
THE
STATUTES OF CALIFORNIA

PASSED AT THE

SECOND EXTRA SESSION OF THE THIRTY-EIGHTH LEGISLATURE

1910

BEGAN MONDAY, OCTOBER THIRD, AT TWELVE O'CLOCK NOON, AND ENDED WEDNESDAY,
OCTOBER FIFTH, NINETEEN HUNDRED AND TEN, AT TEN O'CLOCK
AND THIRTY MINUTES A. M.



PROCLAMATION BY THE GOVERNOR

CONVENING THE LEGISLATURE IN EXTRAORDINARY SESSION.

STATE OF CALIFORNIA. }
EXECUTIVE DEPARTMENT. }

WHEREAS, The legislature of the State of California, at its regular session commencing on the 4th day of January, 1909, adopted a resolution proposing an amendment to the constitution of the State of California, known as Senate Constitutional Amendment No. 1, entitled "A resolution to propose to the people of the State of California an amendment to the constitution of the State of California providing for the separation of state and local taxation, providing for the taxation of public service and other corporations for the benefit of the state, and to that end adding to article thirteen a new section to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation"; and

WHEREAS, It appears that said amendment leaves uncertain the period for which the gross receipts and gross premiums mentioned in said resolution are to be computed upon which the taxes therein provided for are to be levied, and in case said amendment should be adopted in its present form by the people, such uncertainty would jeopardize the revenues to be raised by the state under such amendment; and

WHEREAS, By reason of the foregoing an extraordinary occasion has arisen and is now existing, requiring the legislature of the State of California to convene.

Now, therefore, I, JAMES N. GILLET, Governor of the State of California, by virtue of the power and authority in me vested by section 9, article V, of the constitution of the State of California, do hereby convene the legislature of the State of California, to meet and assemble in extraordinary session at Sacramento, California, on Monday, the 3d day of October, 1910, at 12 o'clock noon of that day for the following purposes, to wit:

First. To consider and act upon a resolution proposing an amendment to the constitution of the State of California to be known as Senate Constitutional Amendment No. 1, to be submitted to the people of the State of California for approval and ratification in the words and figures following, to wit:

Senate Constitutional Amendment No. 1, a resolution to propose to the people of the State of California an amendment to the constitution of the State of California providing for the separation of state and local taxation, providing for the taxation of public service and other corporations for the benefit of the state, and to that end adding to article thirteen a new section to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation.

WHEREAS, It is deemed desirable to separate the sources of revenue for state purposes from the sources of revenue for county and municipal purposes; now, therefore,

The legislature of the State of California, at its extraordinary session, commencing on the third day of October, nineteen hundred and ten, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the constitution of the State of California:

First. There is hereby added to article thirteen a new section to be numbered fourteen and to read as follows:

Section 14. Taxes levied, assessed and collected as hereinafter provided upon railroads, including street railways, whether operated in one or more counties; sleeping car, dining car, drawing-room car and palace car companies, refrigerator, oil, stock, fruit, and other car-loading and other car companies operating upon railroads in this state; companies doing express business on any railroad, steamboat, vessel or stage line in this state; telegraph companies; telephone companies; companies engaged in the transmission or sale of gas or electricity; insurance companies; banks, banking associations, savings and loan societies, and trust companies; and taxes upon all

franchises of every kind and nature, shall be entirely and exclusively for state purposes, and shall be levied, assessed and collected in the manner hereinafter provided. The word "companies" as used in this section shall include persons, partnerships, joint-stock associations, companies, and corporations.

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

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

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

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

of any real estate other than mortgage interests therein, owned by such bank and taxed for county purposes. The banks shall be liable to the state for this tax and the same shall be paid to the state by them on behalf of the stockholders in the manner and at the time prescribed by law, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid.

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

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

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

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

(f) All the provisions of this section shall be self-executing, and the legislature shall pass all laws necessary to carry this section into effect, and shall provide for a valuation and assessment of the property enumerated in this section, and shall prescribe the duties of the state board of equalization and any other officers in connection with the administration thereof. The rates of taxation fixed in this section shall remain in force until changed by the legislature, three fourths of all the members elected to each of the two houses voting in favor thereof. The taxes herein provided for shall become a lien on the first Monday in March of each year after the adoption of this section and shall become due and payable on the first Monday in July thereafter. The gross receipts and gross premiums herein mentioned shall be computed for the year ending the thirty-first day of December prior to the levy of such taxes and the value of any property mentioned herein shall be fixed as of the first Monday in March. Nothing herein contained shall affect any tax levied or assessed prior to the adoption of this section; and all laws in relation to such taxes in force at the time of the adoption of this section shall remain in force until changed by the legislature.

Until the year 1918 the state shall reimburse San Bernardino and Placer counties for the net loss in county revenue occasioned by the withdrawal of railroad property from county taxation. The legislature shall provide for reimbursement from the general funds of any county to districts therein where loss is occasioned in such districts by the withdrawal from local taxation of property taxed for state purposes only.

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

Second. Section ten of article thirteen of said constitution is hereby amended to read as follows:

Section 10. All property, except as otherwise in this constitution provided, shall be assessed in the county, city, county and township, town or township, or district in which it is situated, in the manner prescribed by law.

Third. Section ten of article eleven of said constitution is hereby repealed.

Second. In the event that said resolution is adopted by the legislature, then, and in that event only, to rescind the action of the legislature in passing and adopting said Senate Constitutional Amendment No. 1 so adopted by the legislature at its regular session on the 19th day of March, 1909.

Third. To enact such legislation and appropriate such money as may be necessary for the purpose of submitting to the people of the State of California, the said proposed constitutional amendment, and such other constitutional amendments heretofore proposed by the legislature, as are to be voted upon at the general election in November, 1910.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed hereunto the great seal of the State of California at my office in the State Capitol, this 28th day of September, in the year of our Lord one thousand nine hundred and ten, and of the admission of the State of California the sixtieth.

J. N. GILLETT,

Governor of the State of California.

[SEAL.]

ATTES T:

C. F. CURRY,

Secretary of State.

STATUTES OF CALIFORNIA

PASSED AT THE

SECOND EXTRA SESSION OF THE THIRTY-EIGHTH LEGISLATURE.

CHAPTER 1.

An act making an appropriation for printing expenses of extraordinary session of the legislature.

[Approved October 5, 1910.]

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

SECTION 1. The sum of three hundred (300) dollars is hereby appropriated out of any money in the general fund not otherwise appropriated and is ordered transferred to the state printing fund for the purpose of meeting the necessary printing expenses of the present extraordinary session of the legislature.

Appropriation: legislative printing.

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

CHAPTER 2.

An act making an appropriation for printing constitutional amendments.

[Approved October 5, 1910.]

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

SECTION 1. The sum of three thousand (3,000) dollars is hereby appropriated out of any money in the general fund not otherwise appropriated and is ordered transferred to the state printing fund for the purpose of meeting the expenses of printing all constitutional amendments adopted at the regular session of the legislature of 1909 and the two subsequent extraordinary sessions thereof, except Senate Constitutional Amendment No. 1, adopted March 19, 1909, which has been rescinded and shall not be printed.

Appropriation: printing constitutional amendments.

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

CHAPTER 1.

Senate Constitutional Amendment No. 1, a resolution to propose to the people of the State of California an amendment to the constitution of the State of California providing for the separation of state and local taxation, providing for the taxation of public service and other corporations for the benefit of the state, and to that end adding to article thirteen a new section to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation.

[Adopted October 5, 1910.]

Amend-
ment to
constitu-
tion.

WHEREAS, It is deemed desirable to separate the sources of revenue for state purposes from the sources of revenue for county and municipal purposes; now, therefore,

The legislature of the State of California, at its extraordinary session, commencing on the third day of October, nineteen hundred and ten, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the constitution of the State of California:

First. There is hereby added to article thirteen a new section to be numbered fourteen and to read as follows:

Taxes on
railroads,
express
companies,
etc., for
exclusive
use of
state.

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

Computa-
tion of
tax.

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

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

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

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

(c) The shares of capital stock of all banks, organized under Banks.
 the laws of this state, or of the United States, or of any other state and located in this state, shall be assessed and taxed to the

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

Capital,
reserve,
etc., as-
sessed.

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

make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock.

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

"Banks" defined.

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

Franchises.

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

Support of schools.

In event of deficiency.

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

Legislature to pass necessary laws.

Counties reimbursed.

road property from county taxation. The legislature shall provide for reimbursement from the general funds of any county to districts therein where loss is occasioned in such districts by the withdrawal from local taxation of property taxed for state purposes only.

Injunction to prevent collection not to be issued.

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

Second. Section ten of article thirteen of said constitution is hereby amended to read as follows:

When property shall be assessed.

Section 10. All property, except as otherwise in this constitution provided, shall be assessed in the county, city, city and county, town or township, or district in which it is situated, in the manner prescribed by law.

Repealed.

Third. Section ten of article eleven of said constitution is hereby repealed.

CHAPTER 2.

Assembly Concurrent Resolution No. 1, to rescind and annul a resolution, known as Senate Constitutional Amendment No. 1, adopted by the legislature March 19, 1909, being a resolution to propose to the people of the State of California an amendment to the constitution of the State of California providing for the separation of state and local taxation, providing for the taxation of public service and other corporations for the benefit of the state, and to that end adding to article thirteen a new section to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation.

[Adopted October 5, 1910.]

Constitutional amendment rescinded.

Resolved by the legislature of the State of California, two thirds of all the members elected to each of the two houses thereof concurring, That a resolution to propose to the people of the State of California an amendment to the constitution of the State of California providing for the separation of state and local taxation, providing for the taxation of public service and other corporations for the benefit of the state, and to that end adding to article thirteen a new section to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation, adopted by the legislature March 19, 1909, and known as Senate Constitutional Amendment No. 1, is hereby rescinded and annulled, and the secretary of state is hereby directed not to certify said proposed amendment to the county clerks of the several counties of the State of California, pursuant to section 1195 of the Political Code.

PROPOSITIONS RATIFIED AT THE GENERAL ELECTION HELD NOVEMBER 8, 1910.

SAN FRANCISCO HARBOR IMPROVEMENT ACT.

CHAPTER 320.

An act to provide for the issuance and sale of state bonds to create a fund for the improvement of San Francisco harbor by the construction by the board of state harbor commissioners of wharves, piers, state railroad, spurs, betterments, and appurtenances and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; to make an appropriation of five thousand dollars for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people.

[Approved March 20, 1909.]

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

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness hereby authorized to be incurred by the board of state harbor commissioners for the erection of wharves, piers, seawall, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith in the city and county of San Francisco, at a cost not to exceed nine million dollars (which said wharves, piers, seawall, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith the board of state harbor commissioners are hereby empowered to construct and do in the manner, authorized by law, and at a cost not to exceed said nine million dollars), the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section 10 hereof, prepare nine thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of nine million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the date of issuance thereof, and both principal and interest shall be payable in gold coin of the present standard value, and they shall be payable at the office of the state treasurer, at the expiration of seventy-four years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date the second day of July, A. D., nineteen hundred and eleven, and shall be made payable on the second day of July, nineteen hundred and eighty-five. The interest accruing on such of said

Harbor
improvements,
bonds for.

State
treasurer
to prepare.

Amount
of issue.

When
payable.

Interest payable, when.

bonds as are sold, shall be due and payable at the office of the state treasurer on the second day of January, and on the second day of July, of each year after the sale of the same; *provided*, that the first payment of interest shall be made on the second day of July, nineteen hundred and twelve, on so many of said bonds as may have been theretofore sold. At the expiration of seventy-four years from the date of said bonds, all bonds sold shall cease to bear interest and likewise all bonds redeemed by lot shall cease to bear interest as in this act provided, and the said state treasurer shall call in, forthwith pay and cancel the same, out of the moneys in the second San Francisco seawall sinking fund provided for in this act, and he shall on the first Monday of July, nineteen hundred and eighty-five, also cancel and destroy all bonds not theretofore sold. All bonds issued shall be signed by the governor, and countersigned by the controller, and shall be endorsed by the state treasurer and the said bonds shall be so signed, countersigned and endorsed by the officers who are in office on the second day of July, 1911, and each of said bonds shall have the seal of the state stamped thereon. The said bonds signed, countersigned and endorsed and sealed as herein provided when sold shall be and constitute a valid and binding obligation upon the State of California, though the sale thereof be made at a date or dates after the person signing, countersigning and endorsing, or any or either of them, shall have ceased to be the incumbents of such office or offices. Each bond shall contain a clause that it is subject to redemption by lot after the year nineteen hundred and fifty.

Interest ceases, when.

May be redeemed, when.

Interest coupons.

SEC. 2. Interest coupons shall be attached to each of said bonds, so that such coupons may be removed without injury to, or mutilation of the bond. Said coupons shall be consecutively numbered, and shall bear the lithographed signature of the state treasurer who shall be in office on the second day of July, 1911. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds and the issue and sale thereof to a purchaser, unless such accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

Appropriation for preparation of bonds.

SEC. 3. The sum of five thousand dollars is hereby appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the San Francisco harbor improvement fund on controller's warrants, duly drawn for that purpose.

Shall be sold, how.

SEC. 4. When the bonds authorized to be issued under this act shall be duly executed, they shall be by the state treasurer sold at public auction to the highest bidder for cash, in such parcels and numbers as said treasurer shall be directed by the governor of the state, under seal thereof, after a resolution requesting such sale shall have been adopted by the board of state harbor commissioners, and approved by either the governor of the state or mayor of the city and county of San Francisco, who shall only approve the same when in their judgment the actual harbor receipts, and those reasonably anticipated, will justify such sale of bonds and the consequent in-

creased burden on harbor receipts; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date; and he may, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, to such time and place as he may select. Before offering any of said bonds for sale the said treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for such sale. Due notice of the time and place of sale of all bonds must be given by said treasurer by publication in two newspapers published in the city and county of San Francisco, and also by publication in one newspaper published in the city of Oakland, and by publication in one newspaper published in the city of Los Angeles, and by publication in one newspaper published in the city of Sacramento, once a week during four weeks prior to such sale. In addition to the notice last above provided for, the state treasurer may give such further notice as he may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars (\$500.00) for each sale so advertised. The cost of such publication shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose. The proceeds of the sale of such bonds except such amount as may have been paid as accrued interest thereon shall be forthwith paid over by said treasurer into the treasury, and must be by him kept in a separate fund to be known and designated as the "Second San Francisco Seawall Fund" and must be used exclusively for the construction of wharves, piers, seawall, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith on the water front of the city and county of San Francisco. Drafts and warrants upon said fund shall be drawn upon and shall be paid out of said fund in the same manner as drafts and warrants are drawn upon and paid out of the San Francisco harbor improvement fund. The amount that shall have been paid at the sale of said bonds as accrued interest on the bonds sold shall be, by the state treasurer, immediately after such sale, paid into the treasury of the state and placed in the "Second San Francisco Seawall Sinking Fund."

Publi-
cation of
notice
of sale.

Disposi-
tion of
proceeds
of sale.

SEC. 5. For the payment of the principal and interest of said bonds a sinking fund, to be known and designated as the "Second San Francisco Seawall Sinking Fund" shall be, and the same is hereby created, as follows, to wit: The state treasurer, after the second day of July, nineteen hundred and twenty-nine, shall on the first day of each and every month thereafter, after the sale of said bonds, take from the San Francisco harbor improvement fund such sum as, multiplied by the time in months, the bonds then sold and outstanding have to run, will equal the principal of the bonds sold and outstanding at the time said treasurer shall so take said sum from said San

Sinking
fund.

Francisco harbor improvement fund, less the amount theretofore taken therefrom for said purpose; and he shall place the sum in the second San Francisco seawall sinking fund created by this act. Said state treasurer shall, on controller's warrants duly drawn for that purpose, employ the moneys in said sinking fund in the purchase of bonds of the United States, or of the State of California, or of the several counties or municipalities of the State of California, which said bonds shall be kept in a proper receptacle, appropriately labeled; but he must keep always on hand a sufficient amount of money in said sinking fund with which to pay the interest on such of the state bonds herein provided to be issued as may have theretofore been sold. And to provide means for the payment of interest on the bonds that may be sold and outstanding, said treasurer shall monthly take from the San Francisco harbor improvement fund, and pay into said seawall sinking fund, an amount equal to the monthly interest then due on all bonds then sold, delivered and outstanding. The board of state harbor commissioners are hereby authorized and directed by the collection of dockage, tolls, rents, wharfage and cramage to collect a sum of money sufficient for the purposes of this act, over and above the amount limited by section two thousand five hundred and twenty-six of the Political Code of the State of California. Between the first and tenth day of May, in the year nineteen hundred and fifty-one and between the first and tenth day of May of each year thereafter until the maturity of said bonds, the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund at that time, and shall thereupon and before the tenth day of June following, give notice by public advertisement to be inserted twice a week for two weeks in two newspapers published in the city and county of San Francisco, and also in one newspaper published in the city of Oakland, and also in one newspaper published in the city of Los Angeles, and also in one newspaper published in the city of Sacramento, stating the number of bonds so drawn and that the principal of said bonds will be paid on presentation to the treasurer on or before the second day of July, following, and that from and after such last named date, all interest upon bonds thus drawn shall cease, and it shall be the duty of the treasurer as soon as said bonds so drawn by lot are surrendered to him and paid to cancel the same, and the interest coupons thereon, and each year beginning with the year nineteen hundred and fifty-one, the said treasurer shall, in the manner aforesaid, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund, and proceed in the manner hereinabove stated. After the payment of all said bonds, the surplus or balance remaining in said sinking fund, if any there be, shall forthwith be paid into the San Francisco harbor improvement fund. At the time of the respective drawings by lot, as aforesaid, and also at the maturity of said state bonds, said treasurer shall sell the United

Employment of moneys in sinking fund.

Provision for payment of interest.

Drawing of bonds by lot for redemption.

Surplus, disposition of.

States or other bonds then in said sinking fund, at governing market rates, after advertising the sale thereof in the manner hereinbefore provided for the sale of bonds hereby authorized to be issued, and shall use the proceeds for the payment of such bonds as may be drawn by lot, and at the maturity of said bonds outstanding shall pay and redeem said matured outstanding bonds out of said moneys in said fund in extinguishment of said bonds on controller's warrants duly drawn for that purpose.

SEC. 6. The state controller and the state treasurer shall keep full and particular account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report, to be by the governor laid before the legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

Controller and treasurer to report to governor.

SEC. 7. It shall be the duty of the state treasurer to pay the interest of said bonds, when the same falls due, out of the sinking fund provided for in this act, on controller's warrants duly drawn for that purpose.

Payment of interest.

SEC. 8. This act, if adopted by the people, shall take effect on the thirty-first day of December, nineteen hundred and ten, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

When not to take effect.

SEC. 9. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be holden in the month of November, nineteen hundred and ten, and all ballots at said election shall have printed thereon and at the end thereof, the words, "For the San Francisco Harbor Improvement Act of 1909," and in the same square under said words the following, in brevier type: "This act provides for the improvement of San Francisco harbor and for the payment of all costs thereof out of the San Francisco Harbor Improvement Fund." In the square immediately below the square containing said words, there shall be printed on said ballot the words: "Against the San Francisco Harbor Improvement Act of 1909," and immediately below said words "Against the San Francisco Harbor Improvement Act of 1909," in brevier type shall be printed "This act provides for the improvement of San Francisco harbor and for the payment of all costs thereof out of the San Francisco Harbor Improvement Fund." Opposite the words "For the San Francisco Harbor Improvement Act of 1909" and "Against the San Francisco Harbor Improvement Act of 1909," there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the San Francisco Harbor Improvement Act of 1909," and all those voting against

Shall be submitted to people for ratification.

the said act shall do so by placing a cross opposite the words "Against the San Francisco Harbor Improvement Act of 1909." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Canvass
of vote.

SEC. 10. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrepalable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

Publica-
tion of
act by sec-
retary of
state.

SEC. 11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, nineteen hundred and ten, the costs of publication shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose.

Name of
act.

SEC. 12. This act may be known and cited as the "San Francisco Harbor Improvement Act of 1909."

SEC. 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

STATE HIGHWAYS ACT.

CHAPTER 383.

An act authorizing the construction, acquisition, maintenance and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of state bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this act to a vote of the people.

[Approved March 22, 1909.]

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

State
highway
system.

SECTION 1. A system of state highways in and for the State of California shall be constructed and acquired as and in the manner provided by law by the department of engineering of said state at a cost not to exceed eighteen million dollars. For

the purpose of providing for the payment of the cost of the construction or acquisition of said system of said highways, the State of California is hereby authorized to incur an indebtedness in the manner provided by this act in the sum of eighteen million dollars.

Immediately after the issuance of the proclamation of the governor, as provided in section 11 of this act, the treasurer of the state shall prepare eighteen thousand suitable bonds of the State of California in the denomination of one thousand dollars each to be numbered from 1 to 18,000 inclusive, and to bear the date of the third day of July, 1911. The total issue of said bonds shall not exceed the sum of eighteen million dollars and they shall bear interest at the rate of four per cent per annum from the date of issuance thereof. The said bonds and the interest thereon shall be payable in gold coin of the United States of the present standard of value at the office of the treasurer of said state at the times and in the manner following, to wit: The first four hundred of said bonds shall be due and payable on the third day of July, 1917, and four hundred of said bonds in consecutive numerical order shall be due and payable on the third day of July in each and every year thereafter until and including the third day of July, 1961. The interest accruing on all of said bonds that shall be sold shall be payable at the office of the treasurer of the state on the third day of January and the third day of July of each and every year after the sale of the same. The interest on all bonds issued and sold shall cease on the day of their maturity and the said bonds so issued and sold shall on the day of their maturity be paid as herein provided and canceled by the treasurer of said state. All bonds remaining unsold shall, at the date of the maturity thereof be by the treasurer of the state canceled and destroyed. All bonds issued pursuant to the provisions of this act shall be signed by the governor of this state, countersigned by the state controller and endorsed by the state treasurer, and the said bonds shall be so signed, countersigned and endorsed by the officers who are in office on the third day of July, 1911, and each of said bonds shall have the great seal of the State of California impressed thereon. The said bonds signed, countersigned, endorsed and sealed as herein provided, when sold, shall be and constitute a valid and binding obligation upon the State of California, though the sale thereof be made at a date or dates after the person so signing, countersigning and endorsing, or either of them, shall have ceased to be the incumbents of said office or offices.

Bonds for
payment
of cost of
construc-
tion.

SEC. 2. Appended to each of said bonds there shall be interest coupons so attached that the same may be detached without injury to or mutilation of said bond. The said coupons shall be consecutively numbered and shall bear the lithographed signature of the state treasurer who shall be in office on the third day of July, 1911. No interest shall be paid on any of said bonds for such time as may intervene between the date of said bond and the day of sale thereof, unless such

Interest
coupons.

accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

Expenses preliminary to issue.

SEC. 3. There shall be provided in the general appropriation bill sufficient money to defray all expenses that shall be incurred by the state treasurer in the preparation of said bonds and in the advertising of the sale thereof, as in this act provided.

Sale of bonds, manner of.

SEC. 4. When the bonds authorized by this act to be issued shall have been signed, countersigned, endorsed and sealed as in section one provided, the state treasurer shall sell the same in such parcels and numbers as the governor of the state shall direct, to the highest bidder for cash. The governor of the state shall issue to the state treasurer such direction immediately after being requested so to do, through and by a resolution duly adopted and passed by a majority vote of the advisory board of the department of engineering. Said resolution shall specify the amount of money which, in the judgment of said advisory board, shall be required at such time and the governor of the state shall direct the state treasurer to sell such number of said bonds as may be required to raise said amount of money and that said bonds shall be sold in consecutive numerical order commencing with the first four hundred thereof. The state treasurer shall not accept any bid which is less than the par value of the bond plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date. The state treasurer may at the time and place fixed by him for said sale continue such sale as to the whole or any part of the bonds offered to such time and place as he may at the time of such continuance designate. Before offering any of said bonds for sale, the said treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for such sale. The state treasurer shall give notice of the time and place of sale by publication in two newspapers published in the city and county of San Francisco and in one newspaper published in the city of Oakland, and in one newspaper published in the city of Los Angeles and in one newspaper published in the city of Sacramento once a week for four weeks next preceding the date fixed for such sale. In addition to the notice last above provided for, the state treasurer may give such further notice as he may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised.

"State highway fund" created.

There is hereby created in and for the state treasury a fund to be known and designated as the "State Highway Fund," and immediately after such sale of bonds the treasurer of the state shall pay into the state treasury and cause to be placed in said state highway fund the total amount received for said bonds, except such amount as may have been paid as accrued interest thereon. The amount that shall have been paid at such sale as accrued interest on the bonds sold shall be, by the treasurer of the state, immediately after such sale, paid into

the treasury of the state and placed in the interest and sinking fund.

The moneys placed in the state highway fund, pursuant to the provisions of this section, shall be used exclusively for the acquisition of rights of way for and the acquisition and construction of said system of state highways. The route or routes of said state highways shall be selected by the department of engineering and said route shall be so selected and said highways so laid out and constructed or acquired as to constitute a continuous and connected state highway system running north and south through the state traversing the Sacramento and San Joaquin valleys and along the Pacific coast by the most direct and practicable routes, connecting the county seats of the several counties through which it passes and joining the centers of population, together with such branch roads as may be necessary to connect therewith the several county seats lying east and west of such state highway.

Use of
moneys
in fund.

Moneys shall be drawn from said state highway fund for the purposes of this act upon warrants duly drawn by the controller of the state upon demands made by the department of engineering and audited by the state board of examiners.

SEC. 5. There is hereby appropriated from the general fund in the state treasury such sum annually as will be necessary to pay the principal of and the interest on the bonds, issued and sold pursuant to the provisions of this act, as said principal and interest become due and payable.

Appropriation.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

Tax levy
to secure
bond-
holders.

The treasurer of the state shall, on the first day of January, 1912, and on the first day of each July and the first day of each January thereafter transfer from the general fund of the state treasury to the interest and sinking fund such an amount of the money by this act appropriated as shall be required to pay the interest on the bonds theretofore sold, until the interest on all of said bonds so sold shall have been paid or shall have become due in accordance with the provisions of this act.

There is hereby created in the state treasury a fund to be known and designated as the "State Highway and Sinking Fund." The treasurer of the state shall, on the first day of July of the year 1917, and on the first day of July of each and every year thereafter in which a parcel of the bonds sold pursuant to the provisions of this act shall become due, transfer from the general fund of the state treasury to the said state highway sinking fund such an amount of the moneys appropriated by this act as may be required to pay the principal of the bonds so becoming due and payable in such years.

Sinking
fund
created.

Bonds,
how
payable.

SEC. 6. The principal of all of said bonds sold shall be paid at the time the same becomes due, from the state highway sinking fund, and the interest on all bonds sold shall be paid at the time said interest becomes due, from the interest and sinking fund. Both principal and interest shall be so paid upon warrants duly drawn by the controller of the state upon demands audited by the state board of examiners, and the faith of the State of California is hereby pledged for the payment of the principal of said bonds so sold, and the interest accruing thereon.

Reports of
controller
and treasurer.

SEC. 7. The state controller and state treasurer shall keep full and particular account and record of all their proceedings under this act and they shall transmit to the governor in triplicate an abstract of all such proceedings thereunder with an annual report in triplicate, one copy of each to be by the governor, laid before each house of the legislature biennially. All books and papers pertaining to the matter provided for in this act shall, at all times, be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the legislature or a joint committee of both or any citizen of the state.

Character
of construction
of highway.

SEC. 8. The highway constructed or acquired under the provisions of this act shall be permanent in character and be finished with oil or macadam or a combination of both, or of such other material as in the judgment of the said department of engineering shall be most suitable and best adapted to the particular locality traversed. The state department of engineering, in the name of the people of the State of California, may purchase, receive by donation or dedication, or lease any right of way, rock quarry or land necessary or proper for the construction, use or maintenance of said state highway and shall proceed, if necessary, to condemn under the provisions of the Code of Civil Procedure relating to such proceedings any necessary or proper right of way, rock quarry or land. The department of engineering shall have full power and authority to purchase all supplies, material, machinery and to do all other things necessary or proper in the construction and maintenance of said state highway. With the exception of those public highways which have been permanently improved under county or permanent road division bond issues within three years prior to the adoption of this act; all public highways within this state lying within the right of way of said state highway as determined and adopted by the department of engineering shall be and the same shall become a part of the right of way of said state highway, without compensation being paid therefor; *provided*, nothing herein contained shall require the state to maintain any highway along or on said right of way, prior to the completion or acquisition of the permanent improvements contemplated by this act. Whenever any money received from the sale of bonds under the provisions of this act, shall be expended in any county in this state, such county must pay into the state treasury such sum each year as shall

Referred to
state by
counties.

equal the interest, at the rate of four per cent per annum, upon the entire sum of money expended within such county in the construction of said state highway, less such portion of said amount expended as the bonds matured under the provisions of this act shall bear to the total number of bonds sold and outstanding. All highways constructed or acquired under the provisions of this act shall be permanently maintained and controlled by the State of California.

SEC. 9. This act, if adopted by the people, shall take effect on the thirty-first day of December, 1910, as to all its provisions except those relating to, and necessary for, its submission to the people and for returning, canvassing and proclaiming the votes, and to such accepted provisions this act shall take effect immediately.

When act to take effect.

SEC. 10. This act shall be submitted to the people of the State of California for their ratification at the next general election to be holden in the month of November, 1910, A. D., and all ballots at said election shall have printed thereon, and at the end thereof, the words "For the State Highway Act"; and in a separate line, under the same, the words "Against the State Highway Act." Opposite said lines there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the State Highway Act," and all those voting against the said act shall do so by placing a cross opposite the words "Against the State Highway Act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Submission of act to the people.

SEC. 11. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers, and if it appears that said act shall have received a majority of all the votes cast for and against it at such election, as aforesaid, then the same shall have effect as hereinbefore provided and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof. But if a majority of the votes cast, as aforesaid, are against this act then the same shall be and become void.

Canvass of returns.

SEC. 12. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, A. D. nineteen hundred and ten; the cost of publication shall be paid out of the general fund, on controller's warrants duly drawn for the purpose.

Publication of act.

SEC. 13. This act shall be known and cited as the "State Highways Act."

Name of act.

SEC. 14. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

INDIA BASIN ACT.

CHAPTER 407.

An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people.

[Approved March 24, 1909.]

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

Provision
for fund
for extend-
ing area
of India
basin.

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness authorized to be incurred by the board of state harbor commissioners for the acquisition of the necessary area for a tidal basin, extending the area of India basin, on the water front of the city and county of San Francisco, as provided in an act entitled: "An act to authorize and direct the board of state harbor commissioners to institute condemnation proceedings against certain property north of India basin, and extending to Islais creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an act entitled 'An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people,'" the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section 10 hereof, prepare one thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of one million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the time of the sale thereof, and both principal and interest shall be payable in gold coin of the present standard value, and they shall be payable at the office of the state treasurer, at the expiration of seventy-four years from their date, subject, however, to redemption by lot as in this act hereinafter pro-

Bonds.

vided. Said bonds shall bear date the second day of January, A. D. 1911, and shall be made payable on the second day of January, A. D. 1985. The interest accruing on such of said bonds as are sold, shall be due and payable at the office of the state treasurer, on the second day of January, and on the second day of July, of each year after the sale of the same; *provided*, that the first payment of interest shall be made on the second day of January, A. D. 1912, on so many of said bonds as may have been theretofore sold. At the expiration of seventy-four years from the date of said bonds, all bonds sold shall cease to bear interest, and likewise all bonds redeemed by lot shall cease to bear interest, as in this act provided, and the said state treasurer shall call in, forthwith pay and cancel the same, out of moneys in the "India Basin Sinking Fund," provided for in this act, and, he, shall on the first Monday of January, A. D. 1985, also cancel and destroy all bonds not theretofore sold. All bonds issued shall be signed by the governor, and countersigned by the controller, and shall be endorsed by the state treasurer, and each shall have the seal of the state stamped thereon. Each bond shall contain a clause that it is subject to redemption by lot after the year nineteen hundred and thirty-nine.

When payable.

Interest ceases, when.

Redemption clause.

SEC. 2. Interest coupons shall be attached to each of said bonds, so that such coupons may be removed without injury to or mutilation of the bond. Said coupons shall be consecutively numbered, and shall be signed by the state treasurer. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds, and the issue and sale thereof to a purchaser.

Interest coupons.

SEC. 3. The sum of one thousand dollars is hereby appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the "San Francisco Harbor Improvement Fund," on controller's warrants, duly drawn for that purpose.

Appropriation for preparation of bonds.

SEC. 4. When the bonds authorized to be issued under this act shall be duly executed, they shall be sold by the state treasurer at public auction to the highest bidder for cash, in such parcels and numbers as said state treasurer shall determine; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered for sale, and he may by public announcement at the place and time fixed for the sale, for good and sufficient cause, continue such sale as to the whole of the bonds offered or any part thereof offered, to such time and place as he may select, not exceeding, however, sixty days. Due notice of the time and place of sale of all bonds, and of the postponement of sale thereof, must be given by said treasurer by publication in two newspapers published in the city and county of San Francisco, and also by publication in one newspaper published in the city of Oakland, and by publication in one newspaper published in the city of Los Angeles, and by publication in one newspaper published in the city of Sacramento, once a week

Shall be sold at public auction.

Publication of notice of sale.

during four weeks prior to such sale. The costs of such publication shall be paid out of the "San Francisco Harbor Improvement Fund" on controller's warrants, duly drawn for that purpose. The proceeds of the sale of such bonds shall be forthwith paid over by said treasurer into the treasury, and must be by him kept in a separate fund to be known and designated as the "India Basin Fund," and must be used exclusively for the acquisition of the area described in the act referred to in section 1 hercof. Drafts and warrants upon said fund shall be drawn upon and shall be paid out of said fund in the same manner as drafts and warrants are drawn upon and paid out of the "San Francisco Harbor Improvement Fund."

Disposition of proceeds of sale.

Sinking fund.

SEC. 5. For the payment of the principal and interest of said bonds a sinking fund to be known and designated as the "India Basin Sinking Fund" shall be, and the same is hereby created as follows, to wit: The state treasurer shall, on the first day of each and every month, after the second day of December, A. D. 1928, take from the "San Francisco Harbor Improvement Fund," such sum as, multiplied by the time the bonds then sold and outstanding have to run, will equal the principal of the bonds sold and outstanding at the time said treasurer shall so take said sums from said "San Francisco Harbor Improvement Fund," less the amount theretofore taken therefrom for said purpose; and he shall place the sum in the "India Basin Sinking Fund," created by this act. Said state treasurer shall, on controller's warrants, duly drawn for that purpose, employ the moneys in said sinking fund in the purchase of bonds of the United States, or of the State of California, or of the several counties or municipalities of the State of California, which said bonds shall be kept in a proper receptacle, appropriately labeled; but he must always keep on hand a sufficient amount of money in said sinking fund with which to pay the interest on such of the state bonds herein provided to be issued as may have theretofore been sold; and to provide means for the payment of interest on the bonds that may be sold and outstanding, said treasurer shall monthly take from the "San Francisco Harbor Improvement Fund," and pay into said "India Basin Sinking Fund," an amount equal to the monthly interest then due on all bonds then sold, delivered and outstanding. The board of state harbor commissioners is hereby authorized and directed by the collection of dockage, tolls, rents, wharfage and cranage, to collect a sum of money sufficient for the purposes of this act, over and above the amount limited by section two thousand five hundred and twenty-six of the Political Code of the State of California. Between the first and tenth day of November, in the year nineteen hundred and forty, and between the first and tenth day of November of each year thereafter, until the maturity of said bonds, the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust, as nearly as may be, the amount in said sinking fund at that time, and shall thereupon and before the tenth day of December following, give notice by

Employment of sinking fund moneys.

Collection of dockage.

Redemption of bonds by lot.

public advertisement to be inserted twice a week for two weeks in two newspapers published in the city and county of San Francisco, and also in one newspaper published in the city of Oakland, and also in one newspaper published in the city of Los Angeles, and also in one newspaper published in the city of Sacramento, stating the number of bonds so drawn, and that the principal of said bonds shall be paid on presentation to the treasurer on or before the second day of January following, and that from and after such last-named date, all interest upon bonds thus drawn shall cease, and it shall be the duty of the treasurer as soon as said bonds so drawn by lot are surrendered to him and paid, to cancel the same, and the interest coupons thereon, and each year beginning with the year nineteen hundred and forty, the said treasurer shall, in the manner aforesaid, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund, and proceed in the manner hereinabove stated. After the payment of all said bonds, the surplus or balance remaining in said sinking fund, if any there be, shall forthwith be paid into the "San Francisco Harbor Improvement Fund." At the time of the respective drawings by lot, as aforesaid, and also at the maturity of said state bonds, said treasurer shall sell the United States bonds, or other bonds, then in said sinking fund, at governing market rates, after advertising the sale thereof, in the manner hereinbefore provided for the sale of bonds hereby authorized to be issued, and shall use the proceeds for the payment of such bonds as may be drawn by lot, and at the maturity of said bonds outstanding shall pay and redeem said matured outstanding bonds, out of said money in said fund, in extinguishment of said bonds, on controller's warrants, duly drawn for that purpose.

Public notice.

Surplus in sinking fund, disposition of.

Sec. 6. The state controller and the state treasurer shall keep full and particular account and record of all of their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report to be by the governor laid before the legislature biennially: and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

Reports to governor.

Sec. 7. It shall be the duty of the state treasurer to pay the interest on said bonds, when the same falls due, out of the sinking fund provided for in this act, on controller's warrants duly drawn for that purpose.

Interest payments.

Sec. 8. This act, if adopted by the people, shall take effect on the thirty-first day of December, A. D. nineteen hundred and ten, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

When act to take effect.

Sec. 9. This act shall be submitted to the people of the

To be submitted to the people.

State of California, for their ratification at the next general election to be holden in the month of November, A. D. nineteen hundred and ten, and all ballots at said election shall have printed thereon, the words "For the India Basin Act," and in the same square, under said words the following in brevier type: "This act provides for the acquisition of a tidal basin in the bay of San Francisco for harbor purposes, and for the payment of all costs thereof, out of the 'San Francisco Harbor Improvement Fund.'" In the square immediately below the square containing said words, there shall be printed on said ballot, the words "Against the India Basin Act," and immediately below said words "Against the India Basin Act," in brevier type, shall be printed: "This act provides for the acquisition of a tidal basin in the bay of San Francisco, for harbor purposes, and for the payment of all costs thereof, out of the 'San Francisco Harbor Improvement Fund.'" Opposite the words "For the India Basin Act," and "Against the India Basin Act," there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the India Basin Act," and those voting against said act shall do so by placing a cross opposite the words "Against the India Basin Act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Return and canvass of votes.

SEC. 10. The vote cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election, as aforesaid, then the same shall have effect as hereinabove provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast, as aforesaid, are against this act, then the same shall be and become void.

Secretary of state to publish act.

SEC. 11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, A. D. nineteen hundred and ten; the costs of publication shall be paid out of the general fund, on controller's warrants, duly drawn for that purpose.

Name of act.

SEC. 12. This act shall be known and cited as the "India Basin Act."

SEC. 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SAN DIEGO SEAWALL ACT.

CHAPTER 623.

An act to provide for the issuance and sale of state bonds to create a fund for the construction by the board of state harbor commissioners for the bay of San Diego of harbor improvements consist of a seawall, wharves, piers, state railroad, spurs, betterments and appurtenances in the county of San Diego; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; to make an appropriation of one thousand five hundred dollars for the expense of printing said bonds, and to provide for the submission of this act to a vote of the people.

[Approved April 16, 1909.]

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

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness hereby authorized to be incurred by the board of state harbor commissioners for the bay of San Diego for harbor improvements consist of for the erection of a seawall, wharves, piers, state railroad, spurs, betterments and appurtenances in the county of San Diego, at a cost not to exceed one million five hundred thousand dollars, which said seawall, wharves, piers, state railroad, spurs, betterments and appurtenances the said board of state harbor commissioners for San Diego bay are hereby empowered to construct in the manner authorized by law, at a cost not to exceed one million five hundred thousand dollars, the state treasurer shall, immediately after the issuance of the proclamation of the governor provided for in section ten of this act, prepare fifteen hundred suitable bonds of the State of California in the denomination of one thousand dollars each, to be numbered from one to fifteen hundred, inclusive, and to bear date of the second day of July, nineteen hundred eleven. The total issue of said bonds shall not exceed the sum of one million five hundred thousand dollars, and they shall bear interest at the rate of four per cent per annum from the date of issuance thereof. The said bonds and the interest thereon shall be payable in gold coin of the United States of the present standard of value, at the office of the state treasurer of said state, on the second day of July, nineteen hundred eighty-five, subject, however, to redemption by lot as in this act hereinafter provided. The interest accruing on all of said bonds that shall be sold shall be payable at the office of the treasurer of the state on the second day of January and the second day of July of each year after the sale of the same. At the expiration of seventy-four years from the date of said bonds, all bonds shall cease to bear interest, and likewise all bonds redeemed by lot as hereinafter provided shall cease to bear interest according to the provisions of this act, and the

Improvement of San Diego harbor.

Issuance of bonds.

Total issue.

Interest rate.

Maturity of bonds.

state treasurer shall call in and forthwith pay and cancel the same out of the moneys in the San Diego seawall sinking fund provided for in this act, and he shall on the date of the maturity of said bonds cancel and destroy all bonds not theretofore sold. All bonds remaining unsold shall, at the date of the maturity thereof, be by the treasurer of the state canceled and destroyed. All bonds issued pursuant to the provisions of this act shall be signed by the governor of this state, countersigned by the state controller, and endorsed by the state treasurer, and the said bonds shall be so signed, countersigned, and endorsed by the officers who are in office on the second day of July, nineteen hundred eleven, and each of said bonds shall have the great seal of the State of California impressed thereon, and said bonds signed, countersigned, endorsed and sold as herein provided, shall be and constitute a valid and binding obligation upon the State of California though the sale thereof be made at a date or dates after the person so signing, countersigning and endorsing, or either thereof, shall have ceased to be an incumbent of said office or offices.

Interest coupons.

SEC. 2. Appended to each of said bonds there shall be interest coupons so attached that the same may be detached without injury or mutilation of said bonds, and said coupons shall be consecutively numbered, and shall bear the lithographic signature of the state treasurer who shall be in office on the second day of July, nineteen hundred eleven. No interest shall be paid on any of said bonds for such time as may intervene between the date of said bond and the day of sale thereof, unless said accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

Appropriation for preparation of bonds.

SEC. 3. The sum of one thousand five hundred dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. The state controller is hereby authorized and directed to draw his warrant for the expense incurred in preparing the said bonds, and the state treasurer is hereby directed to pay the same.

Sale of bonds.

SEC. 4. When the bonds authorized to be issued by this act shall have been signed, countersigned and endorsed, as in section 1 provided, the state treasurer shall sell the same for cash to the highest bidder in such parcels and numbers as the governor of the state shall direct; *provided*, a resolution requesting such sale shall have been adopted by the board of state harbor commissioners for San Diego bay, and said board shall not pass such resolution until in their judgment the actual harbor receipts, and those reasonably anticipated, will justify such sale of bonds and the consequent increased burden on harbor receipts. Said resolution shall specify the number of bonds necessary to produce the amount of money which, in the judgment of said board of harbor commissioners, shall be required at such time, and the governor of the state shall direct the state

treasurer to sell such number of said bonds to raise said amount of money, and that said bonds shall be sold in consecutive, numerical order. The state treasurer shall not accept any bid which is less than the par value of the bond, plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date. The state treasurer may, at the time and place fixed by him for such sale, continue such sale as to the whole or any part of said bonds to such time and place as he may at the time of such continuance designate. Before offering any of said bonds for sale the state treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for said sale. The state treasurer shall give notice of the time and place of sale by publication in two newspapers published in the city and county of San Francisco, one newspaper published in the city of Los Angeles, one newspaper published in the city of San Diego, and one newspaper published in the city of Sacramento, once a week for four weeks next preceding the date fixed for such sale. In addition to the notice last above provided for, the state treasurer may give such further notice as he may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised. The cost of such publication shall be paid out of the San Diego harbor improvement fund on controller's warrants duly drawn for that purpose, and the treasurer must pay the same. The proceeds of the sale of such bonds shall be forthwith paid over by said treasurer into the treasury, and must be by him kept in a separate fund to be known and designated as the "San Diego Seawall Fund," and must be used exclusively for the construction of a seawall, wharves, piers, state railroad, spurs, betterments and appurtenances thereto on the water front of the bay of San Diego. Drafts and warrants upon the said fund shall be drawn upon and shall be paid out of said fund in the same manner as drafts and warrants are drawn upon and paid out of the San Diego harbor improvement fund.

Notice of
sale, pub-
lication of.

Disposi-
tion of
proceeds.

SEC. 5. For the payment of the principal and interest of said bonds a sinking fund, to be known and designated as the "San Diego Seawall Sinking Fund" shall be, and the same is hereby created, to wit: The state treasurer, after the second day of January, nineteen hundred and twenty-nine, shall on the first day of each and every month thereafter, after the sale of said bonds, take from the San Diego harbor improvement fund such sum as, multiplied by the time in months, the bonds then sold and outstanding at the time said treasurer shall so take said sum from said San Diego harbor improvement fund, less the amount theretofore taken therefrom for said purpose; and he shall place the sum in the seawall sinking fund created by this act. Said state treasurer shall, on controller's warrants duly drawn for that purpose, employ the moneys in said sinking fund in the purchase of bonds of the United States, or of the State of California, which said bonds shall be kept in a proper receptacle, appropriately labeled; but he must keep

Sinking
fund.

Employ-
ment of
funds.

always on hand a sufficient amount of money in said sinking fund with which to pay the interest on such of the state bonds herein provided to be issued as may have theretofore been sold.

Means for
payment
of interest.

And to provide means for the payment of interest on the bonds that may be sold and outstanding, said treasurer shall monthly take from the San Diego harbor improvement fund, and pay into said seawall sinking fund, an amount equal to the monthly interest then due on all bonds then sold, delivered and outstanding. The board of state harbor commissioners of San Diego are hereby authorized and directed by the collection of dockage, tolls, rents, wharfage and cranage to collect a sum of money sufficient for the purposes of this act, over and above any limitations existing in the existing section of the Political Code of the State of California. Between the first and tenth day of November, in the year nineteen hundred and fifty and between the first and tenth day of November of each year thereafter until the maturity of said bonds, the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund at that time, and shall thereupon and before the tenth day of December following, give notice by public advertisement to be inserted twice a week for two weeks in two newspapers published in the county of San Francisco, and also in one newspaper published in the city of San Diego, and also in one newspaper published in the city of Los Angeles, stating the number of bonds so drawn and that the principal of said bonds will be paid on presentation to the treasurer on or before the second day of January, following, and that from and after such last-named date, all interest upon bonds thus drawn shall cease, and it shall be the duty of the treasurer as soon as said bonds so drawn by lot are surrendered to him and paid to cancel the same and the interest coupons thereon, and each year beginning with the year nineteen hundred and fifty, the said treasurer shall, in the manner aforesaid, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund, and proceed in the manner hereinabove stated. After the payment of all said bonds, the surplus or balance remaining in said sinking fund, if any there be, shall forthwith be paid into the San Diego harbor improvement fund. At the time of the respective drawings by lot, as aforesaid, and also at the maturity of said state bonds, said treasurer shall sell the United States or other bonds then in said sinking fund, at governing market rates, after advertising the sale thereof in the manner hereinbefore provided for the sale of bonds hereby authorized to be issued, and shall use the proceeds for the payment of such bonds as may be drawn by lot, and at the maturity of said bonds outstanding shall pay and redeem said matured outstanding bonds out of said moneys in said fund in extinguishment of said bonds on controller's warrants duly drawn for that purpose.

Redemp-
tion of
bonds.

SEC. 6. The state controller and the state treasurer shall

keep full and particular account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report, to be by the governor laid before the legislature biennially: and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

Report to
governor.

SEC. 7. It shall be the duty of the state treasurer to pay the interest of said bonds, when the same falls due, out of the sinking fund provided for in this act, on controller's warrants duly drawn for that purpose.

Payment
of interest.

SEC. 8. This act, if adopted by the people, shall take effect on the thirty-first day of December, nineteen hundred and ten, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

When act
to take
effect.

SEC. 9. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be holden in the month of November, nineteen hundred and ten, and all ballots at said election shall have printed thereon and at the end thereof, the words, "For the San Diego Seawall Act," and in a separate line under the same words "Against the San Diego Seawall Act," and opposite said lines there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the San Diego Seawall Act," and all those voting against the said act shall do so by placing a cross opposite the words "Against the San Diego Seawall Act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Act to be
submitted
to people.

SEC. 10. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

Canvass
of votes.

SEC. 11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, nineteen hundred and ten, the costs of publication shall be paid

Secretary
of state
to adver-
tise act.

out of the San Diego harbor improvement fund, on controller's warrants duly drawn for that purpose.

Transfer
of moneys.

SEC. 12. The state controller and state treasurer are hereby directed to transfer from any moneys paid into the San Diego seawall fund under the provisions of this act to the general fund of the State of California, any and all sums of money theretofore transferred from said general fund to the San Diego seawall fund, together with interest on said moneys from the date of transfer at the rate of four per cent per annum.

Name
of act.

SEC. 13. This act may be known and cited as the "San Diego Seawall Act of 1909."

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