therein the names of the commissioners present at all the meetings, and giving the ayes and noes upon all votes. He shall post and publish all orders, resolutions and notices which the board shall order to be posted or pub-

Secretary
of board
of public
works.

lished, and shall perform such other duties as are herein or may be, by order of the board, imposed upon him.

That subdivision *g* of section 143 of the charter be amended to read as follows:

Inspector.

(*g*) The board of public works shall appoint an inspector of public works, who shall perform such duties as the board may prescribe, and whose salary shall be fixed by the council. The inspector of public works shall give such bond to the city, conditioned for the faithful discharge of the duties of his office, as the council shall prescribe.

That subdivision *h* of section 143 of the charter be amended to read as follows:

City engineer.

(*h*) The board of public works shall appoint and employ a civil engineer of not less than five years professional experience, who shall be designated as the city engineer. He shall receive such salary as the council shall by ordinance prescribe, and shall hold office at the pleasure of the board. He shall perform such civil engineering and surveying necessary in the prosecution of public work done under the direction or supervision of the board as said board may require. He shall make such certificates and reports upon the progress of such work, and shall make such surveys, inspections, and estimates, and perform such other surveying or engineering work, as may be required by said board or by the city council. He shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law, or by ordinance, upon the city engineer. He shall devote his entire time to the duties of his office, and shall receive no compensation in addition to his salary.

That subdivision 6 of section 146 of the charter be amended to read as follows:

(6) Of all public utilities that are now or may hereafter be owned, controlled, or operated by the city, other than waterworks and electric power and light works and systems, and except wharves, piers, docks, warehouses and other utilities of the city pertaining to the water front, harbors and other navigable waters within the city.

That section 146 $\frac{1}{2}$ of the charter be amended to read as follows:

Aqueduct system.

Sec. 146 $\frac{1}{2}$. The board of public works shall have charge, superintendence and control of the design, construction and establishment of an aqueduct system extending from a point in the Owens river valley, in the State of California, to a point in the San Fernando valley in the county of Los Angeles, in the vicinity of the city of Los Angeles, for the purpose of providing said city with a water supply from the watershed of said Owens river; *provided*, that upon the completion of said aqueduct system, the same shall thereafter be managed, controlled and maintained by the board of public service commissioners, as in the case of other waterworks belonging to said city.

The board of public works shall also have charge, superintendence and control of the design, construction and establishment of wharves, docks, piers, warehouses, seawalls and other improvements on the water front, and the approaches thereto to be constructed or acquired by or through the expenditure of the proceeds of harbor improvement bonds, which are now or may be authorized prior to January 1, 1912, under such designs and plans as may be adopted by the board of public works, with the approval of the board of harbor commissioners; *provided*, that upon the completion of any such improvement upon the water front, the same shall thereafter be managed, controlled and maintained by the board of harbor commissioners. And the proceeds of all harbor improvement bonds that may be authorized after January 1, 1912, shall be expended by the board of harbor commissioners.

That the charter be amended by adding a new article thereto, to be known as article XV and to read as follows:

ARTICLE XV.

DEPARTMENT OF PUBLIC UTILITIES.

Sec. 152. There is hereby created a department of the government of the city of Los Angeles to be known as the department of public utilities, which shall be under the management and control of a board of three commissioners to be known as the board of public utilities. Commissioners.

Sec. 153. Said commissioners shall be appointed by the mayor, subject to confirmation by a majority of the council. Appointment. The term of office of members of the board of public utilities shall be four years, except that the term of office of the members first appointed hereunder shall commence with the taking effect of this article, and said three members shall so classify themselves by lot, that one shall go out of office on the first Monday in January, 1913, one on the first Monday in January, 1914, and one on the first Monday in January, 1915. If any vacancy occurs the mayor shall, subject to confirmation by the council, fill the same by appointment for the unexpired term.

Sec. 154. The board shall organize by electing one of its members president, who shall hold his office for one year, and until his successor is elected, unless his membership on the board sooner expires; *provided, however*, that the term of office of the president first elected shall expire on the first Monday in January, 1913. The board shall maintain an office, to be provided by the city council, and shall keep the same open for the convenience of the public during such time as may be prescribed by ordinance. The board may appoint a secretary, who is not a member of the board, who shall receive such compensation as the council, by ordinance, may prescribe. The secretary shall keep a record of the proceedings of the board, specifying therein the names of the commissioners present at all the meetings, and giving the ayes and noes upon all votes, and shall perform such other duties as are herein or Organization.
Office.

may by order of the board be imposed upon him. Said board shall hold regular meetings at least once in each week, and special meetings may be held upon a written call therefor, signed by the president, or by two members of the board, and notice of any special meeting shall be given by the secretary in the same manner as may be prescribed by ordinance for special meetings of the council.

Powers.

Sec. 155. The powers and duties of the board of public utilities shall be as follows:

1. To make, at such times as may be prescribed by ordinance, a thorough investigation into the affairs of all persons, firms or corporations operating or maintaining water, electric lighting, power, gas or telephone systems, or street railways, or interurban railroads, or other public service utilities, in the city of Los Angeles (excepting wharves, docks, warehouses and other utilities pertaining to the water front, to Los Angeles harbor or to other navigable waters in said city), and compile such data as may be necessary to determine the proper charges for the services furnished or supplied by such persons, firms or corporations, as provided in this charter, or otherwise by law. Such data shall include a valuation of the physical properties of such persons, firms or corporations, a detailed statement of gross and net earnings, expenses, capitalization and indebtedness thereof, and such other matters as the board may deem proper, and shall also include such facts and figures as may be obtainable regarding the operation and maintenance of similar systems and utilities in other municipalities. The board shall have the right, at all reasonable times, to have access to, and in person or by their duly authorized representatives, to examine all property of such persons, firms or corporations used in connection with such or any public utility, whether such property be situated within or without the city of Los Angeles, and to examine the books, papers, maps and records showing the affairs, transactions, property and financial condition of such persons, firms or corporations, for the purpose of such investigation and the compiling of such data, and to require reports respecting said matters from such persons, firms or corporations at such time and in such form as said board may prescribe.

2. To fix, subject to approval, change or modification by the council, as hereinafter provided, the rates to be charged and collected for the services mentioned in subdivision one of this section (except the rates for the use of docks, wharves, warehouses and other utilities pertaining to the water front, to Los Angeles harbor, or to other navigable waters in said city), such rates to be so fixed for such periods as may be prescribed by ordinance, or otherwise by law, but in no event for a period less than one year, nor for a longer period than three years. Such rates shall be fixed by resolution of the board, to be recorded in the minutes with the ayes and noes at length. Any such resolution shall be adopted within such time as shall be prescribed by ordinance. Immediately upon

the adoption of any such resolution, a copy of the same, certified by the secretary of said board, shall be filed with the city clerk. The city clerk shall present such resolution to the council at its next regular meeting, and shall cause the same to be published for five days in a daily newspaper printed and published and circulated in said city. Any person interested in or affected by the rates specified in any such resolution may, within fifteen days after the expiration of such publication, file objections thereto with the city clerk, specifying the grounds of such objections, and petition the council for a rehearing of such rates. The city clerk shall lay all such objections before the council at its next regular meeting after the expiration of the time for filing the same. The council may, upon any such petition, by a vote of two thirds of its members, order a rehearing of the rates objected to. If such rehearing be ordered, the council shall consider such rates and shall hear and pass upon the objections thereto at such time, and under such rules and mode of procedure as it shall by ordinance prescribe, and shall have the power to finally fix such rates by approving, changing or modifying the same, such approval, change or modification to be made by ordinance; *provided, however*, that in order to change or modify any rates fixed by the said board of public utilities, the affirmative vote of two thirds of the entire council shall be necessary.

Powers.

All rates, to which no objections are filed or offered, shall be deemed to be finally fixed by said board of public utilities. All rates finally fixed under the provisions of this article shall be so fixed as to take effect on the first day of July thereafter.

3. To investigate any and all complaints against the service or charges of any person, firm or corporation operating any public service utility in the city of Los Angeles (excepting wharves, docks, warehouses and other utilities pertaining to the water front, to Los Angeles harbor, or to other navigable waters in the city of Los Angeles), or furnishing any public service to the said city or its inhabitants, including the supplying of water, electric light, power, gas, and telephone service, and the operation of street railways and interurban railroads, and to recommend legislation to the city council, or action to executive officers of the city, whenever in the judgment of said board such legislation or such action may be necessary.

4. To superintend the inspection of all public utilities operated, maintained or furnished by persons, firms or corporations in the city of Los Angeles, as to their compliance with their franchises, and with the law and the ordinances of said city regulating the manner of conducting their business, including also the inspection and testing of meters, both gas and electric, and the testing of gas, and the service and charges of such persons, firms or corporations, and their treatment of the public, and, from time to time, to recommend such legislation or executive action based on such investigation, as in their judgment may be required.

Powers.

5. To prepare and keep a detailed and indexed record of all public service franchises granted by the city that are now in existence, or that may hereafter be granted, showing the date, location, term thereof, and all other essential facts, and a similar record, so far as practicable, of all other public franchises exercised in the city of Los Angeles.

6. To make a report to the council, in the month of August of each year, of which not less than one thousand copies shall be printed for distribution at the expense of the city, giving the essential facts and figures concerning the aforesaid public utilities operated and maintained in the city of Los Angeles, comparing their charges and character of service with those of similar utilities in other municipalities. Such report shall contain a digest of the transactions of the board during the year ending on the 30th day of June last preceding, together with such information and suggestions relative to the public services and utilities furnished or operated in the city of Los Angeles as it may deem of general interest.

Applica-
tion for
franchises.

Sec. 156. Every application made to the city council for a franchise for any public service or utility (except wharves, docks, warehouses or other utilities pertaining to the water front, to Los Angeles harbor, and other navigable waters within said city), shall, before any action is taken thereon, be referred by the council to the board of public utilities for its recommendation respecting the same. Said board shall proceed to inquire into such application and within thirty days after such application has been referred to it, or longer if allowed by the council, shall report to the council its recommendation relative thereto. If, in the judgment of the board, such application should not be advertised for sale or granted, it shall so report, stating its reasons therefor; and if, in the judgment of the board, such application should be granted, it shall recommend the terms and conditions upon which the same should be so granted. No franchise shall be advertised for sale or granted except upon an application therefor in writing previously filed with the city council, nor unless such application shall have been referred to the board of public utilities as aforesaid; *provided, however*, that if said board shall fail to report thereon within the time herein prescribed, or as extended by the council, nothing herein contained shall be construed to prevent the city council, at its discretion, from proceeding to advertise such franchise for sale, or from awarding the same, as provided by law. No franchise shall be advertised for sale or granted contrary to the recommendations of said board except upon a three-fourths vote of the entire council.

Officers to
assist.

Sec. 157. The board of public utilities shall be entitled to the assistance of the city attorney, city prosecutor, chief of police, city engineer and other city officers whenever the same shall be required. Said board is also hereby authorized to employ or contract in behalf of the city for the services of such engineers and such persons qualified to render pro-

fessional, scientific, technical or expert services as the board may deem necessary, and to fix the compensation of all such persons.

Sec. 158. The board of public utilities shall appoint, subject to such civil service regulations as are now or may hereafter be in force, such inspectors, clerks and other officers and employees as the council, by ordinance, may from time to time prescribe. They shall receive such compensation as may be fixed by the council by ordinance. Said board shall have power to discharge, remove or suspend any such person, subject to the provisions of this charter.

Inspectors,
etc.

Sec. 159. Whenever required by the board of public utilities, it shall be the duty of any person, firm or corporation operating a system for supplying water, electric light, power, gas or telephone service to the city of Los Angeles, or its inhabitants, or operating a street railway or interurban railroad, or other public service utility in said city (except wharves, docks, warehouses, and other utilities pertaining to the water front, to Los Angeles harbor, or other navigable waters in said city), to permit the members of the board of public utilities and any person designated by such board, to inspect the property of such system or utility, pertaining to the operation or maintenance thereof, or to the service thereby rendered, and to examine the books, maps, and other records showing the affairs, transactions, property and financial condition of the person, firm or corporation operating the same.

Inspection
of public
utilities.

Sec. 160. Whenever any pipe, or any direct or primary wire of any person, firm or corporation furnishing electricity, power, gas or water or telephone service, or any other utility or service, to the inhabitants of the city, shall be within one thousand feet of any residence or building, it shall be the duty of such person, firm or corporation, upon application of the person owning or occupying the said residence or building to extend such pipe or wire so as to connect with such residence or building, upon the deposit by such applicant with such person, firm or corporation of the actual cost of making such extension and connection; such actual cost shall be determined by the board of public utilities if the parties do not agree as to the amount thereof. Whenever any extension or connection is made under the provisions of this section, the charges for all service furnished thereunder shall be credited by the person, firm or corporation furnishing such service as an offset against the amount so deposited for such extension or connection, until the amount of such charges shall equal the amount of such deposit.

Service to
residents
within one
thousand
feet of
direct line.

Sec. 161. The board of public utilities, subject to ordinances adopted by the council, shall have power, by order or resolution entered upon the minutes of said board, to make and enforce rules and regulations respecting the operation of all public utilities in the city of Los Angeles, other than those owned or operated by the city of Los Angeles, and shall also have power, by order or resolution, to make and enforce such

Regula-
tions.

reasonable by-laws, rules, regulations and modes of procedure as may be necessary for its government and for the exercise of the powers conferred, and the performance of the duties imposed upon said board by this article. All such rules, regulations and by-laws shall be published once in a daily newspaper, printed, published and circulated in said city, and shall take effect upon such publication. Said board shall also have power to make such rules and regulations for the conduct of the officers and employees in the department of public utilities as said board may deem proper.

Power to
administer
oaths.

Sec. 162. Each member of the board of public utilities is hereby authorized and empowered to administer oaths and affirmations in all matters incident or pertaining to the exercise of the duties or powers of said board. Said board is hereby authorized and empowered to require, by subpoena, the attendance and testimony of witnesses, and the production of books, papers and documents, in any investigation, hearing or proceeding conducted by said board, in respect to any matter or thing of which said board has jurisdiction. The subpoenas authorized as aforesaid shall be issued and signed by the president of said board. The chief of police is hereby authorized and directed to serve or cause to be served any and all subpoenas which may be issued by said board from time to time.

Sec. 163. The council shall pass and adopt all ordinances necessary for the enforcement of the provisions of this article, and to enable the said board of public utilities to exercise the powers and to perform the duties granted or imposed upon it by this article. And said board shall have such further powers and perform such other duties as may be granted or imposed by ordinance.

Unlawful
not to
comply.

Sec. 164. It shall be unlawful for any person, firm or corporation to fail, refuse or neglect to comply with any of the provisions of this article, and any person, firm or corporation violating any of the provisions of this article, or refusing to obey any subpoena issued by said board, or to conform to any order of said board of public utilities, or any rule or regulation of the said board with respect to the operation of any utility mentioned in this article, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred (\$500) dollars, or by imprisonment in the city jail for a period of not more than six (6) months, or by both such fine and imprisonment.

Sec. 165. That any ordinance of said city creating a department of public utilities, providing for a board of public utilities, and the appointment of the members thereof, and prescribing the powers and duties of such board, adopted by a vote of the people of the city of Los Angeles or otherwise, be and the same is hereby repealed.

That the charter be amended by adding a new article thereto, to be known as article XVI, and to read as follows:

ARTICLE XVI.

HARBOR DEPARTMENT.

Sec. 168. There is hereby created a department of the government of said city to be known as the "harbor department," which shall be under the management and control of a board of three commissioners, to be known as the board of harbor commissioners.

Harbor commissioners.

Sec. 169. The members of the board of harbor commissioners shall be appointed by the mayor, subject to confirmation by a majority of the council. No person shall be appointed a harbor commissioner who is not a qualified elector of the city of Los Angeles. The members of the said board shall serve without compensation.

Appointment.

Sec. 170. The term of office of the members of the board of harbor commissioners shall be four years. The term of office of the three members first appointed hereunder shall commence upon the taking effect of this article, and said three members shall so classify themselves by lot that one shall go out of office on the first Monday in January, 1913, one on the first Monday in January, 1914, and one on the first Monday in January, 1915. If any vacancy occurs, the mayor shall fill the same by appointment for the unexpired term, subject to confirmation of a majority of the council. The board shall organize by electing one of its members president, who shall hold his office for one year, and until his successor is elected, unless his membership in the board sooner expires; *provided, however*, that the president first elected shall hold his office until the first Monday in January, 1913, and until his successor is elected, unless his membership in said board sooner expires.

Term.

Sec. 171. The president of the board of harbor commissioners shall be the executive officer of the harbor department.

President.

Sec. 172. The board of harbor commissioners shall appoint a secretary, not a member of the board, whose salary shall be fixed by ordinance. He shall keep a record of all the proceedings of the board, specifying therein the names of the commissioners present at all meetings, and giving the ayes and noes upon all votes. The secretary of the board may certify such proceedings under his hand, to be authenticated by seal, if a seal be adopted and provided by the board for that purpose, and shall perform such other duties as the board may prescribe.

Secretary.

Sec. 173. The board of harbor commissioners shall maintain an office, to be provided by the council, and prescribe office hours for the convenience of the public. It shall hold regular meetings at least once in each week. It shall have power to establish all necessary rules and regulations for the government of the harbor department, and for the regulation of the conduct of the officers and employees therein as it shall deem proper.

Office.

Sec. 174. The city engineer shall be the engineer of the board of harbor commissioners, and shall be ex officio harbor engineer of the city; and in addition to his duties otherwise prescribed in this charter, he shall perform such engineering

City engineer to be engineer of department.

and surveying necessary for the public work done under the direction or supervision of the board, as said board may require. He shall make such certificates and reports upon the progress of such work, and shall make such surveys, inspections and estimates, and perform such other surveying and engineering work as may be required by the board. The board shall also appoint an assistant engineer, to be known as the assistant harbor engineer, who shall assist the city engineer in the performance of his duties as harbor engineer. The assistant engineer shall receive such salary as may be prescribed by ordinance. He shall devote his entire time to the duties of his office and shall receive no compensation in addition to his salary.

Officers.

Sec. 175. The harbor department shall consist of a port warden and such harbor inspectors, pilots, wharfingers, warehouse keepers, clerks and other officers and employees as may from time to time be determined by ordinance. The salaries of all officers and employees of the harbor department shall be fixed by ordinance, and said board of harbor commissioners shall prescribe their powers and duties. All appointments in the harbor department shall be made by the board of harbor commissioners, subject to such civil service rules and regulations as may now or hereafter be in force. Said board shall have the power to discharge, remove or suspend all officers or employees in the harbor department, subject to the provisions of this charter. The board shall establish all necessary rules and regulations for the exercise of the powers conferred in this article, for the government of the harbor department, and for the regulation and conduct of its officers and employees, and may prescribe and enforce penalties for the violation of such rules and regulations. The board of harbor commissioners may require of any or all of such officers and employees, except laborers, adequate bonds for the faithful performance of their respective duties.

To have
control of
water
front,
etc.

Sec. 176. The board of harbor commissioners shall have possession and control, under such ordinances as may from time to time be adopted by the council, of the entire water front of the city, and of Los Angeles harbor and other navigable waters within the limits of said city and authority to use, for the loading and landing of merchandise, with a right to collect dockage, wharfage and tolls thereon, such portions of the streets and other public places terminating in or fronting upon the navigable waters within the city of Los Angeles as may be used for such purposes without obstructing the same as thoroughfares.

Powers.

Sec. 177. The board of harbor commissioners, subject to such ordinances as the council may from time to time adopt, shall have power:

(a) To make, adopt and enforce by-laws, rules and regulations regarding the use and control of the water front, Los Angeles harbor, and all other navigable waters within the limits of the city of Los Angeles, and the anchoring, mooring,

towing, docking and landing of all steamships, vessels and other water craft therein, respecting pilotage and towage, and the placing, installment and maintenance of buoys, bells, lights and fog horns in and upon said harbor and waters. Powers.

(b) To regulate and control the operation and use of all wharves, piers, docks, slips, quays, landings, elevators, cranes, derricks, warehouses, marine ways, dry docks, railways and other utilities, structures and appliances for the accommodation of commerce in Los Angeles harbor and other navigable waters within the limits of said city, for the taking on and landing of passengers, and the loading and discharging of the cargoes of steamships, vessels and other water craft therein.

(c) To fix, regulate and collect rates or charges for wharfage, dockage, tolls and crantage of all steamships, vessels and other water craft admitted to the wharves, piers, docks, slips, quays, landings, owned, controlled or operated by the city; the rates of towage and pilotage in said harbor and navigable waters, and the rates or charges on all ferries, steamships, vessels or other water craft owned, controlled or operated by said city, and to fix, regulate and collect rates or charges for the use of all warehouses, elevators, bukkers, marine ways, dry docks and other structures, derricks, cranes and other appliances owned, controlled or operated by the said city, and constructed or used for the loading and unloading of cargoes of steamships, vessels and other water craft, and for the storage thereof, and for the use of all appliances for the taking on or discharge of passengers by or from such steamships, vessels or other water craft.

(d) The powers conferred by this section upon the said board of harbor commissioners shall be exercised by resolution or order adopted by a majority of its members, and recorded in the minutes with the ayes and noes at length. Every such resolution or order shall be published in the same manner as ordinances of said city, and shall take effect upon such publication; *provided*, that no such resolution or order of the said board fixing any rates, charges, fares or tolls, or prescribing the time or manner of payment thereof, shall be effective until the same shall be approved by the council, by ordinance, and shall be thereafter published for at least three days in a newspaper printed, published and circulated in the city of Los Angeles. Any person, firm or corporation who shall violate the provisions of any such resolution or order shall be guilty of a misdemeanor, and shall be punishable by imprisonment in the city jail for a period not exceeding six months or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

Sec. 178. In case of fire occurring on any vessel in Los Angeles harbor, or in other navigable waters of said city, or in or upon any dock, wharf, pier, warehouse, building or other structure bordering upon or adjacent to said harbor or waters, power and authority respecting the extinguishment
In case of fire.

thereof and to prevent the spreading thereof, shall be vested in the fire department as in this charter provided.

To control
construction work,
etc.

Sec. 179. The board of harbor commissioners, except as otherwise in this charter provided, shall have charge, superintendence and control, under such ordinances as may from time to time be adopted by the council;

(a) Of the design, construction, maintenance and repair of all seawalls, embankments, bulkheads, whares, piers, docks, quays, slips, landings, elevators, cranes, derricks, marine ways, warehouses and other structures and appliances erected, operated or maintained by the city for the accommodation of commerce in and upon the water front, Los Angeles harbor and the navigable waters within the limits of said city, for the landing of steamships, vessels and other water craft therein, for the loading, discharging and storing of the cargoes of such steamships, vessels and other water craft, and of all appliances erected, constructed or maintained by the city for the taking on or discharging of passengers by or from such steamships, vessels and other water craft;

(b) Of the dredging, deepening, widening and clearing of all slips, docks, channels, canals, basins, waterways and other waters in Los Angeles harbor and other navigable waters within the limits of said city, and of the acquisition, construction and operation of dredging machines, scows, tugs and other machinery or appliances therefor, and of the employment of persons to operate the same; *provided, however*, that whenever any such slips, docks, channels, canals, basins, waterways, or other waters shall be so dredged, deepened, widened or cleared, the materials taken therefrom shall be deposited in such place or places as the board of harbor commissioners shall designate;

(c) Of all wharves, piers, docks, quays, slips, landings, drydocks, marine ways, elevators, cranes, derricks, warehouses, and other structures, marine ways, railways and all other structures and appliances owned, controlled or operated by the said city for the landing of vessels, the loading and unloading of their cargoes, and the storage thereof, the taking on and discharging of their passengers;

(d) Of all ferries, tow boats, pilot boats, steamships, and other vessels and water craft owned, operated or controlled by said city.

Additional
powers.

Sec. 180. In addition to the powers and duties hereinbefore provided, the board of harbor commissioners shall exercise and perform the further powers and duties:

1. To make at such times, as may be prescribed by ordinance, a thorough investigation into the affairs of all persons, firms or corporations operating or maintaining ferries, wharves, piers, docks, quays, moles, slips, landings, elevators, cranes, derricks, marine ways, warehouses, and other public service utilities pertaining to the water front, Los Angeles harbor and other navigable waters in the city, and collecting fares, wharfage, dockage, tolls and other charges for the use of the same, in the city of Los Angeles, and compile such data as may be necessary to determine the proper licenses and charges for the services

furnished or supplied by such persons, firms or corporations, as provided in this charter, or otherwise by law. Such data shall include a valuation of the physical properties of such persons, firms or corporations, a detailed statement of gross and net earnings, expenses, capitalization and indebtedness thereof, and such other matters as the board may deem proper, and shall also include such facts and figures as may be obtainable regarding the operation and maintenance of similar works and utilities in other municipalities. The board shall have the right, at all reasonable times, to have access to, and, in person or by their duly authorized representatives, to examine all property of such persons, firms or corporations used in connection with each such public utility, and to examine the books, papers, maps and records showing the affairs, transactions, property and financial condition of such persons, firms or corporations, for the purpose of such investigation and the compiling of such data.

Additional
powers.

2. To fix, subject to approval, change or modification by the council, as hereinafter provided, the amount of licenses to be imposed and collected by the city and the rates to be charged and collected for the services mentioned in subdivision one of this section, such licenses and rates to be so fixed for such periods as may be prescribed by ordinance, or otherwise by law, but in no event for a period less than one year, nor more than three years. Such licenses and rates shall be fixed by resolution of the board, to be recorded in the minutes with the ayes and noes at length. Any such resolution shall be adopted within such time as shall be prescribed by ordinance. Immediately upon the adoption of any such resolution, a copy of the same, certified by the secretary of said board shall be filed with the city clerk. The city clerk shall present such resolution to the council at its next regular meeting, and shall cause the same to be published for five days in a daily newspaper printed and published and circulated in said city. Any person interested in or affected by the rates or licenses specified in any such resolution may, within fifteen days after the expiration of such publication, file objections thereto with the city clerk, specifying the grounds of such objections, and petition the council for a rehearing of such rates. The city clerk shall lay all such objections before the council at its next regular meeting after the expiration of the time for filing the same. The council may, upon any such petition, by a vote of two thirds of its members, order a rehearing of the rates or licenses objected to. If such rehearing be ordered the council shall consider such rates or licenses, shall hear and pass upon the objections thereto at such time, and under such rules and mode of procedure as it shall by ordinance prescribe, and shall have the power to finally fix such rates or licenses by approving, changing or modifying the same, such change or modification to be made by ordinance; *provided, however*, that in order to change or modify any rates or licenses fixed by the said board of harbor commissioners, the affirmative vote of two thirds of the entire council shall be necessary.

Additional
powers.

All rates or licenses to which no objections are filed or offered, shall be deemed to be finally fixed by said board of harbor commissioners. All rates or licenses finally fixed under the provisions of this article shall be so fixed as to take effect on the first day of July thereafter.

3. To investigate any and all complaints against the service or charges of any person, firm or corporation operating any ferry, wharf, pier, dock, quay, mole, slip, landing, elevator, crane, derrick, marine way, warehouse, and other public service utility pertaining to the water front, to Los Angeles harbor and other navigable waters in the city of Los Angeles, and to recommend legislation to the city council, or action to executive officers of the city, whenever in the judgment of said board such legislation or such action may be necessary.

4. To superintend the inspection of all ferries, wharves, piers, docks, quays, moles, slips, landings, elevators, cranes, derricks, marine ways, warehouses, and other public service utilities pertaining to the water front, to Los Angeles harbor and other navigable waters in said city, maintained or furnished by persons, firms or corporations in the city of Los Angeles, as to their compliance with their franchises, and with the law and the ordinances of said city regulating the manner of conducting their business, and the service and charges of such persons, firms or corporations, and their treatment of the public, and, from time to time, to recommend such legislation or executive action based on such investigation, as in their judgment may be required.

5. To prepare and keep a detailed and indexed record of all franchises or other grants or leases for ferries, wharves, piers, docks, quays, moles, slips, landings, or other public service utilities granted or given by the city or by other authority, in, upon or pertaining to the water front, to Los Angeles harbor or other navigable waters in said city that are now in existence, or that may hereafter be given or granted, showing the date, location, term thereof, and all other essential facts, and a similar record, so far as practicable, of all other like public franchises exercised in the city of Los Angeles.

6. To make a report to the council, in the month of August of each year, for the year ending on the 30th day of June last preceding, of which not less than one thousand copies shall be printed for distribution at the expense of the city, giving the essential facts and figures concerning the aforesaid public utilities operated and maintained in the city of Los Angeles, comparing the licenses thereof and their charges and character of service with those of similar utilities in other municipalities. Such report shall contain a digest of the transactions of the board during the year for which it is made, together with such information and suggestions relative to the development and improvement of the water front, Los Angeles harbor and other navigable waters in the city, and the commerce thereof, as it may deem of general interest.

Sec. 181. Every application made to the city council for a franchise for any ferry, wharf, pier, dock, quay, mole, slip, landing, or other public service utility, in, upon or pertaining to the water front, Los Angeles harbor, or other navigable waters within said city, shall, before any action is taken thereon, be referred by the council to the board of harbor commissioners for its recommendation respecting the same. Said board shall proceed to inquire into such application and within thirty days after such application has been referred to it, or longer if allowed by the council, shall report to the council its recommendation relative thereto. If, in the judgment of the board, such application should not be advertised for sale or granted, it shall so report, stating its reasons therefor: and if, in the judgment of the board, such application should be granted, it shall recommend the terms and conditions upon which the same should be so granted. No such franchise shall be advertised for sale or granted except upon an application therefor in writing previously filed with the city council, nor unless such application shall have been referred to the board of harbor commissioners, as aforesaid; *provided, however,* that if said board shall fail to report thereon within the time herein specified, or as extended by the council, nothing herein contained shall be construed to prevent the city council, at its discretion, from proceeding to advertise such franchise for sale, or from awarding the same, as provided by law. No franchise shall be advertised for sale or granted contrary to the recommendations of said board except upon a three-fourths vote of the entire council.

Application for franchises on water front, etc., to be referred to harbor commissioners.

Sec. 182. Every application for the right, privilege or franchise to use any portion of the water frontage or tide lands or submerged lands belonging to the city of Los Angeles, whether filled or unfilled, shall be presented in writing to the council. Such application shall state the purposes for which such water frontage, tide or submerged lands are proposed to be used. Before any action is taken thereon by the council, such application shall be referred by it to the board of harbor commissioners, which shall investigate the same, and shall, within thirty days after such application shall have been so referred, or within such further time as shall be allowed by the council, report to the council in writing its recommendations relative thereto. If, in the judgment of said board, such application should not be granted, said board shall so report, stating its reasons therefor; but if, in the judgment of said board, such application should be granted, said board shall in its report specify the terms, stipulations and conditions thereof, and the compensation to the city therefor, subject to the limitations elsewhere provided in this charter, as shall be deemed by said board to be proper or necessary in the premises. No application to use any portion of such water frontage, tide lands or submerged lands shall be granted, except in pursuance of an application therefor in writing previously filed with the council and referred to the board of harbor commissioners as aforesaid;

Applications to use water front.

provided, however, that if said board shall not report its recommendations thereon within the time above specified, or as so extended by the council, the council may, at its discretion, proceed to grant said application or order such right, privilege or franchise to be given, as in the charter of said city provided; *and provided, further,* that no such application shall be granted and no such right, privilege or franchise shall be given contrary to the recommendations of the board of harbor commissioners, except the same be granted or given by a vote of three fourths of all the members of the council, taken by ayes and noes, and entered upon the minutes of the council.

Lease of
tide lands.

Sec. 183. The board of harbor commissioners shall have power, subject to the provisions of this charter, to lease in the name of the city and for the benefit thereof, for terms not exceeding thirty years, and when authorized by ordinance determining the terms and conditions and limitations of such lease, any portion of any tide lands or submerged lands belonging to or under the control of the city of Los Angeles, whether filled or unfilled, that shall be declared by the council, by ordinance, or by other legal authority, to be not required for any public purpose or use, but all such leases shall be subject to such limitations and restrictions as are elsewhere in this charter provided. No such lease shall be made except after advertisement of notice by said board for not less than ten days in a daily newspaper printed, published and circulated in said city, inviting proposals therefor, stating explicitly the terms and conditions of the proposed lease. The said board shall have, and must reserve, in all cases, the right to reject any and all bids, and shall award such lease to the highest responsible bidder at the highest rent; *provided, however,* that no such lease shall be executed or be valid or binding upon the city unless the same is approved by the council by ordinance adopted by a two-thirds vote thereof. All such leases shall provide for readjustment of the rental every ten years.

May ad-
minister
oaths.

Sec. 184. Each commissioner is hereby authorized and empowered to administer oaths and affirmations in all matters incident or pertaining to the exercise of the duties or powers of the said board. Said board is hereby authorized and empowered to require, by subpoena, the attendance and testimony of witnesses, and the production of books, papers and documents, in any investigation, hearing or proceeding conducted by said board, in respect to any matter or thing of which said board has jurisdiction. The subpoenas authorized as aforesaid shall be issued and signed by the president of said board. The chief of police is hereby authorized and directed to serve or cause to be served any and all subpoenas that may be issued by said board from time to time. The council shall, by ordinance, provide suitable penalties for disobedience of such subpoenas, and for the refusal of witnesses to testify before such board, or to otherwise comply with such subpoenas.

Sec. 185. All moneys received or collected from or arising

out of the use or operation of wharves, piers, docks, slips, moles, quays, landings, elevators, cranes, derricks, warehouses, marine ways, drydocks, ferries, steamships, vessels and other water craft, tug boats, and all other works, appliances or utilities owned, operated or controlled by the city of Los Angeles in or upon or pertaining to the water front, to Los Angeles harbor or other navigable waters in the said city, all fees for pilotage, and all rents or other charges for rights, privileges or franchises granted for the use of water frontage, tide lands or submerged lands, all rents for leases of such lands, all compensations, except licenses, required to be paid by franchise or otherwise by law or by ordinance to the city for the operation of ferries, wharves and other public service utilities pertaining to said harbor and other navigable waters, shall be deposited in the city treasury to the credit of a fund to be known as the "harbor revenue fund," and shall be kept separate and apart from other moneys of the city. Said board of harbor commissioners shall have power, subject to the provisions of this charter, to order and contract for the expenditure of all moneys in said fund as hereinafter provided. Moneys shall only be drawn from said fund upon demands authenticated by the signature of the president and secretary of the board, or, in the absence of the president, by the signatures of two members and the secretary of the board, except that the city council, at the time of fixing the general tax levy, may, in its discretion, by ordinance, apportion and set apart, out of the moneys then in said harbor revenue fund, an amount sufficient to meet all sums coming due for interest or principal, or for interest and principal, upon all outstanding harbor improvement bonds, before the time for fixing the next general tax levy, and the city treasurer shall use the money so apportioned to make such payment, and for no other purpose; and if there shall be a surplus remaining, the same shall forthwith be retransferred into said harbor revenue fund.

Fees to be paid into harbor fund.

Excepting as otherwise provided in this charter, none of the moneys in said harbor revenue fund, or coming under the control of said board of harbor commissioners, shall be appropriated or used for any purpose or purposes other than the following, to wit:

Disbursement of fund

First—For the necessary expenses of conducting the harbor department, of operating the wharves, piers, docks, slips, quays, moles, landings, warehouses and other utilities, steamships, ferryboats, pilot boats, tugboats, and other vessels and water craft, and other works, appliances and utilities owned, operated or controlled by the city and pertaining to the water front, to Los Angeles harbor and the navigable waters in the city.

Second—For the acquisition, construction and completion of seawalls, embankments, bulkheads, wharves, ferries, docks, slips, quays, moles, landings, warehouses, and other structures, steamships, ferryboats, pilot boats, tugboats and other vessels and water craft, and other appliances and utilities pertaining to the water front, to Los Angeles harbor and other navigable waters in the city, for the dredging, deepening and cleaning of

the waters and channels within the limits of the city, and for extraordinary improvements and betterments to the property under the management and control of said board, including also the purchase of necessary lands and other property.

Third—The payment, as above provided, of installments of the interest or principal, or of interest and principal, coming due on outstanding harbor improvement bonds.

Failure to
comply.

Sec. 186. It shall be unlawful for any person, firm or corporation to fail, refuse or neglect to comply with any of the provisions of this article, and any person, firm or corporation violating any of the provisions of this article, or refusing to obey or conform to any order of said board of harbor commissioners, or any rule or regulation of the said board, with respect to the operation of any utility mentioned in this article, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred (\$500) dollars, or by imprisonment in the city jail for a period of not more than six (6) months, or by both such fine and imprisonment, and the provisions of this charter relative to such punishment shall apply.

That article XVIII of the charter be amended to read as follows:

ARTICLE XVIII.

DEPARTMENT OF PUBLIC SERVICE.

Water of
Los
Angeles
river.

Sec. 190. The city of Los Angeles shall continue in the ownership and enjoyment of all the rights to the water of the river Los Angeles, heretofore vested in it, its predecessors or predecessor, including the pueblo of Los Angeles, and is hereby declared to have the full, free and exclusive right to all the water flowing in the said river at any point from its source or sources to the intersection of said river with the southern boundary of said city, and also the ownership of, and the right to develop, economize, control, use and utilize, all waters flowing beneath the surface in the bed of said river at any point or points between the points of termini above named.

Right
not to be
trans-
ferred.

Sec. 191. The said city shall not convey, lease or otherwise dispose of its rights in the waters of said river Los Angeles or any part thereof, or grant or lease to any corporation or person any right or privilege to use, manage or control the said waters, or any part thereof, for any purpose public or private. No other water or water right, now or hereafter owned or controlled by the city, and no right to generate or develop electric or other power by means of any water or water right, now or hereafter owned or controlled by the city, shall ever be sold, transferred, leased or disposed of, in whole or in part, without the assent of two thirds of the qualified voters of said city voting on the proposition at a general or special election at which such proposition shall be lawfully submitted; and no electric power, now or hereafter owned or controlled by the city, shall ever be sold, transferred, leased, or disposed of, to any person or corporation for resale, rental, disposal, or distribution, to consumers, or other persons, with-

out the assent of two thirds of the qualified voters of the city given as aforesaid; *provided, however*, that nothing in this section contained shall be construed to prevent the ordinary sale and distribution, by the city, in the manner hereinafter prescribed, of the waters belonging to or controlled by the city, to the inhabitants thereof, or persons doing business therein, for domestic and irrigating uses, and for manufacturing and business purposes, other than water power, or to prevent the ordinary sale and distribution, by the city, in the manner hereinafter prescribed, of the electric power belonging to or controlled by the city, to the inhabitants thereof, and persons doing business herein, for their own use, or to prevent the supplying or distributing, by the city, of any surplus water or surplus power, belonging to or controlled by the city, and not required for distribution to consumers within its limits, to municipal corporations, and to consumers and users, outside of the city; *provided, further*, that no water shall ever be supplied or distributed to any person or corporation, other than municipal, for resale, rental or disposal to consumers or other persons.

Sec. 192. There is hereby established a department of the government of said city to be known as the "department of public service," which shall be under the management and control of a board of public service commissioners. Public
service
commissioners.

(a) Said board shall consist of five members who shall be appointed by the mayor, subject to confirmation by a majority of the council.

(b) The appointment of said commissioners shall be made without regard to political opinions, but with reference to their fitness for such office.

(c) The term of office of the public service commissioners shall be four years; *provided, however*, that, upon the taking effect of this article, the water commissioners of said city then in office shall be and become the public service commissioners of the city, and shall continue in office as such commissioners until the expiration of the terms for which they were appointed, respectively, and until their successors are appointed and qualify; *provided, further*, that the term of office of each of said water commissioners shall expire on the first Monday in January of the fourth calendar year immediately following his appointment.

The mayor shall, subject to confirmation by the council, fill all vacancies by appointment for the unexpired term.

(d) The commissioners shall organize by electing one of their members president, who shall hold his office for one year and until his successor is elected, and they may appoint a secretary, who is not a member of the board, and fix his compensation.

(e) The president of the board of public service commissioners shall be the executive officer of the department, and shall perform such duties as the board may prescribe. He shall devote so much of his time to the duties of his office as

may be necessary for the proper supervision and direction of the business of the department. The secretary of the board shall keep a record of the proceedings of the board, and may certify such proceedings under his hand, to be authenticated by seal, if a seal be adopted and provided by the board for that purpose, and shall perform such other duties as the board may prescribe.

(f) The board shall maintain an office, and prescribe office hours for the convenience of the public. The board shall hold a regular stated meeting once in each week. The members of the board shall serve without compensation, except that the president of the board shall receive a salary of three thousand dollars per annum, payable in equal monthly installments.

(g) The board of public service commissioners shall have power:

Powers.

To manage and control all waters, water rights, water bearing lands, water works, reservoirs, zanjas, ditches, and all electric plants, works, systems and equipments, and all electric power, belonging to the city.

To construct, operate, maintain and extend water works, dams, reservoirs, zanjas, ditches, canals, conduits, aqueducts and other means for supplying the city and its inhabitants with water; also electric plants, works, systems and equipments, and other means for supplying the city and its inhabitants with electricity for light, power, heat and other purposes; and to acquire and take, by purchase, lease, condemnation or otherwise, and, in its own name, to hold, as special trustee for the city, any and all property situated within or without the limits of the city, that may be necessary or convenient for such construction, operation, maintenance or extension.

To supply and distribute any surplus water or surplus electric power, belonging to or controlled by the city, and not required for use within its limits, to consumers outside of the city, for their own use, and to municipal corporations, outside of the city, for municipal uses, or for resale, disposal or distribution, by such municipal corporations, to consumers within their limits, respectively; such surplus water and electric power to be so supplied and distributed, for use outside of the city, under schedules of rates, fixed as hereinafter provided, which shall be of uniform operation, as near as may be, and shall be fair and reasonable, taking into consideration, among other things, the nature of the use, the quantity supplied, and the value of the service; *provided, however*, that water or electric power shall not be supplied by the city at less rates outside of the city than inside thereof, for the same or similar uses; *provided, further*, that the supplying or distribution of water or power, for use outside of the city, as aforesaid, shall, in every case, be subject to the paramount right of the city of Los Angeles, at any time, to discontinue the same, in whole, or in part, and to take and hold, or to distribute, such water and power, or either thereof, for the use of the city and its inhabitants; *and provided, further*, that

contracts for supplying surplus water or surplus electric ^{Powers.} power by the city to municipal corporations outside of the city may be made by the board, in the name of the city, for periods not exceeding fifteen years, and upon such terms and conditions, and for such compensation to the city, as shall be prescribed by resolution adopted by said board and approved by a vote of two thirds of the members of the whole council; but every such contract must, before the making or execution thereof, be assented to by a majority of the qualified electors of said city voting upon the proposition at a general or special election at which such proposition shall be lawfully submitted; and in every such contract with a municipal corporation, as aforesaid, the right shall be reserved to the city to terminate the same upon three years' written notice to such municipal corporation, to be given by said board whenever it shall be determined and declared by resolution, adopted by said board, and approved by an ordinance of said city, that the water and electric power, or either, to be supplied under such contract, is required for the city of Los Angeles and its inhabitants.

To regulate and control the use, sale and distribution of water and electricity belonging to the city, the collection of water and electric power and light rates, and the granting of permits for connections with said water works, zanjas, ditches, electric works or electric systems, and to fix the rates to be charged for such connections; and, subject to the approval of the city council, by ordinance, to fix the rates to be charged for water, electric power and electric light, whether within or without the city limits, and to prescribe the time and manner of payment of the same. Such rates shall be so fixed at least every two years; *provided*, that except as hereinafter otherwise prescribed, the rates to be charged by the city for water or electric power, supplied by it for use within its limits, shall be of uniform operation, as near as may be, and shall be fair and reasonable, taking into consideration, among other things, the nature of the use, the quantity supplied and the value of the service.

To appoint, employ, and, for good cause, remove, a chief engineer of water works, who shall be the successor in office of the superintendent of water works, an electrical engineer, and such assistants, employees and laborers as the board may deem necessary; to fix their compensations, prescribe their duties, and to require of any or all of them adequate bonds for the faithful performance of such duties.

To sue and be sued, and to require the services of the city attorney, free of charge, in all cases to which the board is a party.

To control and order the expenditure of all moneys received from the sale or use of water, or from any other source in connection with the operation and management of the waterworks of said city; *provided*, that all such moneys shall be deposited in the treasury of the city to the credit of a fund to be known

Powers.

as the "water revenue fund," and shall be kept separate and apart from other moneys of the city, and shall only be drawn from said fund upon demands authenticated by the signatures of the president and secretary of the board, or, in the absence of the president, by the signatures of two members and the secretary of the board, except that the city council, at the time of fixing the general tax levy, may, in its discretion, by ordinance, apportion and set apart, out of the moneys then in said water revenue fund, and not appropriated to other purposes, or required to meet outstanding obligations and liabilities payable out of such fund, an amount sufficient to meet all sums coming due for interest or principal, or for interest and principal, upon all outstanding waterworks bonds, before the time for fixing the next general tax levy, and the city treasurer shall use the money so apportioned to make such payment, and for no other purpose; and if there shall be a surplus remaining, the same shall forthwith be retransferred into said water revenue fund.

Purposes
for which
water fund
may be
used.

(h) None of the money in said water revenue fund or coming under the control of said board, in connection with the operation and management of the waterworks of said city, shall be appropriated or used for any purpose or purposes other than the following, to wit:

First—For the necessary expenses of conducting the business of said department pertaining to water, of operating and maintaining the waterworks, and of making all current and ordinary extensions, betterments and repairs.

Second—For extraordinary improvements of and betterments to the property, works, and systems of supply and distribution of the department of public service pertaining to water, including the purchase of necessary lands, water rights and other property.

Third—The payment, as above provided, of the installments of interest or principal, or of interest and principal coming due upon outstanding waterworks bonds.

Provided, however, that said board may, in its discretion, with the approval of the council given as aforesaid, so fix the water rates as to produce a revenue sufficient only for the purpose of defraying the necessary expenses of conducting the business of said department pertaining to water, of operating the waterworks, and of making all current and ordinary extensions, betterments and repairs, and for no other purpose.

Money
received
for sale of
electric
power.

To control and order the expenditure of all moneys received from the sale or use of electric power, or otherwise in connection with the operation and management of the electric power works and systems of said city; *provided,* that all such moneys shall be deposited in the treasury of the city, to the credit of a fund to be known as the "power revenue fund," and shall be kept separate and apart from the other moneys of the city, and shall only be drawn from said fund upon demands authenticated by the signatures of the president and secretary of the board, or, in the absence of the president, by signatures of two members and the secretary of the board, except that the city council, at the time of fixing the general

tax levy, may, in its discretion, by ordinance, apportion and set apart, out of the moneys then in said power revenue fund, and not appropriated to other purposes or required to meet outstanding obligations or liabilities payable out of such fund, an amount sufficient to meet all sums coming due for interest or principal, or for interest and principal upon all outstanding electric plant bonds, before the time for fixing the next general tax levy, and the city treasurer shall use the money so apportioned to make such payment, and for no other purpose; and if there shall be a surplus remaining, the same shall forthwith be retransferred into said power revenue fund.

Except as in this charter otherwise provided, none of the money in said power revenue fund, or coming under the control of said board, in connection with the operation of the electric power plants, works or systems of the city, shall be appropriated or used for any purpose or purposes other than the following, to wit:

Purposes
for which
funds may
be used.

First—For the necessary expenses of conducting, operating and maintaining and extending the business of said department pertaining to electric power, of the electric power works, plants, systems and equipments, and of making all current and ordinary extensions, betterments and repairs.

Second—For extraordinary improvements of and betterments to the property, works and systems of said department pertaining to electric power, including the purchase of necessary lands, and other property.

Third—The payment, as above provided, of installments of interest or principal, or of interest and principal coming due upon outstanding electric plant bonds.

Fourth—For the necessary expenses of acquiring, by purchase, condemnation, or otherwise, or leasing electric power plants, works or systems; *provided*, that such expenditures shall first be approved by ordinance passed by a vote of two thirds of the members of the whole council.

Provided, however, that said board may, in its discretion, with the approval of the council given as aforesaid, so fix the rates for electric power and light as to produce a revenue sufficient only for the purpose of defraying the necessary expenses of conducting the business of said department pertaining to electric power, of operating and maintaining power works, plants, systems and equipments, and of making all current and ordinary extensions, betterments and repairs thereof, and for no other purpose.

(i) The said board shall also have power, by a resolution adopted by a majority of all of its members, and recorded in the minutes with the ayes and noes at length, to make and enforce all such reasonable by-laws, rules and regulations as may be necessary for its government, for the administration of the public service department, and for the exercise of the powers conferred by this article; *provided*, that no such rule, by-law, or other act of the board fixing water or electric power or light rates, or prescribing the time or man-

Regula-
tions.

ner of payment thereof, shall be effective until the same shall be approved by the city council, and thereafter published for at least three days in a daily newspaper printed and published in the city of Los Angeles.

Quorum.

(j) Three members of the board of public service commissioners shall constitute a quorum for the transaction of business; but no contract shall be made, no bill audited, nor any act done involving the expenditure of money, or the incurring of a debt, unless three members of the board vote in favor thereof.

The board shall not make any contract or expenditure for supplies, goods, materials, machinery, or merchandise, involving the sum of more than five hundred dollars, unless it shall first have caused a notice to be published in a daily newspaper, printed and published one or more times in the city of Los Angeles, inviting proposals to furnish the same. And the regular contract therefor shall be let to the lowest regular, responsible bidder who shall furnish security for its performance, satisfactory to the board; *provided*, that the board may reject any and all bids.

Annual report.

(k) The board of public service commissioners shall present to the council, at its meeting in the first week of August in each year, a report for the year ending on the thirtieth day of June, next preceding, which shall show the amount of money received from all sources, the purposes for which such money has been expended, the amounts so expended, and the balance on hand; also the nature and condition of the property held by the board, with such information and suggestions as it may deem of general interest; and the board shall also, on or before the tenth day of each month, make out and present to the city council a similar statement of all receipts and expenditures during the preceding calendar month.

Trustee for city.

(l) The council shall cause to be conveyed to said board, as special trustee for the city, all property, real and personal, belonging to the city (except the water and water rights mentioned in section 190 of this charter), that is now or may hereafter be used, required, or convenient in the operation, maintenance, or extension of a system of waterworks for supplying the inhabitants of the city of Los Angeles with water, and in protecting the sources of such water supply from diversion or pollution, or in the operation, maintenance or extension of plants, works and systems for supplying the inhabitants of said city with electricity.

Lands may be leased.

(m) The board may lease, for terms not exceeding five years, any or all of the lands by this article placed under its control for agricultural or other purposes, which shall not conflict with the beneficial use of said lands by the city for the purposes for which they are held by said board; and the board may, except as otherwise provided in this charter, sell, from time to time, such personal property, placed under its control, as shall not be longer necessary or suitable for the use

of the public service department. No real property nor any rights or interest in real property held by said board shall be sold, leased or otherwise disposed of, or in any manner withdrawn from its control, save as above provided, unless by a written instrument duly authorized by ordinance of the city, and a resolution of the board and duly executed by the city and the board; *provided*, that none of the waters, water rights, electric power, or rights to generate electric or other power, by this article placed under the control of said board, shall be conveyed, leased or otherwise disposed of, except as provided in section 191 of this charter.

Sec. 193. There is hereby created in the department of public service a bureau to be known as the bureau of water works and supply. Said bureau shall have charge and supervision through the chief engineer, but under the direction and control of the public service commission, of the water, water rights, waterworks and systems of the city, and of the distribution of water belonging to the city. Bureau of water works.

Sec. 193a. There is hereby created in the department of public service a bureau to be known as the bureau of power and light. Said bureau shall have charge and supervision, through the electrical engineer, but under the direction and control of the public service commission, of the power and lighting systems, works, lines and equipments of the city, and of the distribution of electricity for light, power and other purposes belonging to the city. Bureau of power and light.

Sec. 193b. All water mains hereafter laid in said city by any private person, company, or corporation, shall be of such material and of such capacity as shall be prescribed by ordinance; *provided*, that no such main shall hereafter be laid in said city of less dimensions than four inches in diameter. Water mains.

Sec. 193c. The rates of compensation for use of water to be collected in said city, by any person, company, or corporation, other than the board of public service commissioners, shall be fixed annually by ordinance, and shall continue in force for one year and no longer. Such ordinance shall be passed in the month of February of each year, and take effect on the first day of July thereafter. Should the council fail to pass the necessary ordinances, fixing the water rates within the time hereinbefore prescribed, it shall be subject to peremptory process to compel action at the suit of any party interested. Water rates.

That the charter be amended by adding a new article thereto, to be known as article XXVI, and to read as follows:

ARTICLE XXVI.

PLAYGROUND DEPARTMENT.

Sec. 263. There is hereby established a department of the government of the city of Los Angeles to be known as the playground department, which shall be under the management and control of a board of five commissioners to be known as the board of playground commissioners. Play-ground commissioners.

Appoint-
ment.

Sec. 264. The members of the board of playground commissioners shall be appointed by the mayor, subject to confirmation by a majority of the council. All such appointments shall be made so that not more than three of said commissioners shall be of the same sex. The members of said board shall serve without compensation, and shall hold office for four years, and until their successors are appointed and qualify; *provided, however*, that the five members first appointed hereunder shall so classify themselves by lot that one shall go out of office on the first Monday in January, 1912, one on the first Monday in January, 1913, one on the first Monday in January, 1914, and two on the first Monday in January, 1915. If any vacancy occur the mayor shall fill the same for the unexpired term, subject to confirmation by a majority of the council.

Organiza-
tion.

Sec. 265. The board of playground commissioners shall organize by electing one of their members president, who shall hold office for one year, and until his successor is elected, unless his membership on the board sooner expires. The board shall maintain an office, to be provided by the council, for the transaction of the business of the playground department. Said board shall hold regular meetings at least once in each week. The board shall appoint a secretary, not a member of the board, who shall receive such salary as may be prescribed by ordinance. He shall keep a record of all its proceedings, specifying therein the names of the commissioners present at all the meetings, giving the ayes and noes upon all votes, and shall also keep a full account of all property, money, receipts and expenditures of the said department.

Employee.

Sec. 266. The playground department shall consist of a superintendent of playgrounds, and such other officers, assistants and employees as the council shall by ordinance determine. The salaries of all officers and employees of the playground department shall be fixed by the council by ordinance. All appointments, suspensions and removals in the department shall be made by the board of playground commissioners, subject to such civil service regulations as are now or may hereafter be in force.

Sec. 267. All children's playgrounds, recreation centers and summer camps now or hereafter owned or controlled by the city of Los Angeles, either within or without its limits, shall be under the exclusive control and management of the board of playground commissioners.

Sec. 268. The board of playground commissioners shall have charge, superintendence and control, under such ordinances as may from time to time be adopted by the council, of the design, construction, maintenance and use of all buildings and other improvements upon playgrounds.

Sec. 269. The board of playground commissioners shall prescribe the rules and regulations for the government of the department, and fix and enforce the penalties for their violation.

Sec. 270. The board of playground commissioners may,

for and on behalf of the city of Los Angeles, receive donations, legacies or bequests for the improvement or maintenance of said playgrounds, or for the acquisition of new playgrounds, and all moneys that may be derived from such donations, legacies or bequests shall, unless otherwise provided by the terms thereof, be deposited in the treasury of the city of Los Angeles to the credit of the playground fund. The same may be drawn therefrom and paid out only in the manner provided for the payment of moneys legally appropriated for the support and improvement of such playgrounds. If the moneys derived from such gifts, bequests or legacies shall at any time exceed in amount the sum necessary for immediate expenditure on said playgrounds, the board may invest all or a part of the surplus in interest-bearing bonds of the United States or of the State of California or of any county, municipality or school district thereof. As to all such property, the board of playground commissioners shall be deemed and considered to be a special trustee thereof for the city of Los Angeles.

Donations.

Sec. 271. The council shall have power, by ordinance, to set aside for playground purposes any lands now or hereafter owned or controlled by the city and not held for or devoted to any other public use.

Sec. 272. The council shall, for the acquisition, development and maintenance of children's playgrounds, appropriate annually such an amount as may, in the judgment of the council, be necessary or proper, and the amount so appropriated shall be credited to the playground fund.

Play-ground fund.

Sec. 273. The board of playground commissioners, the superintendent of playgrounds, and all other officers and employees of the playground department shall have such further powers and perform such further duties as may be granted or imposed by ordinance.

That the charter be amended by adding a new article thereto, to be known as article XXVII, and to read as follows:

ARTICLE XXVII.

MUNICIPAL ART COMMISSION.

Sec. 274. There is hereby established a commission of the government of the city of Los Angeles to be known as the municipal art commission.

Art commission.

Sec. 275. The municipal art commission shall be composed of the following persons, to wit: The mayor, ex officio, the chief inspector of buildings, ex officio, the city engineer, ex officio, five citizens, to be appointed by the mayor, subject to confirmation by a majority of the council; and in all matters within the cognizance of said commission pertaining to any department of the government of the city, the president of the board or commission having charge of such department, or other head of such department, shall act as a member of said commission. The appointive members of said commission shall serve without compensation. They shall be selected by

the mayor without regard to sex and shall be known to him as having special knowledge or skill in the fine or applied arts.

Term.

Sec. 276. The appointive members of the municipal art commission shall hold office for four years and until their successors are appointed and qualify; *provided, however*, that the five appointive members of said commission first appointed hereunder shall so classify themselves by lot that one shall go out of office on the first Monday in January, 1912, one on the first Monday in January, 1913, one on the first Monday in January, 1914, and two on the first Monday in January, 1915. If any vacancy occur in the appointive members of the said commission, the mayor shall fill the same for the unexpired term, subject to confirmation by a majority of the council.

Organization.

Sec. 277. The municipal art commission shall organize by electing a president, a vice-president, and a secretary from its own members, who shall hold office for one year and until their successors are elected, unless their membership on said commission sooner expires. Said commission shall have power to adopt rules for its own government and procedure, and shall hold meetings as often as may be prescribed by such rules. Six members shall constitute a quorum for the transaction of business.

Office.

Sec. 278. The council shall provide suitable offices for the use of the municipal art commission, and shall provide funds for the maintenance and expenses of the commission, the amount to be fixed annually in the budget.

Art works to be submitted to commission.

Sec. 279. Hereafter no work of art shall become the property of the city of Los Angeles, by purchase, gift or otherwise, unless such work of art or the design of the same, together with a statement of the proposed location of such work of art, shall first have been submitted to and approved by the municipal art commission by a majority vote thereof; nor shall any work of art, until so approved, be erected or placed in or upon, or allowed to extend over or upon any municipal building, street, avenue, or other public place or ground belonging to or under the control of the city of Los Angeles, excepting parks. The said commission may, when it deems proper, also require a complete model of the proposed work of art to be submitted to such commission. The term "work of art" as used in this article shall apply to and include all paintings, mural decorations, stained glass, statues, bas-reliefs and other sculptures, monuments, fountains, arches, gates, and other structures of a permanent character intended for ornament or commemoration. No existing work of art belonging to or in the possession of the city shall be removed, relocated or altered in any way without the like approval of the commission. The design of no public building, bridge, approach, fence, retaining wall, lamp, lamp post, or other similar structure proposed to be erected by or under the authority of the city upon any land or in any place belonging to or under the control of the city, shall be adopted by any board, commission, or officer having charge, superintendence or control of the design or construction

Bridge design.

thereof, unless such design shall have been first submitted to and approved by the municipal art commission by a majority vote thereof. No arch, bridge, structure or approach belonging to any private individual or corporation shall be permitted to extend over, into or upon any street, avenue, highway or other public place belonging to or under the control of the city of Los Angeles, other than parks, unless the design and location thereof shall have first been approved by the municipal art commission as hereinbefore provided.

Sec. 280. If the said commission shall fail to decide upon any matter submitted to it within fifteen days after such submission, its decision shall be deemed unnecessary: *provided, however*, that the time for such decision may be extended by the council by resolution. In the event that the immediate removal or relocation of any existing work of art owned or controlled by the city is deemed necessary by the board or officer of the city having the charge or custody thereof, the said commission shall, within two days after notice in writing from such board or officer, approve or disapprove such removal or relocation, and in case said commission shall fail to so act within two days after the receipt of such notice, it shall be deemed to have approved of the same.

Sec. 281. There may be expended for art productions, to be selected by said art commission and placed in public buildings, grounds or parks of the city such amount as the council may determine, and such amount may be included in the annual budget for that purpose. The word "productions" shall be held to include, among other works of art, mural paintings or decorations which artists may be employed to put on the walls of public buildings, mosaic and stained or painted glass. Expenditures.

Sec. 282. The municipal art commission shall have such further powers and perform such other duties as may be granted or imposed by ordinance.

Charter Amendment Number Six.

That article XX of the charter be amended to read as follows:

ARTICLE XX.

CONTRACTS AND THE SALE OF PROPERTY.

Sec. 207. Every contract involving an expenditure of more than five hundred dollars shall, except in cases of urgent necessity, as provided in section 207a of this charter, be made in writing, the draft whereof shall be approved by the body, board, commission or officer authorized to make the same, and signed on behalf of the city by the mayor, or some other person authorized thereto by resolution of the council in the case of a contract authorized by the council, or, in the case of other contracts, by the president or two members of the board, or commission, or the officer, as the case may be, authorized to make the same; *provided, however*, that the Contracts for more than five hundred dollars.

approval by the city attorney of any such contract as to form, as required by section 49 of this charter, shall be indorsed thereon before the council, or such board, commission or officer, shall have power to approve the same; *and provided, further*, that every contract involving the expenditure of more than one thousand dollars shall be first authorized by a two-thirds vote of the council, except contracts made by the board of library directors, and contracts requiring payment from funds derived from the sale of water, or electric power, or bonds of the city.

Publi-
cation of
notice.

Sec. 207a. The city of Los Angeles shall not be, and is not, bound by any contract, involving any expenditure of more than five hundred dollars, unless the council, board, commission or officer, as the case may be, authorized to make the same, shall have first caused notice to be published one or more times in a daily newspaper printed and published in said city, inviting proposals to perform the same, and specifying the amount of the bond to be given for the faithful performance of the contract, and thereafter shall have let said contract to the lowest regular, responsible bidder furnishing security for its performance satisfactory to the council, or such board, commission or officer, as the case may be. The right to reject any and all proposals shall, in every case, be reserved. Every such proposal shall be accompanied by a check certified by a responsible bank in the city of Los Angeles, payable to the order of the city of Los Angeles, for an amount not less than ten per centum of the aggregate sum of the bid, or by a satisfactory bond for the said amount, and so payable, as a guarantee that the bidder will enter into the proposed contract if the same be awarded to him. No bid shall be considered unless the same is accompanied by such check or bond. The bid of any party who has been delinquent or unfaithful in the performance of any former contract with the city shall be rejected. If the successful bidder fails within ten days after the contract is awarded to him to enter into the same or to furnish the bond required for the faithful performance thereof, executed by the contractor and by a responsible surety company, or by two or more sufficient sureties approved by the council, board, commission or officer, as the case may be, then the certified check accompanying his bid shall be presented for payment and collected, and the amount thereof paid into the general funds of the city; *provided, however*, that the provisions of this section requiring the publication of notice inviting proposals and the letting of contracts to the lowest bidder, shall not apply to contracts previously authorized by a two-thirds vote of the council for the performance of professional, scientific, technical or expert services, or for the furnishing of articles covered by letters patent granted by the government of the United States, or for the leasing or purchase of real property; *and provided, further*, that when any repairs, alterations, work or improvement under the charge of the board of public works shall be deemed of urgent

necessity by the board, it may, when authorized by resolution adopted by a vote of two thirds of the members of the whole council and approved by the mayor, make a contract, in writing or otherwise, in behalf of the city, for the performance or furnishing of the labor, materials or supplies required for said purpose, without advertising for or inviting bids.

That section 148 of the charter be and the same is hereby repealed.

Sec. 207b. Every proposal to perform a contract with the city, or with any board, commission or officer thereof, shall have thereon, or attached thereto, the affidavit of the bidder that such proposal is genuine, and not sham or collusive, or made in the interest or in behalf of any person not therein named, and that the bidder has not directly or indirectly induced or solicited any other bidder to put in a sham bid, or any other person, firm or corporation to refrain from bidding, and that the bidder has not in any manner sought by collusion to secure for himself an advantage over any other bidder. Any bid made without such affidavit, or in violation thereof, shall not be considered. If at any time it shall be found that the person, firm or corporation to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, then the contract so awarded shall be voidable at the option of the city council, or the board, commission or officer making the same on behalf of the city, as the case may be, and the contractor and his bondsmen shall be liable to the city for all loss or damage which the city may suffer thereby; and the council, board, commission or officer, as the case may be, may advertise for a new contract.

Affidavit
of bidder.

Sec. 207c. Each officer, commission or board shall have authority to expend and make contracts involving the expenditure of one twelfth of the fund apportioned to such officer, commission or board during each month of the fiscal year, and no more, unless specially authorized so to do by the council; *provided*, that if during any month less than one twelfth of the fund so apportioned shall be expended, the amount unexpended may be expended in any subsequent month of the fiscal year without such authorization.

Monthly
expenditures.

Sec. 207d. All purchases of materials or supplies involving an expenditure of five hundred dollars or less, and required for or by any body, board, commission or officer of the city, excepting purchases made by the board of library directors, and purchases requiring payment from funds derived from the sale of water, electric power, or bonds of the city, shall be made from the lowest responsible bidder, in the manner that may, from time to time, be prescribed by ordinance, through the purchasing agent of the city, when one shall have been appointed, and upon requisition delivered to him and signed by the president, or two members, of such body, board or commission, or by such officer. Other contracts, involving an expenditure of five hundred dollars or less, made by any body, board, commission or officer of the city, excepting contracts made by

Purchases
of supplies.

the board of library directors, and contracts requiring payment from funds derived from the sale of water, electric power, or bonds of the city, shall be made in the manner that may, from time to time, be prescribed by ordinance; *provided, however*, that, in the case of urgent necessity, when the procedure prescribed by this section can not be followed without loss to the city, any body, board, commission or officer of the city mentioned in section 207c of this charter, may purchase materials or supplies required for immediate use by the city, when such purchase does not exceed twenty-five dollars; *provided*, that such emergency purchases shall not exceed one hundred dollars for any such body, board, commission or officer, during any one month.

SALE OF PROPERTY.

Sale at
auction or
to highest
bidder.

Sec. 207c. Any real property owned by the city of Los Angeles may, subject to the limitations and exceptions elsewhere prescribed in this charter, be sold, either in whole, or in part, in accordance with the provisions of this section. Whenever the public interest or convenience may require, the council is hereby authorized to order the sale, and to sell any such real property, either at public auction or to the highest bidder for cash after advertising for bids; *provided, however*, that the council shall prescribe the minimum price for which the same will be sold, and if the price offered at such auction, or the amount bid by the highest bidder at such sale shall be less than such minimum price, such property shall not be sold.

Before ordering the sale of any such real property the council shall, by a two-thirds vote of all its members, pass an ordinance declaring its intention to sell the same, describing the property proposed to be sold in such manner as to identify the same, specifying the minimum price for which it will be sold, and stating whether such sale shall be at public auction or to the highest responsible bidder after advertising for bids. Such ordinance shall be subject to the provisions of this charter providing for a referendary vote.

Unless a petition demanding the submission of such ordinance to a vote of the qualified electors of the city be filed with the city clerk within thirty days after the publication thereof, the council may, in its discretion, after the expiration of such thirty days, cause notice of the sale of the property described in such ordinance to be published for ten days in one or more daily newspapers printed and published in said city.

In the case of any sale of any real property after advertisement for bids, all such bids shall be sealed and filed in the office of the city clerk on or before a time to be specified in the notice of sale. The city clerk shall present all bids received by him to the council at its next regular meeting after the expiration of the time for the submission of bids. The council shall thereupon, in public session, open, examine and declare all bids received. At the time of opening the bids, any responsible person may bid for such property a sum exceeding the highest bid by not less than five per centum, and such bid so made may be

raised by any other person or persons until the property shall either be sold or withdrawn from sale. No bid shall be considered unless accompanied by a cash deposit or check certified by a responsible bank in the city of Los Angeles in an amount not less than ten per centum of the amount of such bid.

The council may, in its discretion in all cases where property is offered for sale, reject any or all bids, or withdraw such property from sale at any time, should it deem such action to be for the public interest.

Any real property proposed to be sold that is under the control of any board or commission authorized by this charter or by law to acquire, hold or control real property shall not be sold except with the approval of a majority of such board or commission, and the proceeds of any such sale shall be paid into the city treasury and placed in the fund of the department having control of such property.

Sec. 207f. Any personal property belonging to the city, that is no longer required for the use of the city, may be sold under such terms and conditions, and under such procedure as the council may by ordinance prescribe; *provided, however*, that no such personal property that is under the control of any department of the city government shall be sold except at the request or with the approval of the board, commission or officer having the management of such department. The proceeds of the sale of personal property shall be paid into the city treasury and placed in the fund of such department.

Sale of personal property.

Charter Amendment Number Seven.

That section 28 of the charter be amended to read as follows:

Sec. 28. It shall provide for the surveys of streets and blocks of land within the limits of the city, and may, by ordinance, declare such surveys official, and may compel all persons to conform to the streets as they are now or may be hereafter lawfully established and declared official, or otherwise dedicated. It may, by ordinance, provide for making and establishing surveys and plans of streets, lanes, alleys, boulevards, courts and other public places proposed to be laid out, opened, widened, straightened or extended by the city within its limits, prescribe the method of procedure therefor, and require owners of property to conform to such surveys and plans in platting or subdividing their lands and in making improvements thereon.

Surveys of streets.

Charter Amendment Number Eight.

That article XXI of the charter be amended to read as follows:

ARTICLE XXI.

TAXATION, FINANCE, CLAIMS AND DEMANDS.

Sec. 208. The fiscal year of the city shall commence on the first day of July of each year and shall end on the thirtieth day of June of the following year.

Fiscal year.

Estimates
of expendi-
tures.

Sec. 209. It shall be the duty of every officer of the city, the conduct of whose office requires the expenditure of money, and every board or commission having the management and control of any department of the government of the city, to prepare and file with the city auditor, on or before the first day of April of each year, a detailed estimate in writing of the amount of expenditure required for the proper conduct of the business of their respective offices and departments for the next ensuing fiscal year, including a statement of the salaries of their subordinates.

Estimate
trans-
mitted to
council.

Sec. 210. On or before the first day of May of each year, the city auditor shall transmit to the council an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required for the interest and sinking funds for all outstanding bonded indebtedness of the city, and the requirements of all the offices and departments of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue, exclusive of taxes upon property, and the probable amount to be raised by taxation.

Budget.

Sec. 211. The council shall meet annually, prior to fixing the tax levy, and by resolution adopted by a majority of all its members, shall make a budget of the estimated amounts required for the interest and sinking funds for the bonded indebtedness of the city, and to pay the expenses of conducting the business of the city government for the ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, officer, board or fund, as the council may determine. The resolution adopting the budget shall be presented to the mayor for his approval and signature. Any item of said budget may, within ten days after the adoption thereof, be vetoed in whole or in part by the mayor, and it shall require the vote of two thirds of the council to overcome such veto. In making such budget, the council may provide for a general expense fund for expenses not otherwise provided for. After the budget is made in accordance herewith, it shall be signed by the president of the council, and the city clerk, and the several sums thereof shall thereupon be deemed appropriated for the ensuing fiscal year to the several purposes, departments and offices therein specified. The budget shall be filed in the office of the city auditor. The council must cause to be raised by tax levy, according to law, the amounts so appropriated, less the amount to be received by the city from fines, licenses and other sources of revenue.

Tax levy.

Board of
equaliza-
tion.

Sec. 212. When the assessment list is made out and transmitted to the council, as provided by the ordinances of the city, the council shall, at the time and in the manner in such ordinance provided, sit and act as a board of equalization, and shall have, as regards the equalization of said list, powers

similar to those conferred by law upon the board of supervisors of Los Angeles county, as a board of equalization of state and county taxes.

The meetings of said board of equalization shall be public, and notice of such meetings shall be given by publication at such time and in such manner as shall be provided by ordinance. The said board shall have the power, in its discretion, to increase or diminish the amount of any or all of the assessments on said lists, both as to real and personal property; *provided*, that before any such assessment shall be increased, due notice shall be given to the owner or owners of the property the assessed value of which is sought to be increased, and such owner or owners shall have the opportunity to be heard before the board, under oath; such notice to be regulated in all respects by ordinance.

After such list has been equalized, it shall be returned to the council, which shall forthwith fix the levy or rate per cent of taxes levied for all municipal purposes for such fiscal year.

Every tax so levied shall have the force and effect of a judgment against the person and property taxed, and shall be and constitute a lien upon the real property situated in said city so assessed or owned by the person against whom such assessment is made.

Every such assessment and the lien thereof shall have the force and effect of an execution duly levied upon all property owned by the person assessed, or by the unknown owner of such property when assessed to an unknown owner. The judgment is not satisfied nor discharged until the tax assessed against the property and the owner is paid, or the property sold for the payment thereof.

The city shall have such other rights, claims and liens for the amount of such municipal taxes as may now or hereafter be given to or exercised by the people of the State of California for and on account of the assessment of state and county taxes levied in Los Angeles county.

The mode and manner of collecting such municipal taxes, and enforcing such tax lien, and the proceedings thereafter, shall substantially be the same as the mode and manner at the time prescribed by law for the collection of state and county taxes in said county; *provided, however*, that the council may, by ordinance, have the power to regulate the time or times of the collection of said taxes within each fiscal year, and prescribe by what officers the respective duties appertaining to such collection and enforcement shall be performed. All proceedings, sales, certificates and conveyances had, made and executed by them in pursuance thereof, shall be of like force, effect and validity as is or may hereafter be given by law to like proceedings and acts in the matter of the collection of state and county taxes in said county.

Collecting
taxes.

Rate of
taxation.

Sec. 213. The council must, not later than the last Tuesday in August of each year, adopt an ordinance levying upon the assessed valuation of the property of the city, subject to the provisions of this charter, a rate of taxation upon each one

hundred dollars of valuation, sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue.

Separate
funds.

Sec. 214. The income and revenues paid into the treasury shall be apportioned to and kept in separate funds. It shall not be lawful to transfer money from one fund to another, or to use the same in payment of demands upon another fund, except in the case of the general expense fund and the reserve fund; *provided, however*, that every fee, commission, percentage, allowance or compensation authorized by law to be charged, received or collected by any officer of the city for any service shall be paid into the city treasury, to the credit of such fund, and be applied to such purposes as the council shall by ordinance determine.

Reserve
fund.

Sec. 215. At the close of each fiscal year the council shall direct the auditor and treasurer to transfer all surplus moneys remaining in each fund, over and above the amount of outstanding demands and liabilities payable out of such fund, to a fund to be called the "reserve fund," except such surplus moneys as are in the several interest and sinking funds, bond funds, trust funds, the library fund, the water revenue fund, the power revenue fund, and the harbor revenue fund, but the council may by ordinance direct said surplus moneys in the power revenue fund or the harbor revenue fund transferred to such reserve fund.

Payment
of claims.

Sec. 216. All claims and demands against the city of Los Angeles, except coupons for interest and installments of the principal of outstanding bonds of the city, shall be paid only on demands as hereinafter provided, on forms and blanks to be prescribed by the city auditor.

Approval
of claims
by boards,
etc.

Sec. 217. Every claim and demand against the city of Los Angeles, except as provided in the preceding section, shall be first presented to and approved by the board, commission or officer authorized by this charter to incur the expenditure or liability represented thereby; if such approval be made by a board or commission the same shall be evidenced by a vote of two thirds of the members thereof, taken with the eyes and noses and spread upon the minutes, and the action of such board or commission, and the date thereof, must be endorsed on such demand, and signed in writing by the president or by two members thereof, and the secretary or clerk thereof; and if such approval be made by an officer he, or his chief deputy, shall endorse the same by his signature in writing. In all cases the date of such approval shall be given.

Payment
of salaries.

Sec. 218. The salaries of all officers and employes of the city shall be paid monthly; *provided, however*, that laborers and other employes whose wages are fixed by the day, may be paid weekly, if the council, by ordinance, shall so provide. At the expiration of each month the board, commission or officer having the management or control of any department or office shall cause a pay roll to be made out of all persons employed in such department or office during the preceding

month, stating the amount of the compensation of such persons in detail, which said pay roll shall be certified as herein provided in the case of demands against the city. In the case of laborers and other persons whose wages are fixed by the day, and payable weekly, as above provided, such pay roll shall be so made out and certified at the end of each week for the preceding week. Every such pay roll shall be filed with the city auditor and shall be accompanied by proper demands or pay checks for the salary or wages of each person specified therein; *provided*, that nothing in this article contained shall be deemed to affect or limit the provisions of section 151 of this charter.

Sec. 219. All demands approved by any board, commission or officer of the city shall be presented to the city auditor, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the city treasury is authorized by law, and out of what fund. If he approve it, he shall endorse upon it the word "approved," with the name of the fund out of which it is payable, and sign his name thereto; *provided*, that such approval by the city auditor shall be valid only for such amount as shall have been approved by the board, commission or officer approving the same. If, in the judgment of the city auditor, such demand should be allowed only for a less amount than approved by such board, commission or officer, or if he shall disapprove said demand, he shall transmit the same to the finance committee of the council.

Auditor's approval.

Sec. 220. Any demand transmitted to the finance committee of the council by the city auditor shall be considered by such committee, together with the objections of the city auditor thereto. Such demand shall be reported by the finance committee to the council with its recommendations, and the council shall consider the same and the action of the auditor and finance committee thereon.

Consideration of auditor's objections.

The council may overrule or sustain the objections of the city auditor to said demand, and its action shall be endorsed thereon, certified by the signatures of the president of the council and city clerk, and the demand shall thereupon be returned to the city auditor. If the action of the council is to overrule the objections of the city auditor to said demand, he shall make a record of the demand as in the case of demands approved by him; if the action of the council is to sustain the objections of the city auditor thereto, he shall file said demand.

Sec. 221. All demands against the fund for the support or maintenance of the office of the city auditor shall, before payment, be presented to the mayor, who shall have the same powers as to the approval or disapproval thereof as are exercised by the city auditor in the case of other demands. The action of the mayor with respect thereto shall be subject to review by the council, as hereinbefore provided.

Claims against auditor's office.

Sec. 222. No demand can be approved by any board or officer, or audited, unless it specify each several item, with the date and amount thereof.

Payments
from
treasury.

Sec. 222a. No payment can be made from the city treasury, or out of the public funds of said city, unless the same be specially authorized by law or this charter, nor unless the demand which is paid be duly audited as in this charter provided. The term "audited," as used in this charter with reference to demands upon the treasury, is to be understood to mean that said demands have been presented to, passed upon and approved by every officer, board, commission or body, as required by this charter, or that the objections of the city auditor have been overruled, as herein provided, and this must appear upon the face of the paper representing the demand, or else it is not audited; *provided*, that the approval or rejection in whole or part of a demand by the committee on finance of the council is advisory only to the council, and the rejection by said committee of a demand in whole or in part does not of itself prevent its being duly audited.

Sec. 222b. No demand upon the treasury shall be allowed by the city auditor in favor of any person or officer in any manner indebted thereto without first deducting the amount of such indebtedness, nor to any person or officer having the collection, custody of or disbursement of public funds, unless his account has been duly presented, passed, approved and allowed, as required by law or this charter; nor in favor of any officer who shall have neglected to make his official returns or his reports in writing in the manner and at the time required by law or this charter, or by the ordinances or regulations made in pursuance thereof; nor to any officer who shall have neglected or refused to comply with any of the provisions of this charter or ordinances of the city, or any act of the legislature regulating the duties of such officer, on being required in writing to comply therewith by the mayor or the president of the council or the city auditor; nor in favor of any officer for the time he shall have absented himself, without lawful cause, from the duties of his office during the office hours prescribed by this charter or by ordinance, and the city auditor may examine any officer receiving a salary from the treasury on oath respecting such absence.

Auditor's
record.

Sec. 222c. The city auditor must keep a record of all demands on the treasury approved by him, or his objections to which have been overruled, showing the number, date, amount, and name of the payee thereof, on what account allowed; and out of what funds payable, and it shall be a misdemeanor in office for the city auditor to deliver any demand with his approval thereon, or otherwise, until this requisite has been complied with.

Sec. 222d. Every lawful demand upon the treasury, duly audited, as in this charter required, shall in all cases be paid on presentation and canceled, and the proper entry thereof be made, if there be sufficient money in the treasury belonging to the fund out of which it is payable; but if there be not sufficient money belonging to said fund to pay such demand, then it shall be registered in a book to be kept by the treasurer

for that purpose, showing its number, when presented, date, amount, name of the payee, and on what account allowed, and out of what fund payable; and being so registered, shall be returned to the party presenting it, with an endorsement of the word "registered," dated and signed by the city treasurer. All registered demands shall be payable in the order of their registration.

Sec. 222*e*. Nothing in this article contained shall be construed as interfering with or preventing the payment by the city treasurer of bonds of the city of Los Angeles, and the interest coupons thereof, in accordance with the constitution, laws and ordinances authorizing the issuance of said bonds.

All money
to be paid
into treasury

Sec. 222*f*. All public moneys collected by any officer or employee of the city shall be paid into the city treasury, without any deduction on account of any claim for fees, commissions or any other cause or pretense; and the compensation of any officer, employee or other person so collecting money, shall be paid by demands on the treasury, duly audited as other demands are audited, and paid.

Sec. 222*g*. No suit shall be brought on any claim for money or damages against the city of Los Angeles, its board of education, board of directors of the Los Angeles public library, board of public works, or board of public service commissioners, or any officer or board or commission of the city, until a demand for the same has been presented, as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall suit be brought against said city, or any board, officer or commission thereof upon any claim or demand that has been in whole approved and audited as provided herein; *provided*, that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to writ of mandamus or other proceeding against the city council, or any board, commission or officer of said city, to compel it or him to act upon such claim or demand, or to pay the same when so audited.

Suits on
claims
rejected.

Charter Amendment Number Nine.

That section 261 of the charter be amended to read as follows:

Sec. 261. It shall be unlawful to sell, convey, alienate, transfer or lease any part of the water front, tide lands, submerged lands, or appurtenances thereunto belonging, owned or held by, or in the possession or under the control of the city of Los Angeles, or any borough therein, unless thereunto authorized by two thirds of the qualified voters of the city voting at a general or special election at which such proposition shall have been submitted; *provided*, that whenever the city of Los Angeles shall have acquired the ownership, or control and possession, of more than ten thousand feet (linear measurement) of water frontage, and the coterminous and adjacent tide and submerged lands upon the water front, as fixed by the government harbor lines upon the navigable waters of Los Angeles harbor, formerly known as the outer or

Transfer
of water
front, etc.

inner harbor of San Pedro, not including water frontage upon any island, or breakwater, nor water frontage held by any borough, nor any water frontage created by the construction of channels by any person, firm or corporation other than the United States, the city of Los Angeles may grant, by ordinance, to any person, firm or corporation wharf franchises and warehouse and other privileges and permits to use the water frontage in excess of said ten thousand feet, so owned or controlled by the city, for periods not exceeding fifteen years on alternate frontages upon said harbor, not exceeding two thousand feet in a body, with the adjacent and coterminous tide or submerged lands necessary for such purposes as determined by ordinance. Said ten thousand feet, and each alternate two thousand feet of such excess water frontage upon said harbor, together with the adjacent and coterminous tide and submerged lands, shall be reserved for public use, as aforesaid; *provided, however,* that whenever it shall be determined by the city of Los Angeles, by ordinance, or by other proper legal authority, that any part of such tide or submerged lands not nearer than three hundred feet to navigable waters are no longer required for public use, by reason of their remoteness from the harbor lines, as now or as hereafter established, such tide or submerged lands may be subdivided into lots and blocks, or otherwise, with streets or other public ways leading to the water front, and with such other streets or other public ways as may be established therein and may be leased by the board of harbor commissioners, subject to approval by ordinance, if there be such board, otherwise by the council, and in any event subject to the referendary provisions of this charter, for periods not exceeding thirty years; but in all cases where either franchises or privileges are granted or permits issued, or such tide or submerged lands leased, the same shall be granted, issued or leased, as the case may be, to the highest bidder, and after publication of notice for not less than ten days. In case of any grant of franchise or privilege, or the issuance of any permit under this section, the same shall at all times be granted or issued upon the condition, whether expressed therein or not, that the wharves, docks, warehouses or other works or structures provided for therein shall, if not already constructed, be completed within three years from the date of such franchise, privilege or permit, and all such franchises, privileges or permits, shall provide for the payment to the city of either an annual rental or a percentage of the gross annual receipts, received from the use, operation or possession of the franchise, privilege or permit, or both such rental and percentage. Every such franchise, privilege or permit shall contain a condition that in case the same, or the property, or any part thereof embraced therein, shall be transferred or subleased, or the control thereof be given or granted to any person, firm or corporation, so that such person, firm or corporation shall then own, hold or control, under franchises, privileges or permits, granted or issued by the city of Los Angeles, more than two thousand feet of said water frontage, upon any

Reserved
for public
use.

Conditions
of fran-
chise.

part of said Los Angeles harbor, then such grant, privilege or permit, and all rights thereunder, shall thereupon and thereby be absolutely terminated. Every franchise, privilege or permit granted or issued hereunder, shall be subject at all times to all rights of way over tide or submerged lands embraced therein for such public sewers, pipe lines, conduits, electric lines, highways, streets, street or other railroads, as may from time to time be determined by the council. Whenever application shall be made for the lease of any part of such tide or submerged lands, that may be no longer required for public use, as aforesaid, an open bid shall accompany the same, and notice thereof shall be given by publication for not less than ten days in a daily newspaper printed, published and circulated in said city. At any time within thirty days after the last publication of such notice, any person, firm or corporation may make an open bid for the lease of such property. Upon the expiration of such thirty days, the board of harbor commissioners, if there be such board, or if not, then the council, in open session, may lease such land to the highest bidder theretofore or then bidding, or refuse so to do. Every lease of tide or submerged lands no longer required for public use, shall provide for readjustment of rental every ten years during the period of such lease. The procedure for such readjustment shall be specified in such lease, but in no case shall such readjustment decrease the amount of rental.

In any case, where the city of Los Angeles, or its predecessors in interest or authority, shall have granted or issued any franchise or permit or any document purporting to be such, to any person, firm or corporation, the water front, tide lands, and submerged lands covered thereby, shall not be deemed to be subject to grants for such purposes by the city of Los Angeles under this section until such franchise or permit shall have been canceled or otherwise terminated, and until the city of Los Angeles shall have regained peaceable possession of such property.

Charter Amendment Number Ten.

That a new subdivision be added to section 2 of the charter, relating to the powers of the city, to be known as subdivision 43, and to read as follows:

(43) To grant franchises, for terms not exceeding forty years, for the construction and operation of underground electric interurban, street or other railways through subways, and for the construction and operation of elevated electric interurban street, or other railways along or across public streets, highways, and other public places; *provided*, that any such grant shall first be authorized by a vote of a majority of the qualified electors of the city voting at an election at which such question shall be lawfully submitted; *and provided*, *further*, that no franchise along any public street or highway for the construction or operation of any elevated railway shall be submitted to the vote of the people unless there shall first be filed with the council the written consent thereto of the

Franchises
for under-
ground
and ele-
vated rail-
ways.

owners of a majority of the frontage, other than public property, along such street or highway. Every franchise for an underground or elevated interurban or street railway shall be upon condition, whether expressed therein or not, that at any time after twenty-one years from the date of the grant thereof the city may take over the tangible property and plant of such railway over and along the line covered by such franchise, including any leases and rights of way, upon the same conditions as are in this article provided with reference to other franchises; and all such franchises shall contain all other terms, conditions and provisions required to be set out in surface street and interurban railway franchises, so far as applicable.

Ordinance
may be
submitted
by council.

The council may, upon its own motion, submit an ordinance to the vote of the qualified electors, authorizing the council to sell any such franchise at any special or general election. And it shall be the duty of the council to submit such an ordinance at the next general election, or the next special election, that may be called for any other purpose, whenever a petition asking that the same be so submitted shall be filed with the clerk and signed by not less than ten per cent of the total number of qualified electors voting at the last general city election at which a mayor was elected.

Charter Amendment Number Eleven.

That a new section be added to the charter, immediately after section 30 thereof, to be known as section 30a, and to read as follows:

Height of
buildings.

Sec. 30a. No building shall be erected within said city of a height exceeding one hundred and fifty feet, except public buildings and monuments, and except spires, domes and towers of houses of religious worship, when authorized by ordinance passed by a two-thirds vote of the council; and except other structures or buildings, or parts of buildings, not designed for business, manufacturing or commercial purposes, when authorized by ordinance adopted by a vote of a majority of the qualified electors of the city voting thereon at an election at which such ordinance may be submitted.

Charter Amendment Number Twelve.

That article XXII of the charter be amended by adding a new section thereto, immediately following section 228, to be known as section 228a, and to read as follows:

Sale of
liquor in
annexed
territory.

Sec. 228a. Whenever, under the terms of this charter, or under the provisions of the constitution or of the general laws of the State of California, any incorporated city or town shall be consolidated with or annexed to the city of Los Angeles, and the charter of such incorporated city or town shall contain any provision or provisions restricting, prohibiting or regulating the sale, distribution or giving away of any spirituous, malt, vinous or alcoholic liquors, within the boundaries of such city or town so consolidated with or annexed to the city of Los Angeles, such provision or provisions shall, upon such consoli-

dation or annexation becoming effective, be and thereby become an integral part of and take effect as a subdivision of the charter of the city of Los Angeles, but only for the purposes in this section specified, and shall operate and be of full force and effect in the territory of such city or town so consolidated with or annexed to the city of Los Angeles, and shall govern as to restricting, prohibiting or regulating the sale, distribution, or giving away of spirituous, malt, vinous or alcoholic liquors within such territory. No such provision or provisions shall be altered or repealed except by the vote of a majority of the electors within such territory, voting thereon at any election at which such question shall have been submitted to the electors within such territory.

Charter Amendment Number Thirteen.

That two new subdivisions be added to section 2 of the charter, relating to the powers of the city, to be known as subdivisions 44 and 45, and to read as follows:

(44) To create and maintain, and provide for the disbursement of, a firemen's relief, health, life insurance and pension fund, to be used for the payment of pensions to members of the fire department of the city who shall be retired from such department; for the payment of pensions to members of such department who shall become physically disabled by reason of bodily injuries received in, or by reason of sickness caused by, the discharge of their duties, and for the payment of pensions to the widows and children of members of such fire department who shall have died from bodily injuries received in the performance of their duties. Said fund shall be created, maintained and disbursed in such manner as may be prescribed by ordinance.

Firemen's
pension
fund.

(45) To create and maintain, and provide for the disbursement of, a policemen's relief, health, life insurance and pension fund, to be used for the payment of pensions to members of the police department of the city who shall be retired from such department; for the payment of pensions to members of such department who shall become physically disabled by reason of bodily injuries received in, or sickness caused by, the discharge of their duties, and for the payment of pensions to the widows and children of members of such police department who shall have died from bodily injuries received in the performance of their duties. Said fund shall be created, maintained and disbursed in such manner as may be prescribed by ordinance.

Policemen's
pension
fund

Charter Amendment Number Fourteen.

That a new subdivision be added to section 2 of the charter, relating to the powers of the city, to be known as subdivision 46, and to read as follows:

(46) To grant franchises or privileges in, on, through, across, under or over any street, avenue, alley, bridge, viaduct, tunnel, subway or other public place, or upon the water front or in or upon navigable waters within the city; to prescribe the terms and conditions of any such grant, and to prescribe by ordinance

Franchises
on streets,
bridges,
etc.

the method of procedure for making such grants; subject, however, to the limitations elsewhere contained in this article.

Charter Amendment Number Fifteen.

That a new subdivision be added to section 2 of the charter, relating to the powers of the city, to be known as subdivision 47, and to read as follows:

Publish
newspaper.

(47) To publish a newspaper, and to sell and distribute the same.

That said fourteen proposed amendments were and each of them was published for twenty days in a daily newspaper printed and published in said city and of general circulation therein, to wit, "The Los Angeles Daily Journal," said publication ending on the 23d day of January, 1911.

That thereafter the city council of said city did, by ordinance known as Ordinance No. 21755 (new series), which was duly adopted on the 31st day of January, 1911, order the holding of a special municipal election in said city of Los Angeles on the 6th day of March, 1911, which said last mentioned date was at least forty days after the publication of said proposed amendments, for twenty days in said daily newspaper of general circulation in said city of Los Angeles, to wit, "The Los Angeles Daily Journal" and did provide in said ordinance for the submission of said fourteen proposed amendments to said charter to the qualified electors of said city for their ratification at said special municipal election, which ordinance was approved by the mayor of said city on the 31st day of January, 1911, and was published for at least ten days prior to the time appointed for the holding of said election in "The Los Angeles Daily Journal," a daily newspaper printed and published in said city.

That at said special election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each and all of said fourteen proposed amendments to said charter.

That the city council of said city of Los Angeles, at a regular meeting thereof held within ten days after said election, duly canvassed the returns of said election and duly found, determined and declared that a majority of such qualified electors voting thereon had voted for and ratified each and all of the said fourteen proposed amendments to said charter.

IN WITNESS WHEREOF, We have hereunto set our hands and affixed the corporate seal of the city of Los Angeles this 7th day of March, 1911.

[SEAL.]

GEO. ALEXANDER,
Mayor of the City of Los Angeles.

LORIN A. HANDLEY,
City Clerk of the City of Los Angeles.

AND, WHEREAS, The said fourteen proposed amendments so ratified as hereinabove set forth have been duly presented and submitted to the legislature of the State of California for approval or rejection, without power of alteration or amend-

ment, in accordance with section 8 of article XI of the constitution of the State of California. Now, therefore, be it

Resolved by the senate of the State of California, the assembly concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring herein), That the said fourteen proposed amendments to the said charter of the city of Los Angeles, hereinabove set forth, as presented and as submitted to and adopted and ratified by the qualified electors of said city, be and the same are hereby approved as a whole for and as amendments to the said charter of the city of Los Angeles.

CHAPTER 56.

Assembly Constitutional Amendment No. 26, a resolution to propose to the people of the State of California an amendment to the constitution of the state, by amending sections 1, 5, 11 and 15 of article VI thereof, relating to the judiciary and giving the legislature power to establish inferior courts.

[Filed with Secretary of State March 28, 1911.]

The legislature of the State of California, at its regular session, commencing on the second day of January, nineteen hundred and eleven, two thirds of all the members elected to each of the houses of said legislature, voting in favor thereof, hereby proposes that sections one, five, eleven, and fifteen of article VI of the constitution of said state be amended so as to read as follows:

Constitutional amendment.

ARTICLE VI.

Section 1. The judicial power of the state shall be vested in the senate, sitting as a court of impeachment, in a supreme court, district courts of appeal, superior courts and such inferior courts as the legislature may establish in any incorporated city or town, township, county, or city and county.

State judiciary.

Section 5. The superior court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest or the value of the property in controversy amounts to three hundred dollars, and in all criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage; and of all such special cases and proceedings as are not otherwise provided for, and said court shall have the power of naturalization, and to issue papers therefor. They shall have appellate jurisdiction in such cases arising in inferior courts in their respective counties as may be prescribed by law. They shall be always open (legal holidays and non-judicial days excepted), and their

Superior court.

process shall extend to all parts of the state; *provided*, that all actions for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon real estate, shall be commenced in the county in which the real estate, or any part thereof, affected by such action or actions, is situated. Said courts, and their judges, shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus, on petition by or on behalf of any person in actual custody, in their respective counties. Injunctions and writs of prohibition may be issued and served on legal holidays and non-judicial days.

Inferior
courts.

Section 11. The legislature shall determine the number of each of the inferior courts in incorporated cities or towns, and in townships, counties, or cities and counties, according to the population thereof and the number of judges or justices thereof, and shall fix by law the powers, duties and responsibilities of each of such courts and of the judges or justices thereof; *provided*, such powers shall not in any case, trench upon the jurisdiction of the several courts of record, except that the legislature shall provide that said courts shall have concurrent jurisdiction with the superior courts in cases of forcible entry and detainer, where the rental value does not exceed twenty-five dollars per month, and where the whole amount of damages claimed does not exceed two hundred dollars, and in cases to enforce and foreclose liens on personal property when neither the amount of liens nor the value of the property amounts to three hundred dollars.

No judicial
officer to
receive
fees.

Section 15. No judicial officer, except court commissioners, shall receive to his own use any fees or perquisites of office; *provided*, that justices of the peace now holding office shall receive to their own use such fees as are now allowed by law during the terms for which they have been elected.

CHAPTER 57.

Assembly Constitutional Amendment No. 33, a resolution to propose to the people of the State of California an amendment to the constitution of the State of California by amending section fourteen of article VI thereof, relating to the election and compensation of a clerk of the supreme court, also relating to county clerks being ex officio clerks of courts of record, and also relating to appointments by the superior courts of court commissioners, and also by amending section twenty-one of said article VI of the said constitution, relating to the appointment by the supreme court of a reporter and assistant reporters and the appointment by the district courts of appeal of its clerks, and also relating to the duties and compensation of such officers.

[Filed with Secretary of State March 28, 1911.]

The legislature of the State of California, at its regular session commencing on the second day of January, nineteen

hundred and eleven, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby propose that sections fourteen and twenty-one of article VI of the constitution of the State of California be amended so as to read as follows:

Constitutional amendment.

Section 14. The county clerks shall be ex officio clerks of the courts of record in and for their respective counties or cities and counties. The legislature may also provide for the appointment, by the several superior courts, of one or more commissioners in their respective counties, or cities and counties, with authority to perform chamber business of the judges of the superior courts, to take depositions, and perform such other business connected with the administration of justice as may be prescribed by law.

County clerks ex officio clerks of courts.

Section 21. The supreme court shall appoint a clerk of the supreme court; *provided, however,* that any person elected to the office of clerk of the supreme court before the adoption hereof, shall continue to hold such office until the expiration of the term for which he may have been elected. Said court may also appoint a reporter and not more than three assistant reporters of the decisions of the supreme court and of the district courts of appeal. Each of the district courts of appeal shall appoint its own clerk. All the officers herein mentioned shall hold office and be removable at the pleasure of the courts by which they are severally appointed, and they shall receive such compensation as shall be prescribed by law, and discharge such duties as shall be prescribed by law, or by the rules or orders of the courts by which they are severally appointed.

Clerk of supreme court.

Reporters.

Clerks of district courts of appeal.

CHAPTER 58.

Assembly Constitutional Amendment No. 18, a resolution to propose to the people of the State of California an amendment to the constitution of the state, by adding a new section thereto, relating to the exemption of property from taxation, to be known as section one and one quarter of article thirteen of the constitution of the State of California.

[Filed with Secretary of State March 28, 1911.]

Resolved by the assembly, the senate concurring. That the legislature of the State of California, at its regular session commencing on the second day of January, nineteen hundred and eleven, two thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that an amendment to the constitution of the state be adopted by adding a new section thereto, to be known as section one and one quarter of article XIII of the constitution of the State of California, to read as follows:

Constitutional amendment.

Section 1 $\frac{1}{4}$. The property to the amount of one thousand dollars of every resident in this state who has served in the army, navy, marine corps, or revenue marine service of the

Property exempt from taxation.

United States in time of war, and received an honorable discharge therefrom; or lacking such amount of property in his own name, so much of the property of the wife of any such person as shall be necessary to equal said amount; and property to the amount of one thousand dollars of the widow resident in this state, or if there be no such widow, of the widowed mother resident in this state, of every person who has so served and has died either during his term of service or after receiving honorable discharge from said service; and the property to the amount of one thousand dollars of pensioned widows, fathers, and mothers, resident in this state, of soldiers, sailors, and marines who served in the army, navy, or marine corps, or revenue marine service of the United States, shall be exempt from taxation; *provided*, that this exemption shall not apply to any person named herein owning property of the value of five thousand dollars or more, or where the wife of such soldier or sailor owns property of the value of five thousand dollars or more. No exemption shall be made under the provisions of this act of the property of a person who is not a legal resident of this state.

CHAPTER 60.

Senate Constitutional Amendment No. 47, a resolution proposing to the people of the State of California an amendment to section twenty-three of article XII of the constitution of the State of California, to confer upon the railroad commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public.

[Filed with Secretary of State March 28, 1911.]

Constitutional amendment.

The legislature of the State of California, at its regular session commencing on the second day of January, one thousand nine hundred and eleven, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the people of the State of California that section twenty-three of article XII of the constitution of the State of California be amended so as to read as follows:

Public utilities subject to control of railroad commission.

Section 23. Every private corporation, and every individual or association of individuals, owning, operating, managing, or controlling any commercial railroad, interurban railroad, street railroad, canal, pipe line, plant, or equipment, or any part of such railroad, canal, pipe line, plant or equipment within this state, for the transportation or conveyance of passengers, or express matter, or freight of any kind, including crude oil, or for the transmission of telephone or telegraph messages, or for the production, generation, transmission, deliv-

ery or furnishing of heat, light, water or power, or for the furnishing of storage or wharfage facilities, either directly or indirectly to or for the public, and every common carrier, is hereby declared to be a public utility subject to such control and regulation by the railroad commission as may be provided by the legislature, and every class of private corporations, individuals, or associations of individuals hereafter declared by the legislature to be public utilities shall likewise be subject to such control and regulation. The railroad commission shall have and exercise such power and jurisdiction to supervise and regulate public utilities in the State of California, and to fix the rates to be charged for commodities furnished or services rendered by public utilities as shall be conferred upon it by the legislature, and the right of the legislature to confer powers upon the railroad commission respecting public utilities is hereby declared to be plenary and to be unlimited by any provision of this constitution.

From and after the passage by the legislature of laws conferring powers upon the railroad commission respecting public utilities, all powers respecting such public utilities vested in boards of supervisors, or municipal councils, or other governing bodies of the several counties, cities and counties, cities and towns, in this state, or in any commission created by law and existing at the time of the passage of such laws, shall cease so far as such powers shall conflict with the powers so conferred upon the railroad commission; *provided, however*, that this section shall not affect such powers of control over any public utility vested in any city and county, or incorporated city or town as, at an election to be held pursuant to laws to be passed hereafter by the legislature, a majority of the qualified electors voting thereon of such city and county, or incorporated city or town, shall vote to retain, and until such election such powers shall continue unimpaired; but if the vote so taken shall not favor the continuation of such powers, they shall thereafter vest in the railroad commission as provided by law; *and provided, further*, that where any such city and county or incorporated city or town shall have elected to continue any powers respecting public utilities, it may, by vote of a majority of its qualified electors voting thereon, thereafter surrender such powers to the railroad commission in the manner to be prescribed by the legislature; or if such municipal corporation shall have surrendered any powers to the railroad commission, it may, by like vote, thereafter reinvest itself with such power. Nothing in this section shall be construed as a limitation upon any power conferred upon the railroad commission by any provision of this constitution now existing or adopted concurrently herewith.

CHAPTER 61.

Senate Constitutional Amendment No. 48, a resolution to propose to the people of the State of California an amendment to the constitution of the state, by amending section 8½ of article XI relating to the powers conferred on municipal corporations by freholders' charters.

[Filed with Secretary of State March 28, 1911.]

Con-stitutional amendment.

The legislature of the State of California, at its regular session, commencing on the second day of January, in the year one thousand nine hundred and eleven, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California, the following amendment to the constitution of the State of California so that section 8½ of article XI of said constitution shall read as follows:

Powers conferred on municipalities by charters.

Section 8½. It shall be competent, in all charters framed under the authority given by section eight of article XI of this constitution, to provide, in addition to those provisions allowable by this constitution and by the laws of the state, as follows:

1. For the constitution, regulation, government, and jurisdiction of police courts, and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the qualifications and compensation of said judges and of their clerks and attachés.

2. For the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, for their qualifications, compensation and removal, and for the number which shall constitute any one of such boards.

3. For the manner in which, the times at which, and the terms for which the members of the boards of police commissioners shall be elected or appointed; and for the constitution, regulation, compensation, and government of such boards and of the municipal police force.

4. For the manner in which and the times at which any municipal election shall be held and the result thereof determined; for the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation and government of such boards, and of their clerks and attachés; and for all expenses incident to the holding of any election.

Where a city and county government has been merged and consolidated into one municipal government, it shall also be competent, in any charter framed under said section eight of said article XI, or by amendment thereto, to provide for the manner in which, the times at which and the terms for which the several county and municipal officers and employees whose compensation is paid by such city and county, excepting

judges of the superior court, shall be elected or appointed, and for their recall and removal, and for their compensation, and for the number of deputies, clerks and other employees that each shall have, and for the compensation, method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees. All provisions of any charter of any such consolidated city and county heretofore adopted, and amendments thereto, which are in accordance herewith, are hereby confirmed and declared valid.

CHAPTER 62.

Senate Constitutional Amendment No. 6, a resolution to propose to the people of the State of California an amendment to the constitution of the state, amending section two of article IV thereof, relating to sessions of the legislature.

[Filed with Secretary of State March 27, 1911.]

The legislature of the State of California, at its regular session commencing on the second day of January, nineteen hundred and eleven, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby propose that section two of article IV of the constitution of the State of California be amended so as to read as follows:

Constitutional amendment.

Section 2. The sessions of the legislature shall be biennial, unless the governor shall, in the interim, convene the legislature, by proclamation, in extraordinary session. All sessions, other than extraordinary, shall commence at twelve o'clock M., on the first Monday after the first day of January next succeeding the election of its members, and shall continue in session for a period not exceeding thirty days thereafter; whereupon a recess of both houses must be taken for not less than thirty days. On the reassembling of the legislature, no bill shall be introduced in either house without the consent of three fourths of the members thereof, nor shall more than two bills be introduced by any one member after such reassembling.

Sessions of legislature.

CHAPTER 63.

Senate Constitutional Amendment No. 15, a resolution proposing to the people of the State of California an amendment to the constitution of the state amending section 16 of article XV relating to term of office.

[Filed with Secretary of State March 28, 1911.]

Resolved by the senate, the assembly concurring, That the legislature of the State of California, at its regular session commencing on the second day of January, A. D. 1911, two

Constitutional amendment.

thirds of all the members elected to each house of said legislature voting in favor thereof, hereby proposes to the people of the State of California that section 16 of article XX of the constitution of said state be amended so as to read as follows:

Term of
office.

Section 16. When the term of any officer or commissioner is not provided for in this constitution, the term of such officer or commissioner may be declared by law; and, if not so declared, such officer or commissioner shall hold his position as such officer or commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years; *provided, however*, that in the case of any officer or employee of any municipality governed under a legally adopted charter, the provisions of such charter with reference to the tenure of office or the dismissal from office of any such officer or employee shall control; *and provided, further*, that the term of office of any person heretofore or hereafter appointed to hold office or employment during good behavior under civil service laws of the state or of any political division thereof shall not be limited by this section.

CHAPTER 64.

Senate Constitutional Amendment No. 5, a resolution proposing to the people of the State of California an amendment to the constitution of the State of California, by adding a new section to article XI thereof to be known and designated as section seven and one half of said article XI of the constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

[Filed with Secretary of State March 28, 1911.]

Constitu-
tional
amend-
ment.

The legislature of the State of California, at its thirty-ninth regular session commencing on the second day of January, 1911, two thirds of all the members elected to each of the two houses of said legislature voting therefor, hereby proposes that a new section be added to article XI of the constitution of the State of California, to be known and designated as section seven and one half of article XI of the constitution of the State of California, and to read as follows:

County
charters.

Section 7½. Any county may frame a charter for its own government consistent with and subject to the constitution (or, having framed such a charter, may frame a new one), relating to the matters hereinafter in this section specified, and none other, by causing a board of fifteen frecholders, who have been for at least five years qualified electors thereof, to be elected by the qualified electors of said county at a general or special election. Said board of frecholders may be so elected in pursuance of an ordinance adopted by the vote of three fifths of all the members of the board of supervisors of such

county, declaring that the public interest requires the election of such board for the purpose of preparing and proposing a charter for said county, or in pursuance of a petition of qualified electors of said county as hereinafter provided. Such petition, signed by fifteen per centum of the qualified electors of said county, computed upon the total number of votes cast therein for all candidates for governor at the last preceding general election at which a governor was elected, praying for the election of a board of fifteen freeholders to prepare and propose a charter for said county, may be filed in the office of the county clerk. It shall be the duty of said county clerk, within twenty days after the filing of said petition, to examine the same, and to ascertain from the record of the registration of electors of the county whether said petition is signed by the requisite number of qualified electors. If required by said clerk, the board of supervisors shall authorize him to employ persons specially to assist him in the work of examining such petition, and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result thereof, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall immediately present said petition to the board of supervisors, if it be in session, otherwise at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said board of supervisors shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid or the presentation of said petition to said board of supervisors; *provided*, that if a general election shall occur in said county not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid, or such presentation of said petition to said board of supervisors, said board of freeholders may be elected at such general election. Candidates for election as members of said board of freeholders shall be nominated by petition, substantially in the same manner as may be provided by general law for the nomination, by petition of electors, of candidates for county offices, to be voted for at general elections.

It shall be the duty of said board of freeholders, within one hundred and twenty days after the result of such election shall have been declared by said board of supervisors, to prepare and propose a charter for said county, which shall be signed in duplicate by the members of said board of freeholders, or a majority of them, and be filed, one copy in the office of the county clerk of said county and the other in the office of the county recorder thereof. Said board of supervisors shall thereupon cause said proposed charter to be published for at least ten times in a daily newspaper of general circulation, printed, published and circulated in said county; *provided*, that in any

Duty of
Free-
holders.

county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; *and provided*, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public school house in each school district in said county, and the first publication or the posting of such proposed charter shall be made within fifteen days after the filing of a copy thereof, as aforesaid, in the office of the county clerk. Said proposed charter shall be submitted by said board of supervisors to the qualified electors of said county at a special election held not less than thirty days nor more than sixty days after the completion of such publication, or after such posting: *provided*, that if a general election shall occur in said county not less than thirty days nor more than sixty days after the completion of such publication, or after such posting, then such proposed charter may be so submitted at such general election. If a majority of said qualified electors, voting thereon at such general or special election, shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be forthwith submitted to the legislature, if it be in regular session, otherwise at its next regular session, or it may be submitted to the legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, such charter shall become the charter of such county and shall become the organic law thereof relative to the matters therein provided, and supersede any existing charter framed under the provisions of this section, and all amendments thereof, and shall supersede all laws inconsistent with such charter relative to the matters provided in such charter. A copy of such charter, certified and authenticated by the chairman and clerk of the board of supervisors under the seal of said board and attested by the county clerk of said county, setting forth the submission of such charter to the electors of said county, and its ratification by them, shall, after the approval of such charter by the legislature, be made in duplicate, and filed, one in the office of the secretary of state and the other, after being recorded in the office of the recorder of said county, shall be filed in the office of the county clerk thereof, and thereafter all courts shall take judicial notice of said charter.

Amend-
ments.

The charter, so ratified, may be amended by proposals therefor submitted by the board of supervisors of the county to the qualified electors thereof at a general or special election held not less than thirty days nor more than sixty days after the publication of such proposals for ten times in a daily newspaper of general circulation, printed, published and circulated

in said county; *provided*, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; *provided*, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county. If a majority of such qualified electors voting thereon, at such general or special election, shall vote in favor of any such proposed amendment or amendments, or any amendment or amendments proposed by petition as hereinafter provided, such amendment or amendments shall be deemed to be ratified, and shall be forthwith submitted to the legislature, if it be in regular session, otherwise at its next regular session, or may be submitted to the legislature in extraordinary session, for approval or rejection as a whole, without power of alteration or amendment, and if approved by the legislature, as herein provided for the approval of the charter, such charter shall be amended accordingly. A copy of such amendment or amendments shall, after the approval thereof by the legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed as herein provided for the charter, and with like force and effect. Whenever a petition signed by ten per centum of the qualified electors of any county, computed upon the total number of votes cast in said county for all candidates for governor at the last general election, at which a governor was elected, is filed in the office of the county clerk of said county, petitioning the board of supervisors thereof to submit any proposed amendment or amendments to the charter of such county, which amendment or amendments shall be set forth in full in such petition, to the qualified electors thereof, such petition shall forthwith be examined and certified by the county clerk, and if signed by the requisite number of qualified electors of such county, shall be presented to the said board of supervisors, by the said county clerk, as hereinbefore provided for petitions for the election of boards of freeholders. Upon the presentation of said petition to said board of supervisors, said board must submit the amendment or amendments set forth therein to the qualified electors of said county at a general or special election held not less than thirty days nor more than sixty days after the publication or posting of such proposed amendment or amendments in the same manner as hereinbefore provided in the case of the submission of any proposed amendment or amendments to such charter, proposed and submitted by the board of supervisors. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

Every special election held under the provisions of this sec-

Amend-
ments.

Special
elections
called by
super-
visors.

tion, for the election of boards of freeholders or for the submission of proposed charters, or any amendment or amendments thereto, shall be called by the board of supervisors, by ordinance, which shall specify the purpose and time of such election and shall establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct. Such ordinance, prior to such election, shall be published five times in a daily newspaper, or twice in a weekly newspaper, if there be no such daily newspaper, printed, published and circulated in said county; *provided*, that if no such daily or weekly newspaper be printed or published in such county, then a copy of such ordinance shall be posted by the county clerk in three public places in such county and in or near the entrance to at least one public school house in each school district therein. In all other respects, every such election shall be held and conducted, the returns thereof canvassed and the result thereof declared by the board of supervisors in the same manner as provided by law for general elections. Whenever boards of freeholders shall be elected, or any such proposed charter or amendment or amendments thereto submitted, at a general election, the general laws applicable to the election of county officers and the submission of propositions to the vote of electors shall be followed in so far as the same may be applicable thereto.

Provisions
of charter.

It shall be competent in all charters framed under the authority given by this section to provide, in addition to any other provisions allowable by this constitution, and the same shall provide, for the following matters:

1. For boards of supervisors and for the constitution, regulation and government thereof, for the times at which and the terms for which the members of said board shall be elected, for the number of members, not less than three, that shall constitute such boards, for their compensation and for their election, either by the electors of the counties at large or by districts; *provided*, that in any event said board shall consist of one member for each district, who must be a qualified elector thereof; and

2. For sheriffs, county clerks, treasurers, recorders, license collectors, tax collectors, public administrators, coroners, surveyors, district attorneys, auditors, assessors and superintendents of schools, for the election or appointment of said officers, or any of them, for the times at which and the terms for which said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and, if appointed, for the manner of their appointment; and

3. For the number of justices of the peace and constables for each township, or for the number of such judges and other officers of such inferior courts as may be provided by the constitution or general law, for the election or appointment of said officers, for the times at which and the terms for which said officers shall be elected or appointed, and for their

compensation, or for the fixing of such compensation by boards of supervisors, and, if appointed, for the manner of their appointment; and

4. For the powers and duties of boards of supervisors and all other county officers, for their removal and for the consolidation and segregation of county offices, and for the manner of filling all vacancies occurring therein; *provided*, that the provisions of such charters relating to the powers and duties of boards of supervisors and all other county officers shall be subject to and controlled by general laws; and

5. For the fixing and regulation by boards of supervisors, by ordinance, of the appointment and number of assistants, deputies, clerks, attachés and other persons to be employed, from time to time, in the several offices of the county, and for the prescribing and regulating by such boards of the powers, duties, qualifications and compensation of such persons, the times at which, and the terms for which they shall be appointed, and the manner of their appointment and removal; and

6. For the compensation of such fish and game wardens, probation and other officers as may be provided by general law, or for the fixing of such compensation by boards of supervisors.

All elective officers of counties, and of townships, of road districts and of highway construction divisions therein, shall be nominated and elected in the manner provided by general laws for the nomination and election of such officers.

All charters framed under the authority given by this section, in addition to the matters herein above specified, may provide as follows:

Charters
may provide.

For offices other than those required by the constitution and laws of the state, or for the creation of any or all of such offices by boards of supervisors, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For offices hereafter created by this constitution or by general law, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For the formation, in such counties, of road districts for the care, maintenance, repair, inspection and supervision only of roads, highways and bridges: and for the formation, in such counties, of highway construction divisions for the construction only of roads, highways and bridges; for the inclusion in any such district or division of the whole or any part of any incorporated city or town, upon ordinance passed by such incorporated city or town authorizing the same, and upon the assent to such inclusion by a majority of the qualified electors

of such incorporated city or town, or portion thereof, proposed to be so included, at an election held for that purpose; for the organization, government, powers and jurisdiction of such districts and divisions, and for raising revenue therein for such purposes, by taxation, upon the assent of a majority of the qualified electors of such districts or divisions, voting at an election to be held for that purpose; for the incurring of indebtedness therefor by such counties, districts or divisions for such purposes respectively, by the issuance and sale, by the counties, of bonds of such counties, districts or divisions, and the expenditure of the proceeds of the sale of such bonds, and for levying and collecting taxes against the property of the counties, districts or divisions, as the case may be, for the payment of the principal and interest of such indebtedness at maturity; *provided*, that any such indebtedness shall not be incurred without the assent of two thirds of the qualified electors of the county, district or division, as the case may be, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also for a sinking fund for the payment of the principal (thereof on or before maturity, which shall not exceed forty years from the time of contracting the same, and the procedure for voting, issuing and selling such bonds shall, except in so far as the same shall be prescribed in such charters, conform to general laws for the authorizing and incurring by counties of bonded indebtedness, so far as applicable; *provided, further*, that provisions in such charters for the construction, care, maintenance, repair, inspection and supervision of roads, highways and bridges for which aid from the state is granted, shall be subject to such regulations and conditions as may be imposed by the legislature.

Laws
superseded
by charter.

Whenever any county has framed and adopted a charter, and the same shall have been approved by the legislature, as herein provided, the general laws adopted by the legislature in pursuance of sections four and five of this article, shall, as to such county, be superseded by said charter as to matters for which, under this section, it is competent to make provision in such charter, and for which provision is made therein, except as herein otherwise expressly provided, and except that any such charter shall not affect the tenure of office of the elective officers of the county, or of any district, township or division thereof, in office at the time such charter goes into effect, and such officers shall continue to hold their respective offices until the expiration of the term for which they shall have been elected, unless sooner removed in the manner provided by law.

Surrender
of charter.

The charter of any county, adopted under the authority of this section, may be surrendered and annulled with the assent of two thirds of the qualified electors of such county, voting at a special election held for that purpose, and to be ordered and called by the board of supervisors of the county upon

receiving a written petition, signed and certified as hereinabove provided for the purposes of the adoption of charters, requesting said board to submit the question of the surrender and annulment of such charter to the qualified electors of such county, and, in the event of the surrender and annulment of any such charter, such county shall thereafter be governed under general laws in force for the government of counties. The provisions of this section shall not be applicable to any county that is consolidated with any city.

CHAPTER 65.

Senate Constitutional Amendment No. 20, a resolution to propose to the people of the State of California, an amendment to the constitution of the State of California, amending section eight of article XI of said constitution, relating to charters of cities, and amendments thereto.

[Filed with Secretary of State March 28, 1911.]

The legislature of the State of California, at its regular session commencing on the second day of January, in the year one thousand nine hundred and eleven, two thirds of all the members elected to each of the houses of said legislature, voting in favor thereof, hereby propose that section eight of article XI of the constitution of the State of California, be amended so as to read as follows:

Constitutional amendment.

Section 8. Any city containing a population of more than three thousand five hundred inhabitants as ascertained and established by the last preceding census, taken under the direction of the congress of the United States, or by a census of said city, taken subsequent to the aforesaid census, under the direction of the legislative body thereof, under laws authorizing the taking of the census of cities, may frame a charter for its own government, consistent with, and subject to, the constitution (or, having framed such a charter, may frame a new one), by causing a board of fifteen freeholders who shall have been, for at least five years, qualified electors thereof, to be elected by the qualified electors of said city, at a general or special municipal election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by a vote of two thirds of all the members of the council, or other legislative body, of such city, declaring that the public interest requires the election of such board for the purpose of preparing and proposing a charter for said city, or in pursuance of a petition of qualified electors of said city, as hereinafter provided. Such petition, signed by fifteen per centum of the qualified electors of said city computed upon the total number of votes cast therein for all candidates for governor at the last preceding general election at which a governor was elected, praying for the election of a board of fifteen freeholders to prepare and propose a charter for said city, may be filed in the office of the city clerk

Cities which may frame charters.

thereof. It shall be the duty of said city clerk, within twenty days after the filing of said petition, to examine the same and to ascertain from the record of the registration of electors of the county, showing the registration of electors of said city, whether the petition is signed by the requisite number of qualified electors of such city. If required by said clerk, the council, or other legislative body, of said city shall authorize him to employ persons specially to assist him in the work of examining such petition, and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result thereof, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall present the said petition to said council, or other legislative body, at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said council, or other legislative body, shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid, or the presentation of said petition to said council, or other legislative body; *provided*, that if a general municipal election shall occur in said city not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid, or the presentation of said petition to said council, or other legislative body, said board of freeholders may be elected at such general municipal election. Candidates for election as members of said board of freeholders shall be nominated by petition substantially in the same manner as may be provided by general laws for the nomination by petition of electors of candidates for public offices to be voted for at general elections.

Duty of
free-
holders to
prepare
charter.

It shall be the duty of said board of freeholders, within one hundred and twenty days after the result of such election shall have been declared by said council, or other legislative body, to prepare and propose a charter for said city, which shall be signed in duplicate by the members of said board of freeholders, or a majority of them, and be filed, one copy in the office of the city clerk of said city and the other in the office of the county recorder of the county in which said city is situated. Said council, or other legislative body, shall, thereupon, cause said proposed charter to be published for at least ten times, in a daily newspaper of general circulation, printed, published and circulated in said city; *provided*, that in any city where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper of general circulation, printed, published and circulated in said city, and, in any event, the first publication of such proposed charter shall be made within fifteen days after the filing of a copy thereof, as aforesaid, in the office of the city clerk. Such proposed charter shall be submitted by said council, or other legislative

body. to the qualified electors of said city at a special election held not less than twenty days, nor more than forty days, after the completion of such publication; *provided*, that if a general municipal election shall occur in said city not less than twenty days, nor more than forty days, after the completion of such publication, then such proposed charter may be so submitted at such general election. If a majority of such qualified electors voting thereon at such general or special election shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be submitted to the legislature, if it be in regular session, otherwise at its next regular session, or it may be submitted to the legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, such charter shall become the charter of such city, or, if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter, (whether framed under the provisions of this section of the constitution or not), and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the mayor, or other chief executive officer of said city, and authenticated under the seal of such city, setting forth the submission of such charter to the electors of said city, and its ratification by them, shall, after the approval of such charter by the legislature, be made in duplicate and deposited, one in the office of the secretary of state and the other, after being recorded in the office of the recorder of the county in which such city is situated, shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of said charter.

The charter, so ratified, may be amended by proposals therefor submitted by the council, or other legislative body of the city, to the qualified electors thereof at a general or special municipal election held at intervals of not less than two years, except that charter amendments may be submitted at a general municipal election at an interval of less than two years after the last election on charter amendments; *provided*, that no other election on charter amendments has been held since the beginning of the last regular session of the state legislature or shall be held prior to the next regular session of the state legislature, and held not less than twenty days, nor more than forty days, after the completion of the publication of such proposals for ten times in a daily newspaper of general circulation, printed, published and circulated in said city, or for three times in at least one weekly newspaper of general circulation, printed, published and circulated in said city, if there be no such daily newspaper. If a majority of such qualified electors voting thereon at such general or special election shall vote in favor of any such proposed amendment or amendments, or any amendment or amendments proposed by petition, as hereinafter provided, such amendment or amendments shall be

Amend-
ments.

deemed to be ratified, and shall be forthwith submitted to the legislature, if it be in regular session, otherwise at its next regular session, or may be submitted to the legislature in extraordinary session, for approval or rejection as a whole, without power of alteration or amendment, and if approved by the legislature, as herein provided for the approval of the charter, such charter shall be amended accordingly. A copy of such amendment or amendments shall, after the approval thereof by the legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed as herein provided for the charter, and with like force and effect. Whenever a petition, signed by fifteen per centum of the qualified electors of the city, computed upon the total number of votes cast therein for all candidates for governor at the last preceding general election at which a governor was elected, is filed in the office of the city clerk of said city, petitioning the council, or other legislative body thereof, to submit any proposed amendment or amendments to the charter of such city, which amendment or amendments shall be set forth in full in such petition, to the qualified electors thereof, such petition shall forthwith be examined and certified by the city clerk, and, if signed by the requisite number of qualified electors of said city, it shall be presented to the said council, or other legislative body, by the said city clerk, as hereinbefore provided for petitions for the election of boards of freeholders. Upon the presentation of said petition to said council, or other legislative body, said council, or other legislative body, must submit the amendment or amendments set forth in said petition to the qualified electors of said city, at a general or special municipal election, held not less than twenty, nor more than forty, days after the completion of the publication of such proposed amendment or amendments, in the same manner as hereinbefore provided in the case of the submission of any proposed amendment or amendments to such charter, proposed and submitted by the council, or other legislative body. The first publication of any proposed amendment or amendments to such charter so proposed by petition shall be made within fifteen days after the aforesaid presentation of said petition to said council, or other legislative body. In submitting any such charter, amendment or amendments thereto, any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

Special
election
called by
council.

Every special election held in any city, under the provisions of this section, for the election of a board of freeholders, or for the submission of any proposed charter or any amendment or amendments thereto, shall be called by the council, or other legislative body thereof, by ordinance, which shall specify the purpose and time of such election, and shall establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct. Such ordinance shall, prior to such election, be published five times in a daily newspaper, or twice in a weekly newspaper, if there be no such daily newspaper printed, published and circulated

in said city. Such election shall be held and conducted, the returns thereof canvassed, and the result thereof declared by the council, or other legislative body of such city, in the manner that is now or may be hereafter provided by general law for such elections in the particulars wherein such provision is now or may hereafter be made therefor, and in all other respects in the manner provided by law for general municipal elections, in so far as the same may be applicable thereto.

Whenever any board of freeholders shall be elected, or any such proposed charter or amendment or amendments thereto shall be submitted at a general municipal election, the laws governing the election of city officers, or the submission of propositions to the vote of electors, shall be followed in so far as the same may be applicable thereto and not inconsistent herewith.

It shall be competent in any charter framed by any city under the authority given in this section, or by amendment to such charter, to provide, in addition to those provisions allowed by this constitution and by the laws of the state, for the establishment of a borough system of government for the whole or any part of the territory of such city, by which one or more districts may be created therein, which districts shall be known as boroughs, and which shall exercise such special municipal powers as may be granted by such charter, and for the organization, regulation, government and jurisdiction of such boroughs.

Borough system of government.

All the provisions of this section relating to the city clerk shall, in any city and county, be deemed to relate to the clerk of the legislative body thereof.

CHARTER 66.

Senate Constitutional Amendment No. 33, a resolution to propose to the people of the State of California an amendment to the constitution of the State of California, by adding to article XX a new section to be numbered section 21, relating to compensation for industrial accidents.

[Filed with Secretary of State March 28, 1911.]

The legislature of the State of California at its regular session commencing the second of January, 1911, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof hereby proposes to the qualified electors of the State of California, the following amendment to the constitution of the State of California:

Constitutional amendment.

Article XX is hereby amended by adding a new section to be numbered section 21 and to read as follows:

Section 21. The legislature may by appropriate legislation create and enforce a liability on the part of all employers to compensate their employees for any injury incurred by the said employees in the course of their employment irrespective of the fault of either party. The legislature may provide for

Employer's liability.

the settlement of any disputes arising under the legislation contemplated by this section, by arbitration, or by an industrial accident board, by the courts, or by either any or all of these agencies, anything in this constitution to the contrary notwithstanding.

CHAPTER 67.

Senate Constitutional Amendment No. 19, a resolution to propose to the people of the State of California an amendment to the constitution of the State of California by amending section 19 of article XI relating to public utilities.

[Filed with Secretary of State March 28, 1911.]

Constitutional
amendment.

The legislature of the State of California, at its regular session commencing on the second day of January, in the year one thousand nine hundred and eleven, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the constitution of the State of California so that section 19 of article XI of said constitution shall read as follows:

Municipal-
ities may
establish
public
works, etc.

Section 19. Any municipal corporation may establish and operate public works for supplying its inhabitants with light, water, power, heat, transportation, telephone service or other means of communication. Such works may be acquired by original construction or by the purchase of existing works, including their franchises, or both. Persons or corporations may establish and operate works for supplying the inhabitants with such services upon such conditions and under such regulations as the municipality may prescribe under its organic law, on condition that the municipal government shall have the right to regulate the charges thereof. A municipal corporation may furnish such services to inhabitants outside its boundaries; *provided*, that it shall not furnish any service to the inhabitants of any other municipality owning or operating works supplying the same service to such inhabitants, without the consent of such other municipality, expressed by ordinance.

CHAPTER 68.

Assembly Constitutional Amendment No. 2, a resolution to propose to the people of the State of California an amendment to section 7 of article IX of the constitution of the State of California, in relation to the minimum period for the use of text-books in the common schools throughout the state.

[Filed with Secretary of State March 28, 1911.]

Resolved by the assembly, the senate concurring. That the legislature of the State of California, at its regular session

commencing on the second day of January, nineteen hundred and eleven, two thirds of the members elected to each of the two houses voting in favor thereof, hereby proposes that section 7 of article IX of the constitution of the State of California shall be amended to read as follows:

Constitutional amendment.

Section 7. The governor, the superintendent of public instruction, the president of the University of California, and the professor of pedagogy therein and the principals of the state normal schools, shall constitute the state board of education, and shall compile, or cause to be compiled, and adopt a uniform series of text-books for use in the common schools throughout the state. The state board may cause such text-books when adopted, to be printed, and published by the superintendent of state printing at the state printing office; and when so printed and published, to be distributed and sold at the cost price of printing, publishing and distributing the same. The text-books, so adopted, shall continue in use not less than four years, without any change or alteration whatsoever; which will require or necessitate the purchase of new books by such pupils, and said state board shall perform such other duties as may be prescribed by law. The legislature shall provide for a board of education in each county in the state. The county superintendents and the county boards of education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions.

State board of education.

Text-books.

To be used not less than four years.

CHAPTER 69.

Assembly Constitutional Amendment No. 28, a resolution to propose to the people of the State of California an amendment to the constitution of the state by amending section nineteen of article XII, thereof relating to the issuing of passes to public officials.

[Filed with Secretary of State March 28, 1911.]

The legislature of the State of California at its thirty-ninth regular session commencing on the second day of January, nineteen hundred eleven, two thirds of all the members elected to both the senate and assembly, respectively, voting therefor, hereby proposes that section nineteen of article XII of the constitution of the State of California be amended to read as follows:

Constitutional amendment.

Section 19. No railroad or other transportation company shall grant free passes, or passes or tickets at a discount, to any person holding any office of honor, trust or profit in this state, except to the members of the railroad commission of this state and officers and employees of said commission and to peace officers, and the acceptance of any such pass or ticket, by a member of the legislature or any public officer, other than railroad commissioner or any of the officers or employees of the railroad commission or peace officers shall work a forfeiture of his office.

Issuing passes to public officials.

CHAPTER 70.

Assembly Constitutional Amendment No. 16, a resolution to propose to the people of the State of California an amendment to section eighteen of article IV of the constitution of the State of California in relation to the impeachment of state officers and judges.

[Filed with Secretary of State March 28, 1911.]

Constitutional amendment.

Resolved by the assembly, the senate concurring, That the legislature of the State of California, at its regular session commencing on the second day of January, nineteen hundred and eleven, two thirds of the members elected to each of the two houses voting in favor thereof, hereby proposes that section eighteen of article IV of the constitution of the State of California shall be amended to read as follows:

Impeachment of state officers and judges.

Section 18. The governor, lieutenant governor, secretary of state, controller, treasurer, attorney general, surveyor general, chief justice and associate justices of the supreme court, judges of the district court of appeal, and judges of the superior courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit under the state; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment according to law. All other civil officers shall be tried for misdemeanor in office in such manner as the legislature may provide.

CHAPTER 71.

Assembly Joint Resolution No. 19, relating to a proposed amendment to the constitution of the United States so that the laws governing marriage and divorce shall be established by federal statute and divorce proceedings heard and determined in the federal courts, and by uniform law throughout the United States.

[Filed with Secretary of State March 28, 1911.]

WHEREAS, The number of divorces throughout the United States has been increasing during the past fifty years at an alarming rate and under the present system there is no uniform law covering this subject in the several states; and

WHEREAS, At the present time the several states are operating under laws so entirely divergent that the legitimacy of children is often made a serious question, and property rights are frequently uncertain; and

WHEREAS, The question is one that strikes at the very foundation of our social organization and we deem it necessary and proper that the law in relation thereto should be uniform throughout the United States and that such law should be so

safeguarded that fraudulent divorces can not be secured; now, therefore, be it

Resolved, That we instruct our senators in congress and request our representatives at Washington to use their best endeavors to have congress propose an amendment to the constitution of the United States whereby the congress may pass laws regulating the subject of marriage and divorce throughout the United States.

Regulating marriage and divorce.

CHAPTER 72.

Senate Concurrent Resolution No. 20, relative to the consent of the legislature to the absence of certain members thereof, and of state officials, from the State of California for more than sixty days.

[Filed with Secretary of State March 28, 1911.]

Resolved by the senate, the assembly concurring, That the legislature of the State of California has consented, and does hereby consent, that Albert J. Wallace, John M. Eshleman, H. D. Loveland, Alex. Gordon, J. L. Avey, D. J. Beban, C. W. Bell, Chas. B. Bills, E. S. Birdsall, Marshall Black, A. E. Boynton, E. F. Bryant, Lester C. Burnett, A. Caminetti, A. E. Campbell, Geo. W. Cartwright, John J. Cassidy, J. B. Curtin, Charles P. Cutton, Miguel Estudillo, Thos. F. Finn, Lee C. Gates, George J. Hans, John P. Hare, Leslie R. Hewitt, James B. Holoan, H. M. Hurd, L. W. Juilliard, E. O. Larkins, John T. Lewis, E. B. Martinelli, D. P. Regan, Louis H. Roseberry, Benj. F. Rush, J. B. Sanford, T. W. H. Shanahan, John W. Stetson, Ed K. Strobridge, Newton W. Thompson, Edward J. Tyrrell, Geo. S. Walker, Richard J. Welch, Edward I. Wolfe, and Leroy A. Wright may absent themselves from the State of California at such times they may choose, or as necessity may require, during their term of office, for a period of more than sixty (60) days: *provided*, that the periods of such absence taken together as to any one person shall not exceed in any one calendar year the total period of five months.

Consent of legislature to absence of certain members and state officers from state.

CHAPTER 73.

Senate Joint Resolution No. 25, relative to election of senators of the United States by a direct popular vote.

[Filed with Secretary of State March 28, 1911.]

Resolved, by the senate of the State of California and the assembly, jointly, constituting the legislature of the State of California, that the legislature of the State of California does hereby make application to the congress of the United States, to call, in the immediate future, a constitutional convention of the people of the United States for the purpose of proposing, for

Amendment to United States constitution relating to election of senators by popular vote.

ratification, amendments to the constitution of the United States, authorizing the several states to provide by law for the election of senators of the United States by a direct popular vote.

Resolved, That duly authenticated copies of these resolutions be duly and directly presented to the senate and house of representatives constituting the congress of the United States.

CHAPTER 74.

Senate Joint Resolution No. 27, relative to requesting secretary of interior to confirm selections of land to the State of California.

[Filed with Secretary of State March 28, 1911.]

WHEREAS, Applications have been made by the State of California, through the United States general land office, to the secretary of the interior for approximately three hundred thousand acres of indemnity school lands, which applications are still pending unexamined and unapproved; and

WHEREAS, It is admitted by the secretary of the interior that the State of California has complied with all requirements of law and with all rules and regulations of the United States general land office and of the secretary of the interior relating thereto; and

WHEREAS, Notwithstanding the larger portion of these applications have been pending for many years, it is represented by the secretary of the interior that such applications have not been approved, for the reason that the clerical force at his disposal has been insufficient to make the required examinations; and

WHEREAS, The United States general land office, in November, 1910, determined to make an examination in the field of all lands so applied for before approving the same, and the work of such examination in the field has not yet been commenced; and

WHEREAS, The failure to approve these selections has prevented the state and the citizens thereof from making any beneficial use of the lands so withheld and has resulted in the annual loss of many thousands of dollars in taxes; and

WHEREAS, The State of California having in all things complied with the law and with the rules and regulations of the United States general land office, and being admittedly entitled to action thereon by the federal government, the continued delay is unwarranted and is manifestly unjust to the state; therefore, be it

Resolved, by the senate and assembly, jointly, That we respectfully urge the honorable secretary of the interior that such action be taken by his department as shall result in an immediate examination and an early determination of the applications made by California for approximately three hun-

dred thousand acres of indemnity school lands now pending in the United States general land office;

Resolved, That our senators be instructed and our representatives in congress be requested to use all honorable means necessary and appropriate to secure a compliance by the honorable secretary of the interior with the foregoing resolution;

Resolved, That the governor of California be and he is hereby requested to transmit a certified copy of these resolutions to the honorable secretary of the interior and to each of our senators and representatives in congress.

CHAPTER 75.

Senate Joint Resolution No. 28, relative to the treatment by the Russian government of its citizens, by reason of their religious belief or political views.

[Filed with Secretary of State March 28, 1911.]

WHEREAS, The Russian government has imprisoned hundreds of prominent Armenians who are teachers, lawyers and editors and all of whom are in the forefront of progressive thought and action in the prisons of Rostov and other towns in the monarchy of Russia and because of their political views has kept these men confined for a long period of time without giving them any preliminary hearing or opportunity to present their cases to any court, which is revolting to the sense of justice of all mankind; and

WHEREAS, The said Russian government has frequently tolerated riot, pillage, outrage and murder of men, women and children by reason of their religious belief; and

WHEREAS, Such acts are a disgrace to civilization and repugnant to all people who love justice and fear God: now, therefore, be it

Resolved by the senate and assembly jointly of the thirty-ninth legislature of the State of California, That we believe the time has arrived in the affairs of this world when it becomes necessary for every civilized nation to protest against such conduct on the part of any other nation, and we do hereby express our abhorrence of the treatment accorded these men of Armenia because of their political convictions and to other men, women and children because of their religious belief; and be it further

Resolved, That in the opinion of the legislature of the State of California, the time has arrived when there should be a concert of action between all nations that lay claim to civilization and enlightenment to compel the observance on the part of any other nation of the laws of humanity and common justice towards its citizens; and be it further

Resolved, That copies of this resolution be sent to the president of the United States, to the president of the United States senate and to the speaker of the house of representatives,

Protest
against
treatment
of Ar-
menians by
Russian
govern-
ment.

earnestly urging them to use their good offices to secure to the Armenians herein referred to, a just and public trial without further delay and to stop the recurrence of outrage and murder upon innocent men, women and children, who have sinned only because of their adherence to the faith of their fathers.

CHAPTER 76.

Assembly Concurrent Resolution No. 28, relative to adjournment sine die.

[Filed with Secretary of State March 28, 1911.]

Adjourn-
ment.

Resolved by the assembly, the senate concurring. That the thirty-ninth session of the legislature of the State of California adjourn *sine die* at twelve o'clock midnight, Monday, March 27th, 1911.